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Home Member.

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TO THE

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FIRST SESSION OF THE SECOND LEGISLATIVE COUNCIL

March & April 1924

Volume XVIII.

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency the Rt. Hon. Sir FREEMAN FREEMAN-THOMAS, BARON WILLINGDON OF RATTON, G.C.S.I., G.C.I.E., G.B.E. Took his seat on 10th April 1919.

Members of the Executive Council.

1. The hon. Sir CHARLES GEORGE TODHUNTER, K.C.S.I., I.C.S., Finance Member. Took his seat on 17th December 1920 and is in charge of the following portfolios:—

Central Subjects—	Government Servants' Conduct Rules.
Archæology and Epigraphy.	Indian Civil Service—Questions other than leave and appointments.
Customs (including trade).	Move of Government to the Hills.
Income-tax.	Office procedure.
Marine.	Pensions.
Meteorology.	Petition rules—General questions.
Opium.	Publicity including Editors' Table.
Post Office.	Public Services Commission and service questions including examinations and special tests and land returns.
Salt.	Reforms—not being legislative.
Telegraphs and telephones.	Warrant of precedence.
Conduct of business in Council.	
Finance.	
General (i.e., questions of a general nature which cannot be allocated to any particular department).	

2. The hon. Sir ARTHUR ROWLAND KNAPP, K.C.S.I., C.B.E., I.C.S., Home Member. Took his seat on 1st April 1922 and is in charge of the following portfolios:—

Administration report.	Malabar affairs (including law and order in Malabar).
Agency and Laccadives.	Military.
Air-craft.	Passports.
Arms and explosives.	Pilgrims to the Hedjaz.
Civil supplies.	Political (other than matters relating to Indian States).
Criminal Tribes Act.	Press and registration of books.
Depressed classes.	Railways.
Ecclesiastical.	Reformatories.
Emigration.	Rewards for saving life and property.
European education.	Staff and household of His Excellency the Governor.
Foreigners.	Survey, Land Records and Settlement.
Forests (including cinchona).	
Government Houses.	
Jails.	
Labour (including factories).	

3. The hon. Mr. CHETPUT PATTABHIRAMA RAMASWAMI AYYAR, C.I.E., Law Member. Took his seat on 12th February 1923 and is in charge of the following portfolios :—

Breach of Contract Act.	Legislative.
Certificate of age and qualification.	Magistracy.
Civil Justice.	Miscellaneous Judicial heads.
Criminal Justice (including petitions for mercy).	Police including Criminal Investigation Department.
Elections.	Report on matters of political and administrative importance.
Fortnightly report.	Regulation of medical and other professional qualifications and standards.
Electricity (including hydro-electric schemes).	State prisoners.
Irrigation.	Translators to Government.
Landlord and Tenant.	

4. The hon. Raja V. VASUDEVA RAJA, * C.I.E., Valiya Nambidi of Kollengode, Temporary Member in charge of Revenue. Took his seat on 1st November 1923 and is in charge of the following portfolios :—

Boilers.	Famine.
Census.	Land Revenue.
Constitution of districts, divisions and taluks.	Mines.
Court of Wards and zamindars.	Pounds and special funds.
Economic condition (including prices and wages).	Stamps.
Escheats.	Treasure trove.
	Wild animals.
	Yeomahs and hereditary pensions.

Ministers.

1. The hon. the RAJA OF PANAGAL, Minister for Local Self-Government. Took his seat on 19th November 1923 and is in charge of the following portfolios :—

Adulteration of foodstuffs.	Light-feeder Railways and Tramways.
Local.	Public Health.
Medical.	Religious and Charitable Endowments.
Municipal.	

2. The hon. Rao Bahadur Sir A. P. PATRO, Kt., Minister for Education and Public Works. Took his seat on 19th November 1923 and is in charge of the following portfolios :—

Education.	Public Works.
Excise.	Registration.

3. The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI AVARGAL, Minister for Development. Took his seat on 19th November 1923 and is in charge of the following portfolios :—

Agriculture.	Industries.
Co-operative Societies.	Veterinary.
Fisheries.	Weights and Measures.

* The hon. Sir Muhammad Habib-ul-Jah Sahib Bahadur, Kt., C.I.E., who was on deputation, returned and assumed charge on the afternoon of 31st March 1924.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI, C.I.E., I.S.O.

Deputy President.

Diwan Bahadur P. KESAVA PILLAI.

Panel of Chairmen for the First Session.

The RAJA OF RAMNAD.
Mr. M. RATNASWAMI.
Diwan Bahadur M. KRISHNAN NAYAR.
Rao Sahib K. V. RAMACHARI.

Secretary to the Council.

M.R.Ry. R. V. KRISHNA AYYAR AVARGAL, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. C. SATAGOFA ACHARIYAR AVARGAL, B.A.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name of constituency.
1. Abbas Ali Khan Bahadur ...	Madura, Trichinopoly cum Srirangam M. Urban.
2. Abdul Hye Sahib Bahadur ...	Ceded Districts M. Rural.
3. Abdul Razack Sahib, Khan Sahib, Saiyid Diwan.	Central Districts M. Rural.
4. Abdul Wahab Sahib, Munshi ...	Northern Circars M. Rural.
5. Abdulla Ghatala Sahib Bahadur (Council Secretary).	North Arcot cum Chingleput M. Rural.
6. Abdulla Haji Qasim Sahib Bahadur, Khan Bahadur Haji.	South Kanara M. Rural.
7. Adinarayana Chetti, T. ...	North Arcot N.-M. Rural.
8. Anjaneyulu, P. ...	Guntur N.-M. Rural.
9. Ankinedu Prasad Bahadur, S. R. Y.	North Landholders II.
10. Appavu Chettiyar, D. ...	Salem N.-M. Rural.
11. Ari Gowder, H. B. ...	Nilgiris N.-M. Rural.
12. Arpudaswami Udayar, S. (Council Secretary).	Tanjore cum Trichinopoly Indian Christian.
13. Arumuga Nadar, P. K. S. A. ...	NOMINATED for Nadars.
14. Bhanoji Rao, A. V. ...	Vizagapatam N.-M. Urban.
15. Biswanath Das Mahasayo Sriman	Ganjam N.-M. Rural.
16. Chidambara Nadar, A. ...	Madura N.-M. Rural.
17. Congreve, Mr. C. R. T. ...	Madras Planters.
18. Cruz Fernandez, Rao Bahadur.	Ramnad cum Tinnevely Indian Christian.
19. Davies, R. W. ...	NOMINATED. (Secretary to Government, Finance Department.)

Name of member.	Name of constituency.
20. Davis, J. A.	NOMINATED for Anglo-Indians.
21. Devendrudu, N.	NOMINATED for Adi-Andhras.
22. Ellappa Chettiyar, Rao Sahib S.	Salem N.-M. Rural.
23. Ethirajulu Nayudu, Rao Bahadur P. C.	Guntur N.-M. Rural.
24. Gangaraju, M.	Kistna N.-M. Rural.
25. Gopala Menon, C.	S. I. Chamber of Commerce.
26. Gopalan, Rao Sahib P. V. ...	NOMINATED for Mukkuvans or Fishermen.
27. Gopalaswami Ayyangar, Rao Bahadur N.	NOMINATED for the Madras Hindu Religious Endowment Bill.
28. Guruswami, L. C.	NOMINATED for Arundhateyas.
29. Kesava Pillai, Diwan Bahadur P. (Deputy President).	Anantapur N.-M. Rural.
30. Khalif-ul-Jah Sahib, Khan Bahadur P.	Madura cum Trichinopoly M. Rural.
31. Knapp, K.C.I.E., C.S.I., C.B.E., I.C.S., The hon. Sir Arthur.	EX-OFFICIO.
32. Koti Reddi, K.	Cuddapah N.-M. Rural.
33. Krishna Rao Pantulu, Rao Bahadur A. S.	Nellore N.-M. Rural.
34. Krishnan Nayar, Diwan Bahadur M. (Chairman).	Malabar cum Anjengo N.-M. Rural.
35. Krishnaswami Nayudu, Rao Bahadur K.	North Arcot N.-M. Rural.
36. Kuppaswami, J.	Guntur N.-M. Rural.
37. Leech, Arthur J.	Madras Chamber of Commerce.
38. Legh, E. W., C.I.E., I.C.S. ...	NOMINATED. (Secretary to Government, Revenue Department.)
39. Madhava Raja, V.	Malabar cum Anjengo N.-M. Rural.
40. Madurai, Hony. Lt.	NOMINATED for Adi-Dravidas.
41. Mahabala Hegde, B.	South Kanara N.-M. Rural.
42. Mallesappa, T.	NOMINATED for Lingayats.
43. Marakkayar, V. Hamid Sultan.	Tanjore M. Rural.
44. Marthandam Pillai, P. N. ...	Tinnevely N.-M. Rural.
45. Maruthavanam Pillai, C. ...	Tanjore N.-M. Rural.
46. Mathai, Dr. John	NOMINATED.
47. Moidu Sahib, T. M.	Malabar cum Anjengo M. Rural.
48. Moore, C.I.E., P. L.	NOMINATED. (Secretary to Government, Local Self-Government Department.)
49. Moosa Sait Sahib, Muhammad ...	Madras M. Urban.
50. Muhammad Sahib Bahadur, T. N.	Ramnad cum Tinnevely M. Rural.
51. Muniswami Nayudu, B.	Chittoor N.-M. Rural.
52. Murugappa Chettiyar, Rao Bahadur A. M. M.	Nattukottai Nagarathars.
53. Muttayya Mudaliyar, S.	Tanjore N.-M. Rural.
54. Muttayya Mudaliyar, C.	Chingleput N.-M. Rural.
55. Muttu Chettiyar, P. C.	Ramnad N.-M. Rural.
56. Narasimhacharlu, Rai Bahadur T. M.	Cuddapah N.-M. Rural.

Name of member.	Name of constituency.
57. Narasimha Raju, Rao Bahadur C. V. S.	Vizagapatam N.-M. Rural.
58. Narayanan Nambudripad, O. M.	NOMINATED for Nambudiris.
59. Natesa Mudaliyar, Rao Bahadur C.	Madras N.-M. Urban.
60. Nicholson, C.	Madras Trades.
61. Noyce, F.	NOMINATED.
62. Obalesappa, B.	NOMINATED for Maruthuvakulars (Barbers).
63. Paddison, G. F., C.S.I., I.C.S. ...	Do. (Commissioner of Labour and Protector of the Depressed Classes).
64. Pantulu Ayyar, V., alias Venkatarama Ayyar.	Tanjore N.-M. Rural.
65. Partridge, P. W.	Madras European.
66. Patro, The hon. Rao Bahadur Sir A. P. (Minister).	Ganjam N.-M. Rural.
67. Peddiraju, P.	Kistna N.-M. Rural.
68. Pethachi Chettiyar, Diwan Bahadur S. Rm. Ct.	Trichinopoly N.-M. Rural.
69. Ponnuswami Nayudu, C.	Madura N.-M. Rural.
70. Ponnuswami Pillai, K. S. ...	NOMINATED for Protestant Christians.
71. Prabhakaran Tampan, K.	West Coast Landholders.
72. Premayya, G.	NOMINATED for Adi-Andhras.
73. Raghuchandra Bellala, A. K. ...	Do. for Jains.
74. Raja of Kollengode, The hon. the.	EX-OFFICIO.
75. Raja of Kurupam	Northern Landholders I.
76. Raja of Panagal, The hon. the (Minister).	North Central Landholders.
77. Raja of Ramnad (Chairman) ...	Southern Landholders.
78. Rajan, P. T.	Madura N.-M. Rural.
79. Rajappa Tevar, P. S.	NOMINATED for Kallars.
80. Rama Rao, Rao Sahib U.	South Kanara N.-M. Rural.
81. Raman, Rao Bahadur P.	NOMINATED for Tiyyas.
82. Ramachandra Reddi, B.	Nellore N.-M. Rural.
83. Ramachari, Rao Sahib K. V. (Chairman).	Madura N.-M. Urban.
84. Ramalinga Chettiyar, Rao Bahadur T. A.	Coimbatore N.-M. Rural.
85. Ramalinga Reddi, C.	Chittoor N.-M. Rural.
86. Ramaswami Ayyar, C.I.E., The hon. Mr. C. P.	EX-OFFICIO.
87. Ramaswami Mudaliyar, A.	Chingleput N.-M. Rural.
88. Rameswara Rao, G.	Anantapur N.-M. Rural.
89. Ranganatha Mudaliyar, A.	Bellary N.-M. Rural.
90. Ratnaswami, M. (Chairman) ...	Central Districts Indian Christian.
91. Reneontre, A. E.	Anglo-Indian.
92. Sagaram, P.	NOMINATED for Setti-Balijas.
93. Saldanha, J. A.	West Coast Indian Christian.
94. Samuel, J. D.	Northern Circars Indian Christian.

Name of member.	Name of constituency.
95. Sarabha Reddi, K.	Kurnool N.-M. Rural.
96. Sarvarayudu, K.	Kistna N.-M. Rural.
97. Sasibhushana Rath Mahasayo, Sriman.	Ganjam N.-M. Rural.
98. Satyamurti, S.	Madras University.
99. Seetayya, M.	Kistna N.-M. Rural.
100. Seturatnam Ayyar, M. R. ...	Trichinopoly N.-M. Rural.
101. Sitarama Reddi, K.	South Arcot N.-M. Rural.
102. Siva Rao, P.	Bellary N.-M. Rural.
103. Sivagnanam Pillai, The hon. Diwan Bahadur T. N. (Minister).	Tinnevelly N.-M. Rural.
104. Srinivasan, R.	NOMINATED for Adi-Dravidas.
105. Srinivasa Ayyangar, R. ...	South Arcot N.-M. Rural.
106. Subbarayan, Dr. P.	South Central Landholders.
107. Subrahmanya Pillai, K. Chavadi.	Tinnevelly cum Palamcottah N.-M. Urban.
108. Sundaramurti, P. V. S. ...	NOMINATED for Adi-Dravidas.
109. Suryanarayanamurti Nayudu, Diwan Bahadur K.	Cocanada N.-M. Urban.
110. Tangavelu Pillai, Rao Sahib T. C. (Council Secretary).	Trichinopoly cum Srirangam N.-M. Urban.
111. Tanikachala Chettiyar, Rao Bahadur O.	Madras N.-M. Urban.
112. Todhunter, K.C.S.I., I.C.S., The hon. Sir Charles.	EX-OFFICIO.
113. Tyagaraya Chetti, Kt., Diwan Bahadur Sir P.	Madras N.-M. Urban.
114. Uppi Sahib, K.	Malabar cum Anjengo M. Rural.
115. Varada Achariyar, S.	NOMINATED for the Madras Irrigation Bill.
116. Veerian, R.	NOMINATED for Adi-Dravidas.
117. Vellingiri Gounder, V. C. ...	Coimbatore N.-M. Rural.
118. Venkatachala Padayachi, K. ...	South Arcot N.-M. Rural.
119. Venkatachalam Chetti, S. ...	Madras N.-M. Urban.
120. Venkatarama Sastriyar, T. R. ...	NOMINATED (Advocate-General).
121. Venkatarreddi Nayudu, Kt., Rai Bahadur Sir K.	Godavari N.-M. Rural.
122. Venkataramana Ayyangar, C. V.	Coimbatore N.-M. Rural.
123. Venkataranga Reddi, Rao Bahadur C.	Kurnool N.-M. Rural.
124. Venkatapati Razu, P. C. ...	Vizagapatam N.-M. Rural.
125. Venkataratnam, B.	Godavari N.-M. Rural.
126. Vijiaraghava Mudaliyar, W. ...	North Arcot N.-M. Rural.
127. Virappa Chettiyar, Rao Bahadur P. K. A. C. T.	Ramnad N.-M. Rural.
128. Wood, C. E.	Madras Chamber of Commerce.
129. Yahya Ali Sahib, Janab Muhammad.	East Coast M. Rural.

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

First Session of the Second Council under the Government of India Act, 1919.

VOLUME XVIII.

Friday, the 28th March 1924.

The House met at 11 o'clock, the hon. the President (Diwan Bahadur L. D. SWAMIKANNU PILLAI, C.I.E., I.S.O.) in the chair.

I

QUESTIONS AND ANSWERS.

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

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

(2) The questions and answers shall be arranged in order of subjects.

[The Secretary shall call the name of each interpellator in the order in which the names are printed, 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.]

Finance.

Recommendations of the Retrenchment Committee.

790 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU: Will the hon. the Member for Finance be pleased to lay on the table a statement showing the orders passed by the Government in the various departments on the recommendations made by the Madras Retrenchment Committee?

A.—The report itself indicates the action taken in many cases. As regards the rest a statement is under preparation and will be laid on the table.

The RAJA OF RAMNAD:—"May I ask the hon. the Home Member, for the hon. the Leader of the House is not here, what has become of the resolution passed by this Council recommending the reduction of one Executive Council Member?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I must have notice of the question."

Mr. S. SATYAMURTI:—"May I ask what is the financial effect of the retrenchment proposals given effect to so far?"

Mr. C. V. VENKATARAMANA AYYANGAR:—"I would suggest that we follow the usual precedent of waiting till the hon. the Finance Member comes when the questions may be answered."

The hon. Sir ARTHUR KNAPP:—"I doubt very much whether my hon. Friend, the Leader of the House, will be able to say off-hand the result of the retrenchment proposals given effect to so far."

[28th March 1924]

Mr. C. V. VENKATARAMANA AYYANGAR:—"We shall anyhow wait and see how the hon. the Leader of the House chooses to reply."

The hon. Sir ARTHUR KNAPP:—"The Retrenchment Secretary, now the Finance Secretary, informs me that it is not possible at present to say what has been the effect so far. It is on that information that I give the answer on behalf of my hon. Friend, the Leader of the House, that he must have notice."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Will the hon. the Finance Secretary tell us whether the expenditure upon the establishments this year is larger than the expenditure last year in spite of the retrenchments?"

Mr. R. W. DAVIES:—"I cannot give a reply to that which I can hope to be positively accurate and therefore I prefer not to give a reply at all."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"When is the statement likely to be placed on the table?"

Mr. R. W. DAVIES:—"It will be placed in a couple of months."

Salt.

Issue of licences under the Modified Excise System.

791 Q.—Mr. P. N. MARTHANDAM PILLAI: Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that licences under the Modified Excise System are issued only for twenty-five years;

(b) whether it is a fact that the conditions give the lessees no right in return for the investments made by them as in the case of private properties which can be made use of in any manner the owner pleases;

(c) whether it is a fact that the lessees who have invested a large amount are not able to earn even their interest, even though they are at the mercy of the Government on the expiry of the 25th year;

(d) whether it is a fact that the lessees under the Modified Excise System at Tuticorin waited on His Excellency when he was in his tour in that town in 1920 with a prayer that the Government would be pleased to grant them a permanent Excise licence subject to suitable conditions;

(e) what action the Government have taken or propose to take in the matter; and

(f) whether the Government have in contemplation any other means of relief to these lessees to mitigate their hard lot?

A.—(a) Twenty-five years is the most usual term.

(b) A lessee is given the right to manufacture and sell salt.

(c) The Government understand that the profits made vary. Some lessees are understood to have recovered the whole of their capital expenditure in one or two years. Others have been less successful.

(d) This was one request made by a deputation of salt licensees.

(e) Orders were issued declining to accede to the request.

(f) It has yet to be proved that any relief is required.

[28th March 1924]

Sriman SASIBHUSHANA RATH Mahasaya:—"May I know whether any, and if so what, facilities are afforded to manufacturers of salt in Ganjam for exporting their salt to Bengal?"

The hon. Sir CHARLES TODHUNTER:—"There is the railway, Sir."

Sriman SASIBHUSHANA RATH Mahasaya:—"May I know if protected waggons are supplied to these manufacturers to send their salt on the railway?"

The hon. Sir CHARLES TODHUNTER:—"I am afraid I do not know what the hon. Member means by 'protected waggons'?"

Sriman SASIBHUSHANA RATH Mahasaya:—"Protected waggons are those waggons in which salt could be put in, the Government taking care that these are not pilfered on the way. I take the hint for this question from the statement of the hon. the Finance Member made two years ago that such waggons were supplied by the Bombay Government."

The hon. Sir CHARLES TODHUNTER:—"My hon. Colleague reminds me that he is introducing a Bill to deal with, just what the hon. Member seems to be referring to, the danger of pilferage on the railway."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, in this connexion, may I request the hon. the Finance Member to answer my question put some time ago: 'Have the Government ascertained if the railway freight from Madras to Calcutta is higher than the steamer freight from England to India and if so, will the Government be pleased to take steps to reduce it?'"

The hon. Sir CHARLES TODHUNTER:—"I have no information, Sir."

Sriman SASIBHUSHANA RATH Mahasaya:—"With regard to the salt manufactured at Ganjam, may I know from the hon. the Finance Member whether the cost of transit from Ganjam to Calcutta is more than what it is from Punjab to Calcutta?"

The hon. Sir CHARLES TODHUNTER:—"I have no information, Sir. But it sounds extremely improbable."

Mr. C. V. VENKATARAMANA AYYANGAR:—"But what I said is probably a fact. That is the question that I raised at budget time and to which the Government replied that they had no information. May I suggest that the question that the railway fare from Madras to Calcutta is higher than the freight between England and India is an important question which the Government should have remembered and should have got the information about?"

The hon. Sir ARTHUR KNAPP:—"The question was addressed to me, Sir, during the budget debate. Every hour of the day since then has been occupied in dealing with the eloquence by members here and the matter will be taken up in due course."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am glad for the assurance. The hon. the Leader of the House gave no assurance of the kind but simply answered that he had no information. The hon. the Home Member is a little better (laughter) and I hope he will consider the matter soon as he will be free from our eloquence for some five or six months."

The hon. Sir CHARLES TODHUNTER:—"May I remind the hon. Gentleman that when I answered I had no information, I meant that it did not come under my portfolio."

[28th March 1924]

Mr. C. V. VENKATARAMANA AYYANGAR :—" If so, that might have been the answer, Sir. He might have got and transmitted the information or referred the question to the hon. the Home Member, Sir Arthur Knapp."

Mr. P. ANJANEYULU :—" With regard to Nizampatam, will the Government be pleased to say whether they have received any representation and have taken any steps in the matter, in view of the fact that about 3,000 families have been thrown out of work?"

The hon. Sir CHARLES TODHUNTER :—" The Government have received certain petitions."

Mr. P. ANJANEYULU :—" Will the Government be pleased to take the necessary steps?"

Sriman SASIBHUSHANA RATH Mahasayo :—" Is the hon. the Finance Member aware that with a little concession given to the salt manufacturers of Ganjam, Ganjam salt will be able to compete with foreign salt in Bengal?"

The hon. Sir CHARLES TODHUNTER :—" I am afraid I must ask the hon. Gentleman to define what he calls 'little concession'."

Sriman SASIBHUSHANA RATH Mahasayo :—" By little concession, I mean, Sir, the affording of facilities over the railway for the transmission of salt without paying the duty here."

The hon. Sir CHARLES TODHUNTER :—" I think he will have to ask for his little concession from the railway companies or from the railway board. I am afraid we cannot secure that for him."

Settlement.

The Tanjore mirasidars' deputation to His Excellency.

792 Q.—Mr. C. RAMALINGA REDDI: Will the hon. the Home Member be pleased to state—

(a) whether the Government have come to any decision regarding the representation made by the Tanjore mirasidars' deputation to His Excellency; and

(b) if so, whether they will be pleased to lay it on the table?

A.—(a) Yes.

* (b) G.O. No. 439, Revenue, dated 17th March 1924, containing the decision of the Government on the representation made by the Tanjore Mirasidars' deputation has been placed on the Council table.

Mr. C. RAMALINGA REDDI :—" May I ask the hon. the Home Member whether he has reconsidered his decision and has since decided not to apply the maximum rate that the Madras Government have themselves proposed in their new Bill to the settlements now in operation in Tanjore and to the forthcoming operations in Trichinopoly?"

The hon. Sir ARTHUR KNAPP :—" The answer, Sir, is in the negative."

* Printed separately.

[28th March 1924]

The RAJA OF RAMNAD :—" May I ask the hon. the Home Member whether he is aware that this Government Order has not given satisfaction to the mirasidars of the district?"

The hon. Sir ARTHUR KNAPP :—" I am afraid I am not aware of this effect of the Government Order in Tanjore."

The RAJA OF RAMNAD :—" May I, Sir, give him the assurance that it has not given satisfaction, and the situation, in consequence has not been in any way improved. The no-tax campaign is being pursued rather vigorously. Will the hon. the Home Member give any opportunity to these mirasidars to make their representations and have the whole matter re-examined?"

The hon. Sir ARTHUR KNAPP :—" I understand my hon. Friend suggests that the mirasidars should bring another deputation, and again raise the same question. Is that the suggestion?"

The RAJA OF RAMNAD :—" If the Government are prepared to have the matter re-examined, I am certain that the mirasidars will be quite prepared to wait on another deputation."

The hon. Sir ARTHUR KNAPP :—" I am afraid my hon. Friend is more of an optimist than I am. So far as I know, the matter has been fully thrashed out and I do not at the present moment see that any fresh deputation such as my hon. Friend suggests, from the mirasidars of Tanjore on the same lines could lead to any better result."

Mr. C. RAMALINGA REDDI :—" May I suggest one ground on which it can be done? The Government themselves have proposed that in cases of percentages of enhancement $18\frac{3}{4}$ should be the maximum and that is a new feature in the situation. I do not know on what ground my hon. Friend refuses to give the benefit of this limit to the Tanjore people."

The hon. Sir ARTHUR KNAPP :—" With reference to the closing words of my hon. Friend, the Government have not refused to give effect to it. They have said that when and after the Land Revenue Settlement Bill pass into law, Tanjore and Bellary will be allowed to come retrospectively under the maximum fixed in the Bill."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" What has the passing of the Land Revenue Bill to do with this? The Government themselves recognize $18\frac{3}{4}$ to be the maximum."

The hon. Sir ARTHUR KNAPP :—" The Government themselves are prepared, when they place the matter on a statutory basis, to accept $18\frac{3}{4}$ as the maximum. This does not imply in the least that the Government are now admitting that the levy of a higher percentage than $18\frac{3}{4}$ per cent has been improper or not legitimate in the past. They merely say that in the new statutory legislation, they are prepared to fix the maximum at that figure."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Does the rate apply for all settlements or only those dealt with in that section of the Bill?"

The hon. Sir ARTHUR KNAPP :—" $18\frac{3}{4}$ per cent would be the limit where a percentage enhancement has been proposed."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Does it apply to settlements at Tanjore and Trichinopoly?"

[28th March 1924]

The hon. Sir ARTHUR KNAPP :—" All settlements in future will be under the Act."

Mr. S. SATYAMURTI :—" Sir, may I ask the hon. the Home Member with reference to his answer to the question of the Raja of Ramnad, whether the Government will put no obstacles in the way of the mirasidars meeting to consider this Government Order? They are meeting on the 30th and as a matter of fact two of their representatives in this Council have been gagged and even told that they cannot attend that conference. May I ask the hon. the Home Member whether, in view of his statement that he is not aware of any dissatisfaction with this Government Order on the part of the Tanjore mirasidars, he will undertake to see that the Government put no obstacles in the way of the mirasidars meeting together and considering the steps to be taken in view of the Government Order, the hon. Member's statement in the Council, and the proposed introduction of the Land Revenue Bill?"

The hon. Sir ARTHUR KNAPP :—" So far as the gagging is concerned I am afraid that is a matter which I must leave to my hon. Colleague the Law Member. I have no personal knowledge of it. As regards the preventing of the mirasidars in general from discussing this matter, I certainly have no desire to do anything of that kind."

Mr. C. RAMALINGA REDDI :—" Is my hon. Friend the Law Member aware that a large number of people have been served with orders which will have the effect of preventing them from attending the mirasidars' conference which is to be held on the 30th and does this order apply to two of the elected members of this Council as well as to other prominent mirasidars?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, all that I can say is to repeat what I said yesterday. I am not personally aware of any such orders. I have written and telegraphed to the District Magistrate to let me have a report on the matter. The report ought to have reached me yesterday. I daresay there was some reason for the delay. During the course of the sitting to-day I expect the report and the Government, if necessary, will pass the requisite orders. So far as I can see from here, there is no reason for any gagging order but it may be that there has arisen a new situation in Tanjore. I do not propose to prejudge the matter. I have an open mind in this matter and hon. Members who have known my views in general on these matters, may rest assured that I shall act according to what seems to be best."

Mr. C. RAMALINGA REDDI :—" May I draw the attention of my hon. Friend the Law Member, while thanking him for the statement, to the particular facts of the circumstances. The orders so far issued to the various people are supposed to be in effect for a certain length of time. I understand it is for two months and all these gentlemen who have been served with this order are therefore incapacitated from taking any part at any public meeting or conference of any kind for full two months at Mayavaram and that this order further covers many people who are intent to go there merely to consider the situation. I do not know whether it concerns me—my hon. Friend Sir Arthur Knapp is laughing at me—and whether he is aware that the whole conference would become useless and ineffective if the mirasidars who are chiefly concerned in the matter are either indirectly or directly prevented from attending or taking part in this purely economic affair?"

[28th March 1924]

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The Government are extremely averse to giving the appearance of preventing a discussion on measures on which their views are canvassed by persons who take an opposite view. That is the utmost that I can say at the present moment. Speaking for myself unless there are over-mastering reasons I do not think the District Magistrate would have or should have prevented a large number of people anywhere as suggested in the papers. Having said that I must reserve my further remarks until I know the situation exactly."

11-15 a.m. Mr. C. RAMALINGA REDDI :—" Is my hon. Friend aware as to how many have been served with this order?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" In view of the fact, as I have stated half a dozen times, that I have not got a single reply yet to my telegram and letter, I cannot say how many have been served with the order. Even newspapers are apt to be inaccurate in such matters."

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to the request that I made, that correspondence might be carried on by telegram and the reply given now by the hon. the Law Member, are we to presume that it was carried on by wire?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" All that I can say is this: line clear State telegrams have been sent."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Giving the direction for a line clear telegram shows certainly that the Government is in earnest, but what we are afraid of is that there may be delay before the local authorities receive the communications. Though the letter might have been despatched yesterday, it may not be received before the 31st owing to some delay in the post office or other place. There are also holidays intervening, and that may be put forward as an excuse for any delay. We know to some extent the way of the mufassal authorities and that is why we suggested that the correspondence might be carried on by telegram. We have no idea of saying anything against the local Government, especially after hearing what has been stated by the hon. the Law Member. He promised to tell us something to-day, but he has not. For 48 hours he has been kept in complete ignorance though line clear telegrams were sent."

The hon. the PRESIDENT :—" I think all this is unnecessary after the hon. the Law Member's assurance."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am afraid I cannot add to what I already stated."

Civil Justice.

Indian Christian Sub-Judges in the Presidency.

793 Q.—Rao Bahadur CRUZ FERNANDEZ: Will the hon. the Law Member be pleased to state the number of Indian Christian Sub-Judges in the Presidency?

A.—Two.

Mr. M. RATNASWAMI :—" May I ask, Sir, whether this number two includes one official acting as District Judge at the present moment, or is it exclusive of him?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" It is exclusive of him."

[28th March 1924]

Magistracy.*Withdrawal of criminal powers from Panchayat Courts.*

794 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the privilege of exercising criminal powers has been taken away from certain Panchayat Courts in the North Arcot district on the ground that the Bench Courts in these places have concurrent criminal jurisdiction;

(b) whether any representation has been received protesting against such withdrawal of powers; and

(c) whether the Government have under consideration any proposal by which the criminal powers of these Panchayat Courts may be retained?

A.—(a) Yes.

(b) No.

(c) No.

Mr. T. ADINARAYANA CHETTIYAR:—“In the light of what fell from the lips of the hon. the Law Member yesterday and the day before, are we to understand that he would prefer that the panchayat courts should be given the power of exercising criminal powers in preference to Bench Courts?”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“It is just the other way, Sir.”

Mr. T. ADINARAYANA CHETTIYAR:—“I thought he said that he would like to see that panchayat courts were given more powers, but as a matter of fact he found Bench courts more efficient or something like that. I thought he would prefer panchayat courts to have more powers than they have got at present. That was what I understood him to say yesterday. However, will he call for a report as to whether it would not be better that panchayat courts in the North Arcot district from which criminal powers have recently been taken away, should have such powers restored to them?”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“I will consider that, Sir.”

Depressed classes.*Assignment of lands to depressed classes in Trichinopoly district.*

795 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether a petition, dated 11th June 1923, was submitted to Government by the Adi-Dravidas of Virakalur, Trichinopoly district, praying for the assignment of darkhast land; and if so, what action has been taken thereon;

(b) the extent of ear-marked darkhast lands set apart for assignment to the depressed classes in the Trichinopoly district;

(c) how many acres of this land have already been assigned to the depressed classes and how many acres still remain to be assigned to them;

(d) how many petitions from the members of the depressed classes in the Trichinopoly district for assignment of darkhast land are still to be disposed of and for how long they are pending; and

(e) when the assignments will be made for them?

A.—(a) The petition has not been received by the Government.

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

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Mr. R. VEERIAN:—“Sir, the answer to clause (a) of the question is that the petition has not been received by the Government. May I point out that the petition has been forwarded to the Revenue Board direct? I shall, therefore, be glad to know what action has been taken thereon.”

Mr. J. D. SAMUEL:—“I want to know whether the 14th April is the last date for granting land for people who have done meritorious services in the war, and grants will be made for the depressed classes after that?”

The hon. the RAJA OF KOLLENGODE:—“I have no information.”

Mr. R. VEERIAN:—“May I ask the hon. the Revenue Member whether he would make enquiries in the matter?”

The hon. the RAJA OF KOLLENGODE:—“Yes.”

Mr. R. VEERIAN:—“Then again, with reference to answer to clauses (b), (c), (d) and (e) the Government say that they have no information. Will the Government be pleased to call for the information?”

Mr. G. F. PADDISON:—“Sir, up till now, 1,522 acres have been assigned in the Trichinopoly district. In reply to another question, it has been stated that better land is likely to be available next year, and the extent reserved for this purpose in the Trichinopoly district seems to be about 4,000 acres.”

Revenue Establishments.*Recruitment to the clerical establishment of the Board of Revenue.*

796 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Board of Revenue has passed proceedings to entertain, in clerical establishments, only those Secondary School-Leaving Certificate men who have been certified as eligible for promotion;

(b) if the answer to (a) be in the affirmative, whether that order of the Board of Revenue was passed with the sanction of the Government; and

(c) whether the Government have passed any orders on the Board's order?

A.—(a) The Board of Revenue has ordered that the minimum standard for admission to the superior service in the Revenue Department, except in respect of appointments specially excluded from the operation of article 1 of the Public Service Notification, should ordinarily be a completed Secondary School-Leaving Certificate declaring the candidate to be eligible for admission to the College course and that Collectors, the Director of Survey and officers in charge of Settlement Parties may in special cases exempt clerks whose marks have fallen slightly below this standard, subject to the submission of an annual statement of such exemptions to the Board.

(b) No. Article 1 of the Public Service Notification allows discretion to the Board of Revenue in the matter.

(c) No.

Mr. C. V. VENKATARAMANA AYYANGAR:—“In view of what has appeared in the papers, and in view of the fact that several people trusting that they would get promotion under the rules in Government have taken up appointments with the qualifications which were then required, and in view of the

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fact that they would be put to very great difficulties if the order now promulgated is given effect to, I request the hon. the Revenue Member to state if the case of these poor people who trusted the Government and joined the service would be taken into consideration, and if he would see that this order would not be given retrospective effect so far as those who are now in acting appointments in the Government service are concerned?"

The hon. the RAJA OF KOLLENGODE:—"I do not think it will have retrospective effect. Anyhow, I will consider the matter."

Mr. C. V. VENKATARAMANA AYYANGAR:—"What I mean is retrospective effect for acting incumbents also?"

Rao Bahadur C. NATESA MUDALIYAR:—"Is it a fact that the clerks employed in various offices for one or two years have been asked to go away on account of this notification?"

The hon. the RAJA OF KOLLENGODE:—"I have no information."

Rao Bahadur C. NATESA MUDALIYAR:—"Will Government treat those cases as special cases in accordance with the answer given to clause (a) of the question?"

The hon. the RAJA OF KOLLENGODE:—"The Government will consider the matter."

Education.

Retrenchment in the Subordinate Service of the Educational Department.

797 Q.—Mr. P. S. RAJAPPA: Will the hon. the Minister for Education be pleased to state—

(1) whether any retrospective effect to the retrenchment order has been given and enforced by the Director of Public Instruction with reference to the Members of the Subordinate Service in the Educational Department; and

(2) if so, how many teachers are affected by the new order of the Government and to what extent each teacher affected by the Retrenchment Order will have to refund?

A.—It is not understood what retrenchment orders are referred to by the hon. Member.

Registration.

Appointments in the Registration Department during the last three years.

798 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Education be pleased to state—

(a) the number of district registrars castewar, when he first assumed charge of the Registration Department;

(b) the number at the end of his first term of Ministry, castewar, with their qualifications and the chronological order of appointment and total service;

(c) whether there is any principle on which the appointments in the order in which they have been made, can be justified;

(d) whether it is a fact that the sub-registrars numbered as 50, 12, 37, 40, 69, 7, 47, 42, 52, 61, 58, 9, in the list of officers (1921) were promoted in the order stated;

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(e) what were the superior qualifications of No. 50, which enabled him to supersede the other 49 above him and especially the other 7 who have since been appointed;

(f) why 47 was selected earlier than 42 and why 61 was selected earlier than 58;

(g) how many—if any—out of the first 68 in the list [excepting those named in sub-clause (e) above], thus superseded are believed to be fit for Registrar's place; and

(h) why were 7 and 9 selected for Registrar's place only as the sixth and seventh, though they were the seniormost among those appointed?

A.—(a), (b) & (d) The hon. Member is referred to the published establishment lists.

(c), (e), (f), (g) & (h) Promotions to district rank are by selection and not by seniority.

Mr. G. RAMESWARA RAO:—"May I request the hon. the Minister to give me an answer to clause (e) of my question? The answer that is now actually given is not an answer to my question at all; it says that promotions are by selection and not by seniority. But my question 'what were the superior qualifications of No. 50 which enabled him to supersede the other 49, etc.?'"

The hon. Rao Bahadur Sir A. P. PATRO:—"The qualifications of these people were superior to those of others, and that was why they were selected."

Mr. G. RAMESWARA RAO:—"Sir, I have still to learn the method of asking questions. I want to know what these qualifications are. If the hon. Minister has no answer to give to that clause, may I request him at least to give an answer to clause (f) of the question? If he has no answer to give to any of these questions, are these the excellent reasons which he has referred to in the course of his budget speech in answer to the various points raised?"

The hon. Rao Bahadur Sir A. P. PATRO:—"Yes, Sir. These are the excellent reasons, namely selection and not seniority."

Agriculture.

Mussalmans in the Agricultural department.

799 Q.—Mr. ABBAS ALI KHAN: Will the hon. the Minister for Development be pleased to state—

(a) the number of Mussalmans in the (1) Imperial, (2) Provincial, (3) Upper and Lower subordinate service of the Agricultural department;

(b) whether it is a fact that the only Mussalman in the Agricultural Department who is a diplomate of Saidapet College is still in the lower subordinate service while many of his colleagues are in the Provincial and Imperial Services; and

(c) whether it is a fact that it was only the present Director who has given him a lift?

A.—(a) (1) One.

(2) None.

(3) Upper Subordinate Service—None.
Lower Subordinate Service—Three.

(b) Yes.

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(c) He started on Rs. 25 and is now getting Rs. 120. He has been promoted from time to time according to his merits.

The present Director of Agriculture recently promoted him to the first-grade of the Lower Subordinate Service.

Mr. ABBAS ALI KHAN:—"May I know how many years of service the Muhammadan officer referred to in this question has put in under Government, Sir?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"I have no information at present, Sir."

Mr. ABBAS ALI KHAN:—"In answer to clause (a) it is stated that there is one Muhammadan in the Imperial, none in the Provincial service, and so on. Will the hon. the Minister consider the desirability of increasing the proportion of Muhammadans as early as possible?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"That policy has been pursued hitherto so far as this community is concerned, and it will also be followed hereafter."

The annual reports of the Chintaldevi Cattle Farm, Nellore district.

800 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Development be pleased to state whether it is a fact that the annual reports of the cattle farm at Chintaldevi, Nellore district, are intended for official use only?

A.—Copies of the annual report on the Chintaldevi farm, as on other agricultural stations, are marked 'for official use only' as there is no general demand for them owing to their technical character and to the fact that information regarding the stations is available in the annual administration report of the Agricultural Department and in the Villagers' Calendar. The Director of Agriculture will, however, always be glad to supply copies of such reports to gentlemen interested in the work of the department.

Mr. V. C. VELLINGIRI GOUNDAR:—"Will the Government be pleased to introduce a system of profit and loss account in regard to the farm at Chintaldevi?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"The matter will be considered."

II

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE— TANJORE MIRASIDARS' CONFERENCE.

Mr. S. SATYAMURTI:—"Sir, under Standing Order No. 20, I ask leave of this House to move for the adjournment of the House to consider a matter of urgent public importance, namely, the situation arising out of the orders issued which have the effect of preventing leading mirasidars like Mr. Pantulu Ayyar, M.L.C., Mr. Marudavanam Pillai, M.L.C., and Mr. C. R. Lakshmi-varaha Ayyangar, the Secretary of the Tanjore Mirasidars' Association, from attending the Mirasidars' Conference at Mayavaram on the 30th."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, in rising to a point of order, let me not be understood as being merely technical in a matter of this kind. The hon. Member who has moved the adjournment of the House must realize that an order such as is now contemplated is a judicial order under section 144 of the Criminal Procedure Code. As it is a judicial order, the

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Government, technically speaking, have absolutely no power of interference. And if it is an interim order, I shall not even have the advantage of taking part in the debate and I do not propose to do it. Indeed it would be unseemly if I do so. It may be that the magistrate was justified or it may be that the magistrate was unjustified in this matter. But, nevertheless, at the present moment, it is an order passed by a magistrate having cognizance of and jurisdiction over the matter. Mr. President, Sir, section 144 lays down that in cases where in the opinion of the District Magistrate, the Chief Presidency Magistrate, a Subdivisional Magistrate or any other magistrate, there is sufficient ground for proceeding under the section, such magistrate may, by written order, do such and such a thing. And Government have no power of revision and no power of cancelling the order. For that purpose a resort to courts, judicial tribunals, is allowed. If an adjournment is moved, it will be impossible for the Government to intervene even informally. They must fold their hands and allow the order to take its own course. If anybody can intervene, it is for judicial tribunals to do so. If such judicial intervention is the object of my hon. Friend in moving this motion, I do not wish to stand in his way. But if the object is to attend the conference, as has been suggested in the various interpellations and supplementary questions put to me, this is the very last and the most inexpedient means for subserving and accomplishing that object. It is in that spirit that I appeal to the hon. Member for the University to withdraw the motion. But to come back to my point of order, Sir, this is not a question on which a resolution can be moved. It is yet a preliminary order if we can judge it from the reports. We do not yet know what that order is; we have not got a copy of it. Certain newspapers have published a text of the order, but I think it will be asking too much of this august assembly to take that for granted and on that basis to act in a particular manner.

"Mr. President, Sir, I submit that this motion will be setting a dangerous precedent. It is against the Rules and the Standing Orders, and it is against the very intention of the hon. the Mover. The underlying motive of the hon. Member is one which will be violated and not subserved by a procedure of this kind. Let him have some patience. Let him have some trust and confidence. If that trust and confidence are abused, by all means come and censure us. But till then wait in patience. That is the appeal I make, and if that is not heeded, then I leave it there."

Mr. S. SATYAMURTI:—"Sir, I cordially respond to the appeal of the hon. the Law Member. My object in bringing this motion was 11-30 a.m. certainly not to weaken his influence as against the powers-that-be, or against the man on the spot. My object has been and is that to the extent to which the hon. Law Member can exercise his influence, or his powers, over the local magistrates . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The order having been passed, any influence that I can exercise may, strictly construed, be taken as an unwarranted infringement of the liberty of the magistrate to do what he chooses. Let my hon. Friend remember that."

Mr. S. SATYAMURTI:—"Well, Sir, there are ways in which a magistrate can be told of the intentions and the policy of the Government without infringing the law; and I, therefore, . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If I am a magistrate, and if after this discussion, an hon. Member sends me an order, I shall treat it as a waste paper."

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Mr. S. SATYAMURTI :—"I am not suggesting to the hon. Member to send any order to any one. I am not suggesting it at all. I am only suggesting that he might let them know his intentions in the matter, his policy in the matter. But, Sir, to come to the point which is now before you, I submit that the point of order does not arise. I also submit that it is a matter of urgent public importance and to-day is the last day on which we can discuss this matter, if we are not to discuss it *ex post facto*. But, Sir, subject to your ruling on the point of order, so far as the general question of policy is concerned, I am certainly not anxious to score a Pyrrhic victory against the hon. the Law Member. I am only anxious to strengthen his hands with regard to the situation in Tanjore, so that the mirasidars there may be given a fair and free opportunity to discuss this matter and to come to certain conclusions, especially with the help of the elected representatives of this Council, the hon. Members, Messrs. Pantulu Ayyar and Maruthavanam Pillai, and other Members who are going to attend the Conference.

"As regards the point of order, I may invite your attention to the fact that an adjournment motion was made in this House and was allowed by your predecessor over the order passed against Mr. Yakub Hassan under the very same section; and therefore, I submit that no point of order arises under section 144 at all. That was a judicial order."

The hon. the PRESIDENT :—"To the best of my recollection, an assurance was given, I think, by Mr. M. Krishnan Nayar, on that occasion that the matter was not under adjudication by any court of law at that moment. I think I am right in my recollection."

Mr. S. SATYAMURTI :—"I can also give a similar assurance, Sir, that the order that has been passed is not in any court of law just now."

The hon. the PRESIDENT :—"That is precisely the point. I wish to know if the hon. the Law Member is prepared to say whether the matter is under adjudication or not. He has told us that he has not received yet any report. But if it is an interim order, he thinks it would still be under adjudication. Evidently the matter is in doubt."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Under the new Code, Mr. President, strictly speaking, there is no such thing as an interim order. It may be a notice to show cause. We do not know what the procedure that has been employed is; and at this moment I really cannot add anything more to what I have already stated. I leave the matter at large trusting to the spirit which, I think, ought to animate hon. Members of this House. My main policy has been outlined on two occasions in this House and I shall repeat it, that unless there are special and overmastering reasons, this Government is not anxious *in limine* to prevent any conference or meeting. That is my policy, and that is a policy in which I feel confident that my hon. Colleagues are at one with me. That being the policy, I leave it to hon. Members to judge whether I act up to that policy or not; and, if I do not, there will be occasions for condemning me for not acting up to my policy."

Mr. S. SATYAMURTI :—"In view of the statement of the hon. the Law Member, I wish, with your leave, Sir, to withdraw the adjournment motion and await developments."

The motion was by leave withdrawn.

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III

COMMUNICATIONS TO THE COUNCIL.

(1)

The SECRETARY laid on the table* proceedings of the meetings of the Public Accounts Committee for 1923-24 held on 15th December 1923 and 5th, 15th, 18th and 22nd March 1924, and the †Committee's report on the Audit and Appropriation Reports on the accounts of the Government of Madras for 1922-23.

(2)

The SECRETARY also laid on the table* proceedings of the 21st meeting of the Finance Committee for 1923-24, dated 17th March 1924.

IV

THE MADRAS LAND REVENUE SETTLEMENT BILL.

The hon. Sir ARTHUR KNAPP :—"I beg to introduce the Madras Land Revenue Settlement Bill and to move that it be read in Council.

"The genesis of this Bill is so well known to the Members of this House that nothing but a brief reference to it seems now necessary on my part. A suggestion that the general principles of assessment should be embodied in legislation instead of being left to executive order was made so long ago as 1909 by the Royal Commission on Decentralization. The Royal Commission went into no detail but instanced as points to be dealt with by such legislation the proportion of the net profits on the land which the Government should be entitled to take and also the period of settlements. It is not necessary now to refer to the discussions which followed this recommendation of the Decentralization Commission beyond saying that the Government of the day came to the conclusion that the balance of advantage lay in not tying the terms and methods of resettlement down too rigidly, but rather in leaving such elasticity as would allow of each settlement being specially adjusted to the needs and circumstances of the area under settlement. The introduction of the reforms, however, brought this question of giving statutory authority to the principles of assessment again into prominence. As the Council are aware, the question attracted the special notice of the Joint Select Committee on the Government of India Bill and it is as the direct result of their recommendation that I now introduce this Bill. It would be convenient, I think, as tending to make perfectly clear the position of the Government if the Council will allow me to read the paragraph of the Joint Committee's report which deals with this matter:

"The Committee are impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the peoples of India by executive action without in some cases any statutory limitation of the rates and in other cases any adequate prescription by statute of the methods of assessment. They considered that the imposition of new burdens should be gradually brought within the purview of the legislature and in particular, without expressing any judgment on the question whether the land revenue is a rent or tax, they advised that the process of revising the land revenue assessment ought to be brought under closer regulation by statute as

* Printed as Appendix on pages 75-82 infra.

† Printed separately.

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soon as possible. At present the statutory basis for charging revenue on the land varies in different provinces, but in some details the pitch of assessment is entirely at the discretion of the Executive Government. No branch of the administration is regulated with greater elaboration or care. But the people who are most affected have no voice in the shaping of the system and the rules are often obscure and imperfectly understood by those who pay the revenue. The Committee are of opinion that the time has come to embody under law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements and the other chief processes which touch the well-being of the revenue payers.

"It will be seen that the matters which the Joint Committee considered ought to be placed on a statutory basis were: limitation of the rates, the main principles on which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements and the other chief processes of settlement;—all those matters had been dealt with in the present Bill.

"I am aware that during the course of this discussion reference is likely to be made to certain circumstances in connexion with the evolution of this Bill and more particularly to the fact that at one stage the question of legislation was committed by Government to a Committee composed partly of members of this Council. What happened was this. The Joint Select Committee reported in November 1919. In April 1920 the Government called upon the Board of Revenue to draft a Bill to carry out the Joint Select Committee's recommendations. In March 1921 the Board submitted a Bill drafted in accordance with these instructions and suggested that, in view of the importance and intricacy of the subject, an officer thoroughly experienced in revenue systems should be placed on special duty for the purpose of elaborating it. The Government, however, instead of adopting this proposal decided to appoint a Committee to go into the matter and to make recommendations as to the lines on which the Bill should be drafted. The Committee which included five members of the Legislative Council began its sittings in June 1921 and submitted its report in September of that year.

"Although the Committee's report and the Bill which they drafted has never been made public—I am however having it printed now
11-45 a.m. for the purpose of placing it on the table of this House—it is an open secret that it contained provisions which have not been reproduced in the Bill which I now present. This matter was in fact referred to during the discussion upon the Bellary settlement in December last when Mr. Siva Rao, who was a member of the Committee, mentioned that one of the most important proposals of the Committee was that hereafter all resettlement proposals, or proposals for enhancement of the land revenue, should be placed for the positive sanction of the Legislative Council. That, Sir, as hon. Members will see when the report is published, is a perfectly correct description, for the Committee's Bill contained a clause (clause 12) which provided that the Local Government, after considering the recommendations of the Collector and the Board of Revenue and also public criticisms of the scheme report, should lay its proposals thereon before the Legislative Council which should be competent to reject or adopt or modify the proposals in such manner as it might think fit. It was provided that the Local Government should then pass final orders on the scheme in accordance with the Resolution of the Legislative Council. A somewhat

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similar provision was made in regard to the rules to be framed by the Government under the Bill. In the discussion on the Bellary settlement I got into some trouble by referring to these provisions of the Committee's Bill as being not only novel but revolutionary. I am afraid that on this point I am quite impenitent for I still say that the position which the Committee's proposals would have set up is entirely unprecedented. It will be observed that the power which it was proposed to give to the Legislative Council was an infinitely greater power than it possesses in any other sphere of its functions. While Legislative proposals have to go through the regular course of introduction, discussion in select committee and further discussion in the House and ultimately need the assent of the Governor, and financial decisions of the Council, even when they relate to Transferred department, are subject to the Governor's emergency power to authorize expenditure, in the matter of settlement it was proposed that a simple Resolution of the Council passed perhaps at a single meeting was to have final effect. I know of no Government in the world which commits such arbitrary powers finally to a single chamber and it is on this ground, altogether apart from the fact that the Committee's proposal would mean the complete abrogation of the powers of the Secretary of State and the Government of India conferred by Act of Parliament in regard to Reserved subjects, that we have found it impossible to adopt the particular clauses of the Committee's Bill to which I have referred. Instead we have made definite provision in clauses 12, 23 and 29 of the Bill which will give to the Legislative Council full opportunities for discussing a settlement or resettlement scheme or any rules which the Government propose to make before the scheme is approved or the rules are issued.

"One important provision has been incorporated in our present Bill which did not find a place in the Committee Bill. I refer to the proviso to clause 22 limiting the percentage enhancement at any resettlement to 18½ per cent. The reason why the Committee's Bill included no such restriction was that under their scheme the whole power of fixing the new rates was to be vested in the Legislative Council and the Committee held that the Council could be trusted not to sanction an excessive enhancement. But as that provision has been omitted the Government thought it proper, and it will probably be agreeable to the House, that the Statute which we are about to enact should contain a definite limit in this respect. I may perhaps mention that in fixing 18½ per cent as the maximum we were to some extent influenced by the fact that under the Estates Land Act a landholder is only permitted to raise his rents by 12½ per cent after twenty years. The corresponding limit for thirty years would naturally be 18½ per cent and it seems to Government a fair position that the powers of a private landholder and Government themselves in this respect should be assimilated.

"Although we are at present considering the general principles of the Bill, I may perhaps be permitted to refer, in connexion with this question of maximum enhancement, to a communication which has appeared in the press containing an appeal to the Members of this House to reject the Bill on the ground, apparently, that no legislation will be satisfactory which recognizes any increase at all in the present assessments. The writer describes the Bill as 'legalising the existing fleecing process' and proceeds to argue that assessments in Madras are already much higher than they are in the various Native States including Mysore. It is stated that the highest rate in Mysore is only half of what the Madrasi pays on his land. I congratulate the writer of that communication on the ingenuity which led him to take the highest rates in

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Mysore and Madras for the purpose of his propaganda. I have no information as to what the highest rates in Mysore are, nor does it seem to me that that is a matter of any great importance. I have however figures, the reliability of which cannot be questioned, showing how the *average* rates compare. That surely is a more reasonable and juster basis of comparison. If we take the average incidence of assessment on the cultivated areas in Mysore and if we compare them with the similar incidence in districts which adjoin Mysore, for example, Salem, Bellary and Anantapur, we get the following result. The average rate per cultivated acre in Mysore is Rs. 1-9-9; in Salem it is Rs. 1-12-2; in Anantapur Rs. 15-3 and in Bellary Rs. 10-9."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Including water-cess?"

The hon. Sir ARTHUR KNAPP :—"This is very far from supporting the suggestion that the Madrasi is paying double what the man in Mysore pays. Again, if we apply the test of assessment per head of population the average in Mysore is Rs. 2-1-2 and for the whole of the Madras Presidency, Rupees 1-13-8, or if we take the individual districts, Salem Rs. 1-15-10, Bellary Rs. 1-11-6 and Anantapur Rs. 1-3-0."

Mr. C. RAMALINGA REDDI :—"What about Tanjore and Kistna?"

The hon. Sir ARTHUR KNAPP :—"In Tanjore and Kistna the conditions are obviously different from those in Mysore. I only took the districts which are touching on Mysore."

Mr. C. RAMALINGA REDDI :—"Then why should he take Bellary?"

The hon. Sir ARTHUR KNAPP :—"Bellary adjoins Mysore."

"The figures relating to Madras instead of being double the Mysore rates as is asserted in the article to which I refer are really less than the Mysore rates. If there is any Member of the Council who is inclined to comply with the appeal made in the communication in question and to vote for the rejection of this Bill at its first reading, I trust that the figures that I have given will at least show him how dangerous and how inconsistent with his responsibility to this House and to the country it would be for him to accept lightly the arguments put forward in the communication to which I have referred."

"In other respects, apart from these changes, the Bill which I now place before the House represents the Bill as put forward by the Committee. It will need, I think, a certain amount of polishing up in respect of its drafting, but we have purposely refrained at this stage from making alterations of that nature. That can very well be attended to in the Select Committee."

"The provisions of the Bill reproduce generally the arrangements for settlement and re-settlement which are at present in force: that is, I may say, the definite purpose of our proposed legislation. Where there has been any change in the detailed procedure it has been in the direction of concessions to the ryots. I allude particularly to the provision made in clause 22 for permitting the Settlement Officer to make allowance for increased cost of living and of the ordinary expenses of cultivation. There is however one direction in which we are making what is undoubtedly a very important departure and that is in regard to the arrangements proposed for the assessment of land used for non-agricultural purposes. The substantive provision made in this respect is contained in clause 3 (ii) of the Bill, namely, that land used for non-agricultural purposes shall be assessed with reference to the

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use to which it is put. Under clause 9 the Settlement Officer is to base his scheme for the assessment of such land on the estimated rental of lands used for similar purposes in the tract.

"The problem how to deal in the matter of assessment with lands in urban areas has long occupied the attention of Government and has in one form or another been discussed on more than one occasion in this House. House-sites in towns are, as the House knows, granted subject to the payment of ground-rent. In villages, house-sites are by long usage granted to villagers free of assessment but in the case of assignments made since 1900 the Government have by a provision in the patta reserved the right to charge ground-rent should the village ever be declared a town. The view of the Committee in regard to this question is contained in their report. They considered that land, whether included in village-site or not, should be assessed to a different rate and on a different system according as it is used for agricultural or non-agricultural purposes. In the case of village-site lands they thought that non-agricultural assessment or ground-rent as it is usually called should be imposed on all lands used for non-agricultural purposes at the time when the Act comes into force whether or not the village has been declared a town. They did not, however, think that it would be equitable to render liable to assessment old village-site lands which had been assigned altogether free of assessment, while in the case of such lands as had been granted since 1900, they thought that in accordance with the provision in their pattas they should continue free of assessment until the village is declared a town. The Committee considered that the actual method by which ground-rents should be fixed should be left to be regulated by rules under the Act. I do not think it necessary at the present stage to detain the Council while I enter upon any more general discussion on this particular subject. As regards the principle, I have little doubt that the Council will agree with the Committee that the time has come for recognizing that we want a separate system for assessing non-agricultural lands, the old method of treating them as if they were agricultural being no longer appropriate. If the Council accepts this principle it is proposed, as recommended by the Committee, that the actual method of determining non-agricultural assessments in any particular area should be left to be regulated by statutory rules."

"I will say only one word more. I have seen it suggested in the press that this measure is being pushed through with undue haste and that insufficient time has been allowed since the Bill was published for a consideration of its provisions. Although I am quite well aware that hon. Members would have liked to have further time to examine the Bill and make up their minds as to their attitude towards it, I am entitled to claim that the House should absolve me from responsibility for any inconvenience that it may suffer from the shortness of the notice given. Ever since I took charge of the Settlement Portfolio at the end of October last, I have been faced with constant demands for the early introduction of the Bill and during the discussions which took place in December on the Bellary and Tanjore settlements, it was perfectly clear that the Members of this House were anxious that legislation should be proceeded with at the earliest possible moment. It was on the demand of Members of this House that I gave a pledge that a Bill would be introduced this session. I have managed, not without difficulty, to redeem that pledge. I should myself have liked to have had more time to deal with the matter and nothing is further from my desire or from the desire of Government than

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that this particular Bill—a very important measure both from the point of view of Government and of the ryot—should go through without adequate consideration. But after all, the Bill is a very simple one and the subject is one which I suppose is familiar to practically every Member of this Council. I think I have said enough to indicate the main principles on which the Bill rests, and it remains only for me formally to move that it be read in Council.”

The hon. the RAJA OF KOLLENGODE:—“I second it”.

Rao Bahadur C. V. S. NARASIMHA RAJU:—“The Bill now under consideration affects the vital interests of millions of population in this Presidency. In the Statement of Objects and Reasons it was stated:

‘in regard to assessment of land used for agricultural purposes, the Bill embodies only the existing principles which are set out in the settlement and resettlement manuals.’

“Is this what is recommended by the Joint Committee? In paragraph 11 in part IV of their Report it was stated:

‘the Committee were impressed by the objections raised by many witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action without in some cases any statutory limitation of the rates and in other cases any adequate prescription by statute of the methods of assessment.’

“This surely does not mean that the objection shall disappear soon after a maximum limit regarding resettlement is made and the existing rules of settlements and resettlements are cast into the form of clauses in a Land Revenue Bill. What they did recommend was that the imposition of new burdens, including land settlements and resettlements, should be brought within the purview of the legislation. This means that each additional taxation that is to be imposed hereafter does require legislative sanction. Since the report of the Joint Committee, there was great insistence on the part of this Council that there should be legislation regarding land settlement. It was expected that the Government would at last propose the principle of permanent settlement of all ryotwari lands and the imposition of an additional cess by legislative sanction to meet the additional demands of the State according to the exigencies of the administration. The principle of permanent settlement is not accepted. According to the Bill, the scheme for settlement or resettlement is to be laid on the table of the Legislative Council for a period of not less than two months when the Council is in session and the Local Government, after considering the recommendations of the Legislative Council, shall pass orders on the scheme as they deem fit. Does this provision give any satisfaction? Since the local Council was given the privilege of discussing resolutions, the Government is publishing the scheme reports regarding each settlement or resettlement and they are invariably discussed in the Council and recommendations made. This did not give any satisfaction to the public. What is required is that each settlement or resettlement shall hereafter be sanctioned by the Council and that it shall not be sanctioned by the executive. Unless and until this at least is conceded though not the permanent settlement, we cannot give our support. Mere laying the settlement scheme report on the table of this Council for its consideration and the consideration of the recommendations of this Council by the Government cannot be said to satisfy the recommendations of the Joint Committee which laid down that new burdens should be brought within the purview of the legislature. The Joint Committee while speaking about the land revenue system admitted that ‘no branch of the administration is regulated with greater elaboration or care’

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but distinctly stated that ‘the people who are most affected have no voice in the shaping of the system’. What does this mean? It only means that, however perfect the system may be from the standpoint of the bureaucrat, it is not one which was introduced with the approval of those who pay the revenue. What the Bill proposes is, as admitted in the Statement of Objects and Reasons, that all the rules of settlement and resettlement as embodied in manuals shall be based on a legislative basis. Can we as representatives of the mute millions set our seal of approval on these rules by this legislation? No. If we examine the recommendations of the Joint Committee in this connexion, we shall be in a position to come to the inevitable conclusion that the provisions of the present Bill are most unsatisfactory.

‘The Committee are of opinion that the time has come to embody in the law (1) the main principles by which the land revenue is determined, (2) the methods of valuation, (3) the pitch of assessment, (4) the periods of revision, the graduation of enhancement and the other chief processes which touch the well-being of the revenue payer.’

“Let us examine the provisions of the Bill under each one of these headings. I shall first take the main principles by which the land revenue is determined. Clause 10 (a) provides that

‘The acreage rate of assessment in lands used for agricultural purposes on any class or sort of soil shall not exceed one half of the value of the net produce of an acre of such class or sort of soil as estimated by the settlement officer.’

“Here we find that the settlement officer will have to determine the output of foodgrains in the various classes or sorts of soil by experiments and enquiry and the ordinary cultivation expenses and he will then determine the value of the net produce. The assessment shall not exceed half the net value. This appears to be highly objectionable. It was said that in 1864 that the Government’s share or revenue was fixed at half the duly ascertained net value. This was fixed by the bureaucrat who had no land interest and whose only interest was to gather taxes for the expenses of the State whose main function even to-day is to pay the bureaucrat. Baden Powell in his ‘Land systems of British India’ at paragraph 229 of part II while describing the Bombay system of fixing assessment rates states thus:

‘There has never been any attempt as (in theory) in the rule in Madras to fix first an average gross produce and then an average ‘cost of cultivation’ by deducting which a net produce for each class of land is arrived at.’

“I request you to specially note the words ‘in theory’ (Sir Arthur Knapp: Hear, hear) (Mr. C. Ramalinga Reddi: Hear, hear). All appears to be sound in theory but when we examine the practical result of it we feel disappointed. The result of this principle is described by Mr. T. V. Seshagiri Ayyar. Every one of those calculations is based upon the personal equation of the settlement officer. I do not want to go into the details of it. But the hon. Sir Arthur Knapp was not able to advance any convincing argument regarding the difference in assessment in Salem as compared with that obtaining in Mysore. The facilities for irrigation in Mysore are surely on a higher level than what we have in Salem and it cannot be said that that comparison is correct.”

Mr. C. RAMALINGA REDDI:—“What is the average rainfall in Mysore and Bellary, Sir?”

The hon. Sir ARTHUR KNAPP:—“It is not correct to say that the rates in Salem are higher than the rates in Mysore. I referred hon. Gentlemen to certain figures and based my argument on those figures.

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Rao Bahadur C. V. S. NARASIMHA RAJU :—We have to take into consideration that there are irrigation facilities in Mysore. Salem cannot claim to have such facilities. No margin is left for these personal equations and the State demands its pound of flesh regarding half the commutation of the net produce. The previous payment on the holding is not at all taken into consideration as is generally done in the case of settlements in Bombay. You must remember that 80 per cent of our population depend upon agriculture and it is the main industry of the country. Is there any country in the world where the State demands 50 per cent of the profits of any industrial concern as its share?

“Let us examine the method of assessment. Clause 8 refers to the method of assessment. The clause makes a distinction between factors and the points for consideration. I am not really able to find out the real distinction. The usual unhealthiness and the economic conditions of the tract and the local vicissitudes of season which were relegated to the position of being points for consideration do form the real factors in calculating the assessment. The main points that shall be factors in determining the assessment are the amount and incident of assessment, the remission granted and the climate, the agricultural skill and the actual condition of the cultivators. Almost all of them influence the agricultural economy of the country. It is highly necessary that these elements shall be taken into consideration in fixing the land assessment. The part which drainage plays in the case of wet lands is completely ignored in this clause.

“Then let us go to the pitch of assessment. This is to be found in the proviso to clause 22. Regarding settlements no maximum limit as compared with the assessment paid at the time of settlement is fixed. Even in the case of resettlement it is confined to cases of percentage enhancement. As a result of reclassification of soil or reclassification of irrigation sources, if there should be more than 18½ per cent enhancement, it is to be given effect to. The minimum limit is unduly high. It shall be extended to all cases. In no case it shall be more than 10 per cent. I am sure that every one in this House will agree with me when I say that the economic condition of the agricultural population of this Presidency will never be advanced as long as these periodical enhancements are to be insisted on by the State. Give up resettlements; let the people prosper. Then the State can devise new methods of taxation. I may probably refer here to a wise saying in Mahabharata where it is said that if you want to get milk from the cow you must give sufficient milk to the calf; it is the calf that should prosper if you really want to get the milk. If you do not give milk to the calf, it will die. In this connexion let us dispose of the question of graduation of enhancement. This is to be found in clause 19. When the assessment on any individual holding exceeds the amount of the previous payments of such a holding by more than 25 per cent, such excess shall be spread over a series of years. Why confine this to the cases of settlement? As a result of reclassification of soils or irrigation sources there may be an enhancement of 25 per cent in resettlements also. What objection there should be to extend the same principles to those cases I do not know. It may be noted that at the time the enhanced assessment is imposed either by settlement or resettlement all the extra profit is being enjoyed by the pattadar. When the State demands that he should shell out half of this extra profit his domestic budget will greatly be disturbed. Let me illustrate this case. Suppose a person is paying an assessment of Rs. 100 on his holding. At the time of settlement or resettlement he is getting a net

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profit of say Rs. 237-8-0, but of this net profit, instead of paying Rs. 100, he will be called upon to pay Rs. 118-8-0. A person who is utilizing for his domestic comforts Rs. 137-8-0 will be asked to reduce his comforts to Rs. 118-8-0. I ask: will this not constitute a great hardship on him? Has he not to forego some of his comforts which he was enjoying previous to the resettlement? Here the graduation of enhancement plays a great and important part. It is the duty of the State to see that the pattadar adjusts himself to the extra taxation. The clause provides that the first enhancement shall not be less than 12½ per cent. Whatever be the maximum limit of enhancement, I submit that the graduation shall be adding 1 per cent in each of the succeeding years until such maximum is reached. I am strongly of the opinion that these are the considerations that influenced the Joint Committee. If we read the recommendations of the Joint Committee regarding the graduation of the enhancement along with the succeeding phrase, viz., ‘other chief processes which touch the well-being of the revenue payers,’ the whole meaning will become clear.

“Clause 20 provides for the periods of revision. The term of a settlement shall ordinarily be thirty years. The Local Government, 12-15 p.m. with the concurrence of the legislature, may extend or shorten the term and it shall not extend to 35 years without the previous sanction of the Governor-General in Council. In view of the intentions expressed by the representatives of the people in the previous Council in favour of permanent settlement, the Bill ought to have provided for a longer period at least instead of sticking on to the old 30 years rule. This shows the indifference of the Government to the views of the peoples’ representatives and their unpreparedness to meet us at least half way. There are no provisions in the Bill which can be said to come under the general recommendation, viz., ‘The other chief processes which touch the well-being.’ As the Bill does not propose permanent settlement and as it does not at least provide that at least in the future all settlements and resettlements shall require legislative sanction, I feel it to be my duty to advocate the total rejection of the Bill. The provisions in clause 3 regarding the levy of assessment on village-site lands at the disposal of the Government, the method of fixing assessment on ground-rent thereon under clause 10 (b), the nature of lands made liable to assessment under clause 2 and clause 3 (1), the creation of personal liability on the successor or alienee for arrears of land revenue under clause 3 (3), the power reserved in very general terms in favour of the settlement officer for the conversion of wet land into dry in clause 16, the liability thrown on the ryot for the entire survey charges under clause 16 (4), the possibility created for giving retrospective effect to resettlement rates under clause 24, the non-enumeration of circumstances under which reclassification of soils and regrouping of villages can be ordered in resettlement operations in clause 25, the right reserved in favour of Government to order reclassification of irrigation sources without limiting it to cases when the improvement effected results favourably to the ryot in clause 21 are all novel features and are very detrimental to the ryot. The last recommendation of the Joint Committee regarding land revenue assessment was as follows:

‘The subject is one which would not be transferred to Ministers until the electorate included a satisfactory representation of rural interest.’

“This recommendation was made with the hope that the foreign bureaucrat who has no conflicting interest will better protect the interests of the

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ryots against the other vested interests. But this Bill is a failure to appreciate this recommendation and also to appreciate the real spirit in which the recommendation for gradual legislative control over land taxation is delineated in the earlier portion of this paragraph. For these reasons I oppose the introduction of this Bill."

The hon. Sir ARTHUR KNAPP:—"I should like to know if the various clauses referred to by the hon. Member refer to the Committee's report or the Bill itself."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The Committee's report has just been placed in my hands. I went through the dissenting minute of Mr. V. K. Ramanujachariar and I am glad he is in favour of doing away with resettlement and in favour of percentage enhancement coupled with permanent settlement."

Mr. J. D. SAMUEL:—"Mr. President, Sir, this Land Revenue Bill is a very important Bill and deals with a matter which chiefly concerns the ryot. I am glad that this House is made to think of the ryot by the Irrigation Bill and the Land Revenue Bill. When we say that we are going to do something for him the ryot would think that he would get something in the form of an Act instead of the executive rules. But when he opens and reads the Bill he begins to wonder whether he has not got a stone instead of a bread that he had hoped for. (Hear, hear and cheers.) But there is one thing we have got to consider and that is whether we or the ryot-population would be better by rejecting the Bill or by supporting it. That is a difficult matter and I believe the Council would like to know what the ryot, the real ryot who puts his hand to the plough, thinks of it. I do not think, Sir, that to talk in abstracts would serve any useful purpose. I wish to examine, with your permission, Sir, a few provisions of the Bill from the view point of the ryot and I believe hon. Members would like to know what a ryot thinks. I doubt whether this Bill even by amendments can be brought to perfection or even near perfection. I do not know what the rules of amendments are. In the matter of amendments I very often find that I am knocking against the walls. (Hear, hear.) If it is possible to bring this Bill into anything like a useful Bill in the interests of the ryot, certainly we should support it. If we cannot get an assurance from the hon. Mover that the Bill will be sympathetically dealt with and that amendments will be allowed in the proper way to change in a way the principle of the Bill I am afraid we will have to reject it. (Hear, hear.) This Bill is not going to be merely a taxation Bill. If it is so it will be a quite different matter. With regard to the way in which land values are to be estimated there are various provisions in the Bill. In section 8, for example, we are told that facilities for irrigation will be taken into consideration at the time of the assessment of lands. What about the facilities for drainage? A man may bring any amount of water and drink it. If he cannot pass it out what will happen? That is exactly the position in which many of the ryots in the delta are placed under. There is a lot of water especially from Kistna and Godavari, but if you cannot pass that water out what will happen?"

Mr. G. F. PADDISON:—"May I say, as one who dealt with the question of the settlement at Guntur delta, that allowance was made for drainage in the classification and if this allowance is not included in the Bill now, it will certainly be done later."

Mr. J. D. SAMUEL:—"The ryot will be pleased to hear that it will be included. The next point to be considered is section 22 which provides for

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resettlement. Even here, there is no question of drainage or irrigation facilities. These are not looked into because the raising of the percentage would be quite sufficient from the Government's point of view. With regard to drainage we have got an assurance. Let us go to the next point which the ryot will refer to and that is with reference to cattle. The question of the valuation of cattle is an unfortunate one. I do not know what it is in other parts of the Presidency. In our parts, our cattle cost from Rs. 300 to rupees 500 a pair. Of course you can get cattle from the Pittapuram market for Rs. 20 to Rs. 30 per pair. But these are no more useful than donkeys are. Really good cattle cost from Rs. 300 to Rs. 500 per pair. They are used at the time of sowing and afterwards at the time of harvest. During the intervening period of five and a half months we have to feed them. You should remember that the ryot has paid Rs. 500 for the cattle and calculates the interest on the amount. Under the system of commercial accounts you have to take into account what has been spent for feeding the cattle for the whole year also. We cannot kill the cattle as soon as the work is over. There is the depreciation which has also to be taken into consideration, and the other thing is you cannot get a market for the sale of the cattle at the end. These are things which the poor ryot has to face. If we do not care what he does with the cattle and make no provision for cattle, then I believe we are not going to improve the cattle of the Presidency although we may have any number of veterinary hospitals and any number of veterinary doctors. Unless we make a provision for cattle feeding, I do not think cattle will be improved. It will certainly be a great drawback. I do not know whether cattle feeding, etc., will be included in the term ordinary cultivation expenses. What are the ordinary cultivation expenses? That is where my suspicion comes. What does the word 'ordinary' mean? The hon. Member may say that it will be explained in the rules. I am afraid of these rules. Many of the pledges are broken by these rules. The rules are really troublesome. They are placed before the House for two months when the House is in full session. Many of us are tired and may never look at them.

"Then there is another important matter. It is manure. If you are not going to manure the land, you will make the land worse and deteriorated. You cannot get anything out of the land unless you put something into it. Every agriculturist will say it. If you do not include manure and to a certain extent take into consideration what manure ought to be used, i.e., the expenses of manure and things of that sort, your calculation is no calculation at all. The ordinary expenses should include this expense also. There is again the question of permanent improvement. It is clearly stated that the money spent on permanent improvements will not be taken into consideration. The Settlement officer is concerned only with the effect of the improvement for purposes of taxation and not with the money actually spent for bringing about that improvement."

12-30 p.m.

"Then, Sir, clause 10 (b) reads:

"The additional value which may have been imparted to the land by improvements effected at the cost of the pattadar shall not be taken into consideration in fixing the assessment thereon."

"Sir, this clause cuts at the very root of the interests of ryots. The position of the Government simply amounts to this: 'you improve your land, you do anything you please; but we only look to your produce: you produce so much and you shall pay therefore an increased assessment'. That is rather hard."

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Mr. F. NOYCE:—"Can the hon. Member give us any specific instances in which any ryot has had his assessment raised because of the improvements he made on his land?"

Mr. J. D. SAMUEL:—"We do not say, Sir, it has been done. We have made a number of improvements to the land. Suppose in 1924 I make some improvement to my land, and owing to this improvement in 1925 I get a larger produce from my land, the Government will come and ask me 'Oh, the amount of your produce is so much and therefore you must pay an increased assessment', without taking into consideration the cost of improvements made to the land."

The hon. Sir ARTHUR KNAPP:—"Perhaps, Sir, it may help the hon. Member if I elucidate this point. The fact is that at the time of resettlement we only proceed on a percentage increase. We are not taking any larger proportion though the money we take may be more owing to the rise in the value of the produce."

Mr. J. D. SAMUEL:—"I was referring to the initial settlement."

The hon. Sir ARTHUR KNAPP:—"I do not wish to enter upon a controversy on this question, because, as a matter of fact, it is purely of academic value. Initial settlements are all concluded except in the Agency tracts. The most important part of the Bill is that which relates to resettlement."

Mr. J. D. SAMUEL:—"I am not quite satisfied with this explanation, and I do not know how the poor ryot is going to understand all these differences. But supposing the Government say that they will not consider any improvements effected on land even in cases of resettlement operations, I think the ryots will think twice before they begin to make any improvements to their land."

"Sir, I do not attach much importance to book learning. Here it is a question of hard fact. The time has come when the townsmen must think of the condition of the rural population. But whatever that may be, the agricultural population, whoever they may be, ought to have already settled down on their lands. If they are ryotwari lands it is most convenient for the ryots to settle down on them and you cannot expect a ryot to improve his land if he is to be an absentee landlord or if he is to live in a village five or six miles away from his land. It is far better, and I think it will help him in every way, if he is to live on his land itself, if he can possibly do so. Instead of that, if you are going to say in Clause 3 that as soon as a ryot builds his house on his agricultural land it shall forthwith become a non-agricultural land, I think it is not for the improvement of the ryot population or the improvement of cultivable lands that you are making such a provision."

The hon. Sir ARTHUR KNAPP:—"I am sorry to interrupt the hon. Member. I am sure he would further his purpose better if he were rather more accurate in his interpretations. He must remember that the arguments which he is now using in the interests of the ryots should not on that score misrepresent the Bill to them. He said, if I understood him aright, that in the case of farm buildings the ryot should be enabled to build on his land and not charged for that purpose. If he will kindly look at clause 3 of the Bill, he will find that it reads thus:

'provided that the erection on land assessed for agricultural purposes of buildings required for the convenient or profitable use or occupation of such land for agricultural purposes shall not be deemed to be a user for non-agricultural purposes,'

and that therefore these lands are not liable to be charged at the non-agricultural rate."

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Mr. J. D. SAMUEL:—"No doubt, Sir, there is a provision made in the Bill enabling the ryots to build houses on agricultural lands which are not liable to assessment rate. But the phrase 'agricultural purpose' is rather a difficult phrase to be construed accurately, and considering the fact that all the courts from the lowest to the highest have found it very difficult to distinguish between agricultural and non-agricultural lands, it seems to me a very difficult matter to draw the border line between the two. Now, for example, let us suppose there is a piece of land consisting of 98 cents. Supposing a ryot wishes to build his farm house and also his barn on 98 cents of his land; I ask whether all the 98 cents would be free from non-agricultural assessment? Would the hon. the Mover of the Bill give me an assurance that all these 98 cents would be considered fit for assessment as agricultural land under the proviso?"

The hon. Sir ARTHUR KNAPP:—"It is open to the Select Committee to make the necessary alterations if there is any doubt as to the exact interpretation of these words."

Mr. J. D. SAMUEL:—"Then, Sir, with regard to manuring of lands I may say that the Settlement Officer knows nothing about it. He does not know anything about drainage, about the kind of crop that is raised and so many other things. I believe much improvement in the agriculture of our country can be effected if our Tahsildars and Inspectors are given also agricultural training. In a country where 90 per cent of its population are agricultural, these officers should be given agricultural training as they get training in surveying. Sir, I do not want to give you an address on this subject because it is another matter altogether."

"Now, Sir, as regards resettlement, provision is made that 20 non-famine years should be taken into consideration for the purpose of commutation. I ask why it should not be 30 years. Another point I wish to refer to is this. Suppose we have a famine in Bellary or Kurnool, are you going to take the rates in Kistna as the standard and fix the rate of assessment for Kistna according to that standard? Sir, nowadays we have the railway connecting one district with another and the famine in one district does affect the other districts also, so that in fixing the rate of assessment for a district during famine years this matter ought to be taken into consideration. The question of distance does not in any way minimise the evil effects of famine."

The hon. the PRESIDENT:—"I am very sorry to interrupt the hon. Member, but I have to impress upon hon. Members who wish to speak in the early part of the debate that several other hon. Members are anxious to participate in it. Perhaps the hon. Member being new to the Council does not know that we have allowed ten minutes for each Speaker and that he has exceeded his time."

Mr. J. D. SAMUEL:—"Thanks for the warning, Sir."

"With regard to the valuation of crops you fix the valuation as between September and March. What is the value of crops in November? It is Rs. 110 per candy. The value of crops between December and March is Rs. 50 or Rs. 60 per candy."

"I do not want to say anything more. With the assurance of the hon. the Mover of this Bill that the interests of the ryots will not suffer and that amendments will be made satisfactorily in the Select Committee I support the motion."

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Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to say only one or two words on the main question. Sir, we wanted a Bill about land revenue and we have it and it is suggested that therefore we must take it. Our ancestors anticipated this and wrote the story of the frogs and the stork. Now we poor frogs requested the God the Government to give us a good king in the shape of permanent settlement. He gave us a log in the shape of a promise to issue a Land Revenue Bill. We wanted a better king and we have got not a stork but a cobra with a number of fangs. The introduction of this Revenue Bill is quite analogous to this story.

"The hon. the Home Member has attempted to show that the one great new principle introduced by this Bill is the power taken under it by the Government to fix high kists for agricultural lands if they are used for non-agricultural purposes. Sir, if this provision is allowed to go in the Bill, it will produce dangerous consequences. I want the House to consider that, so far as the building of farm houses is concerned, the few clauses that have been inserted will not be changed. I take it that the Government will not allow us to move any amendment to check the whole provision in any stage of the Select Committee. Sir, if I am not mistaken, the hon. the Home Member said that there will be an interregnum during which somebody else will be in charge of his portfolio, and if somebody else were to assume charge of this"

The hon. Sir ARTHUR KNAPP :—"I do not think I said that I was not likely to remain in charge of this Bill."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Any way, Sir, so far as the dwelling houses are concerned, there is this dangerous thing, viz., that they will be subjected to high taxation under the provisions of this Bill. We have spent a lot of money on our patta lands by putting up costly buildings.

"For instance, a man may erect a ginning factory on his land; the settlement officer will come and say that it is not an improvement to agriculture and so it must be taxed. As for that tax itself, it may be anything, as the survey and settlement officers do not have anything to do with this Council, so far as these rates are concerned. The Council has not got any voice in taxing or changing the rates of that assessment. As I said, under the provisions of the Bill, the assessment can be cent per cent or even 1,000 per cent upon the factories that we erect on our lands. This is a warning to my European friends also who may find themselves in a similar position one day. They have got a number of coffee factories and tea factories and they will be taxed. I do not see many non-official European friends here except Mr. C. E. Wood and I am sure he will come to our support. I assure them that the planters in the Coimbatore and the Nilgiris districts will be very heavily affected if this Bill is passed into Law.

"Then as to selling months, one thing may be said. There is no fixed selling month. Poor ryots sell the produce as soon as the harvest is over. Rich ryots sell a few months later to get a high price but have to pay interest to their creditors. It will be better to base calculations on the prices in harvest months. It may be said that to some extent we are only getting the Board's orders converted into law but there is this difference. You may pass resolutions asking Government to change their order, but we know what the difficulties are in amending any Act.

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"Then it is said that the cost of the survey and settlement shall be collected from the villagers. Sir, till now, the charges for survey and settlement were included in the general budget expenses and the present provision is a new idea of charging the pattadars with the cost. The section says that the settlement officer shall have power to distribute the cost of the survey, etc., among the villagers concerned."

The hon. Sir ARTHUR KNAPP :—"May I draw the attention of the hon. Member to section 16 (iv) of the Bill?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"So far as this is concerned, survey is a portion of the settlement. Settlement is to make survey and demarcate, and survey officers are under the complete control of the settlement officers. This is a matter in which we are all concerned. It is the one matter which gives us the greatest trouble. I know the difficulties of resurvey. Survey officers never listen to our representations. They all do these things in our absence, and large sums of money by way of survey and demarcation.—I take this to be a part of settlement—are spent, and the poor ryots have to pay for it."

The hon. Sir ARTHUR KNAPP :—"I am afraid I must interrupt the hon. Member and correct him, because my hon. Friend told the House that the whole cost of the resettlement which was hitherto borne by the Government would in future be placed on the shoulders of the ryots. If my hon. Friend withdraws his statement I shall be glad."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am misunderstood. But I welcome the interruptions, only the time taken for them should not be included in my time."

The hon. Sir CHARLES TODHUNTER :—"Sir, since the hon. Gentleman welcomes interruption, may I ask him definitely to say that he no longer contends that because settlement includes survey, therefore survey includes settlement?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I never said that. In this Bill, settlement includes survey. Therefore survey charges form part of settlement charges."

The hon. Sir CHARLES TODHUNTER :—"Am I to understand that because settlement includes survey, therefore survey charges include charges for settlement? It is a little bit upside down."

Mr. C. V. VENKATARAMANA AYYANGAR :—"We can discuss that privately. There is no time for me to go into that. I shall not in any way, even with your indulgence, Sir, encroach upon others' time. Whatever the technical meaning may be, I take it, in spite of the interruptions of two hon. Members of this House, one leading the House and the other to lead, my statement cannot be challenged. It is a new principle to ask the villagers concerned to pay the charges of survey and demarcation connected with any settlement. Therefore this is a new taxation."

Mr. F. NOYCE :—"I maintain, and I do so without fear of contradiction, that no new principle of taxation is being suggested and no fresh charges for survey and demarcation will be made."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I would gladly take the contradiction if it comes also from one of the two leaders of the House."

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The hon. Sir CHARLES TODHUNTER :—"The hon. Gentleman has asked me to contradict him. I do so with the greatest possible pleasure."

Mr. C. V. VENKATARAMANA AYYANGAR :—"We will settle later on how far we are wrong. The difference is only in words. In any way the settlement officer under this Act is given the power to apportion the whole cost of survey and demarcation among the villagers concerned. I do say that this is a new principle."

"There is one other point, that I must enlarge, so far as principles are concerned. The prices of selling months are taken for purposes of assessment. The poor ryots sell, as I have already said, as soon as the harvest is over. Few people retain their grains for five or six months, because in August or September the prices of grains rise. The introduction of the words 'selling months' gives room for a large amount of trouble so far as the settlement officer is concerned and also will give rise to a large amount of litigation. This point seems to be an innovation so far as this legislature is concerned and I say it is a dangerous thing. Once you put it into the Act, difficulties will always be arising."

"There is one other point. We are given this 18½ per cent. This is a snake with a ruby in its head. We are asked to quietly accept this Bill so that there may not be much difficulty in future settlements. So far as Coimbatore is concerned, I do not think any resettlement is to come before 18 years. Probably Tanjore and Trichinopoly have been given as specific instances. They throw a poisoned crumb and say 'Here are your brethren of Tanjore and Trichinopoly suffering; accept the Bill; we will help them otherwise; we won't heed you.' Something is said about percentage enhancement of rates. I do not know what this means. I am not conversant with all the procedure of settlement. I do not think that in resettlement there will be any other rates except percentage rates. Section 22 (i) says 'Provided that where the variation consists in a percentage enhancement of the immediately previous rates, such enhancement shall not exceed 18½ per cent.' Some hon. Friends may have the view that there is a great blessing in this 18½ per cent. But why this blessing only in cases of percentage enhancement; there may be some other resettlement. So far as Coimbatore is concerned, I do not think there was any percentage enhancement. In any case, it was not more than 18½ per cent there."

Mr. G. F. PADDISON :—"Generally speaking there was no resettlement. Was there any reclassification?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"The answer is given by the hon. Member himself when he said 'generally speaking'. We have exceptional cases."

Mr. G. F. PADDISON :—"We have no exceptional cases."

Mr. C. V. VENKATARAMANA AYYANGAR :—"My own idea is that in some districts it may not be a percentage enhancement and there is absolutely no chance for any settlement for 17 or 18 years to come. From any point of view, there is absolutely no good in this Bill; in line after line and section after section, with some honourable exceptions, the Bill is full of poison. Therefore in the interests of our ryots—our ryots have not much time to enlighten us—we must oppose the Bill. Our ryots themselves have not much time to read this Bill. I do not know when it was published, if at all, in

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vernaculars. It is being rushed through as it were. I have received a few letters from my own friends in Coimbatore district and they say from a cursory glance at the gazette that this Bill should be thrown out. I say the Bill is extraordinary, the proceedings are extraordinary, and the gazette also is extraordinary—we must oppose it. My appeal is : Reject this Bill and a better Bill will come."

Diwan Bahadur M. KRISHNAN NAYAR :—"I wish to make one or two remarks with regard to this Bill. My hon. Friend, Sir Arthur Knapp, when he made the opening speech in introducing the Bill, said that the Revenue Board was asked to frame a Bill and they accordingly framed the Bill and sent it up to Government and the Government after receipt of that Bill appointed a Committee to consider the lines on which legislation should be undertaken. After referring to the most important recommendation of the Committee, he (the hon. the Home Member) said that that recommendation was—I am using his words—'revolutionary'. If I am wrong, I may be corrected. He also said that it was 'impossible' for any Government to accept that particular recommendation of the Committee. Those were the words used by him."

The hon. Sir ARTHUR KNAPP :—"I said for this Government."

Diwan Bahadur M. KRISHNAN NAYAR :—"Th anks. To show what value should be attached to the recommendations of that Committee, let us look at the personnel of the Committee. Sir Muhammad Habib-ul-lah, who was the Revenue Member, who is even now the permanent Member, who was also the Settlement Member, was the President of the Committee. The other Members were Mr. Macmichael, a senior Civilian Officer, who is personally my friend and who has been known to me for a very long time and who, I may say, is an expert in land revenue settlement matters, Mr. Boag, who was also a Settlement Officer and a Civilian, Mr. Todd, who was also another Settlement Officer, Mr. Lloyd, who was then a Revenue Secretary of this Government, Mr. Venkatanarayana Nayudu, the present Inspector-General of Registration, who was then Settlement Officer at Bellary, my friend Mr. Vasudeva Raja of Kollengode, who is now the acting Revenue Member of this Government, Mr. Siva Rao who is an old and experienced Member of this Council, Mr. Somasundara Mudaliyar, one of the richest landholders of this Presidency, who, whenever he spoke in this Council on land revenue questions, was listened to with great attention, and my friend, Mr. C. P. Ramaswami Ayyar, who was then the Advocate-General (laughter) and who is now a permanent Member of the Executive Council (ironical cheers) and who, I believe, is as much acquainted with revenue matters as any other Member of this Council."

"Another gentleman was Mr. S. T. Shanmukham Pillai of Tinnevely who was an honoured Member of this House in the last Council.

1 p.m. We have the highest esteem for his knowledge of Land Revenue affairs as he was a veteran in the Land Revenue department of this Government. Another member was myself. (Laughter.) Yet another member was Mr. Ramanujachari. With regard to him, I may say that practically he spent the whole of his long life in the Settlement department of this Government. Another member was the hon. Mr. Sivagnanam Pillai (cheers) who, before he was elevated to his present position—I am glad he has been so elevated—was for long a member of the Revenue Department and an

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experienced Deputy Collector. Then there is my friend Dr. Subbarayan who though young (cheers) possesses an old head on his shoulders."

The hon. Sir ARTHUR KNAPP :—" May I point out that the hon. Member has omitted to mention his own name among the distinguished members of the Committee."

Diwan Bahadur M. KRISHNAN NAYAR :—" I mentioned my name, but for obvious reasons I did not make any comment (laughter and cheers) though I have materials for making comments about myself. Now, what was the important recommendation that was made by this Committee? It was a unanimous recommendation. Of course there were some matters on which the members did not agree and with reference to those matters, some of us submitted dissenting minutes. For my part, I submitted a long dissenting minute for the purpose of making clear the desirability of introducing permanent settlement and other matters. With reference to the particular point referred to by my hon. Friend, there was, however, no difference of opinion whatever. The recommendation of the Committee was that the proposals of the Government for introducing settlement rates based upon settlement schemes, should be laid before this House and that this House should have the power of rejecting—I am using the very words of the unanimous report of the Committee as well as the draft Bill submitted by the Committee—adopting or modifying the proposals of the Government and that it is only when these proposals have been finally adopted and sanctioned by this House, they could be adopted ultimately by the Government. That was the unanimous recommendation. And now, my hon. Friend for whom I have very great respect says, and I am surprised to hear him say so, 'Oh no, this recommendation is revolutionary. This recommendation cannot be accepted by the Government.' I am really sorry that my friend, Sir Habib-ul-lah, is not here to hear him. (Laughter.) Does my hon. Friend, Sir Arthur Knapp, mean to say that a recommendation made by such a steady officer as Sir Muhammad Habib-ul-lah, can be considered as revolutionary? What is the circumstance that led the Government to say that the proposal of the Committee is revolutionary and that the Government cannot accept it? The hon. Mr. Ramaswami Ayyar is a Member of the Government and my friend Mr. Vasudeva Raja, though not a permanent Member, is also a part of the Government. The hon. Mr. Sivagnanam Pillai is also a part of the Government and Sir K. Venkatarreddi Nayudu—I owe him an apology for not mentioning him—was a Member of the Government and a Member of this Committee. He was a party to this unanimous recommendation."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" A word of personal explanation, Sir. I had my own views and that is why I did not sign it though I was a member of the Committee. The portion of the recommendation referring to the powers of this Council, viz., that all parts of the scheme should be placed before the Council and the decision of the Council should be final, was agreeable to me." (Laughter).

Diwan Bahadur M. KRISHNAN NAYAR :—" We know what amount of knowledge, Sir K. V. Reddi, brings to bear on these points. I was referring to the composition of the Government. The Government which at present consists of three members who are parties to the recommendation, the Government which consists of three members who are signatories to this recommendation, my friend Sir Arthur Knapp representing that Government, says that that recommendation is revolutionary. If he had said

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that the Government minus these three Members, I would have accepted it. (Laughter and cheers.) Of course we do not know the secrets of the Cabinet. We do not know what the opinion of the two Ministers, the hon. Mr. Sivagnanam Pillai excepted, are. But, whatever it is, if the hon. Sir Arthur Knapp had said that this Government, minus these three Members, cannot accept the recommendation of the Committee, it would have been correct.

"I shall refer again to another recommendation of a similar nature, regarding the rules which are to be framed under section 28."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Rules have to be framed under ten or eleven sections."

Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend will excuse me. Section 28 is the only one under which rules have to be framed. Referring to that section, the Committee again made a unanimous recommendation. That recommendation was that—

'rules ought to be framed and laid on the table of this House when the House is in session for a period of two months.'

'This Council can annul the rules or any of them or make modifications in them as they may think fit and the rules as subsequently adopted by this Council should be accepted as final rules by the Government and then they are to be published in the Fort St. George Gazette. Then they will come into operation.'

"Now, my hon. Friend has very rightly stated both in his speech and in the Statement of Objects and Reasons, that the Bill is only a codification of the existing principles embodied in the Resettlement Manual. So, if these principles which are sought to be codified by this Bill are already there, we do not gain anything. No new power is given to the Council and to the people with reference to the settlement. The only new provision in fact is this, that it is only with the sanction of this Council that the rules should be framed. That, in the words of the report of the Joint Committee, gives this Council power over settlement affairs. The substance of the Joint Committee's Report is this: revenue affairs should be brought within the purview of the Legislative Council. But how can this be done without the Legislative Council having any voice whatever? I know that under this Bill the Legislative Council can recommend, and I also know how those recommendations are treated by the Government. Quite recently, for instance, this Council by an overwhelming majority stated that no regrouping of villages should take place, and that the villages already regrouped should be separated. We know how the Government have treated that recommendation. For that matter, many other recommendations passed by this Council have been treated similarly. So that this provision in the section is absolutely useless. It says:

'the views of the Collectors, the opinion of the Revenue Board and the recommendations of this Council may be considered'.

Of course, they should be considered. They will be considered and treated as of no value whatever. Therefore, unless these two principles, viz., that the proposals as made by the Government are to be accepted by this House and that the rules also should be ultimately approved by this House, are upheld by this Bill, I am afraid I cannot support the motion. I have bestowed a great deal of attention on the Bill and I have given very anxious consideration to the way in which I should vote on it. I disagree with it in

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many respects, though I also agree with it in many respects. To my mind there are no new principles introduced in the Bill. Unless these two principles which I have mentioned are in the Bill, it is absolutely useless to enact this law. What I originally intended to do was if my hon. Friend, Sir Arthur Knapp, in his final speech said that he would consent to our recommendation in regard to these two provisions, to give my vote in favour of the Bill. But after hearing him saying that these are revolutionary recommendations and that the Government cannot accept them, it is impossible for me to give my support to it. So that, I am sorry I have to vote against this measure. (Cheers.)

"As several hon. Members want to speak, I want to say nothing more. From some of the answers given in the Imperial Assembly in Delhi, I was under the impression that it was the Government of India which threw out the unanimous recommendations of the Committee. I now see that it is my hon. Friend and this Government who threw out those recommendations. Whoever it is, whether it is the Secretary of State or the Government of India that is responsible for the deletion of the recommendations of the Committee, it is not binding upon this Council, particularly in a matter like this which affects the well-being of every ryot in the country. In spite of the fact that this Bill contains many especial provisions seeing that the recommendations of the Committee I have referred to are not there, I must vote against the Bill and must ask all my hon. Friends in this Council very respectfully to do likewise. With reference to my hon. Friend Sir Arthur Knapp's reference to Mr. Seshagiri Ayyar, I may say that with regard to my vote I am not in the least guided by what he has stated. I think for myself I do not treat this as a party matter at all. I would earnestly request all my hon. Friends, having regard to the weighty and unanimous opinion of an influential and important committee and of the officials who took part in that Committee, to vote against this measure. I think that it is in the interests of the country that we should vote against it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, I would begin by saying that though a Bill for the resettlement of land revenue is brought before this House, public opinion on this question is not a bit changed. It stands where it always stood, namely, in favour of a permanent settlement. The country is against periodical revisions and enhancements of the rates which do not allow for what people have actually spent on their lands. This question of permanent settlement is not left alone by the people. If we come with that proposition the hon. the Finance Member will say, 'How are we to find money for the increasing needs of the nation-building departments?' (The hon. Sir Charles Todhunter: 'Hear, hear'). But what several hon. Members here and responsible persons outside ask is this: 'What is the object of this pin-pricking method of going to the landholder every 20 or 30 years, or 35 years as it is now proposed, and institute an enquiry as regards the rise in prices, the rise in the quantity of grain produced, and so many other things, and making the poor ryots, who have invested all that they have on their lands pay not only for the actual yield of the land but also for so many other things?' That is what they ask. On the other hand, if more money is wanted, I would suggest that a sort of income-tax or cess on agricultural incomes over a certain figure may be adopted. We now collect income-tax on other sources of income; it might be extended to income derived from agricultural

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sources also. For instance we may enact that agricultural incomes over say Rs. 2,000 are also liable to taxation. That will serve our purpose."

The hon. Sir CHARLES TODHUNTER:—"Might I ask the hon. Gentleman how that money will come to the Provincial Government? Will it not go to the Government of India?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"You may not call it 'income-tax.' You may call it by some other name, say some agricultural cess. The Government of India wants only the income-tax from sources other than agriculture. I do not think that by merely calling it 'income-tax' we will be losing the money to the Government of India. But I want to make this point clear, namely, that opinion in the country is strongly against this periodical revision and enhancement, and it earnestly desires permanent settlement."

"So far as this question of periodical resettlement is concerned the hon. the Home Member himself and those who followed him have all stated what the principle ought to be. It is enunciated in the Select Committee's report, which says that the enhancement of taxation should be brought within the purview of the Legislative Council. But merely getting the sanction of the Legislative Council for the processes to be followed in resettlement is not bringing the enhancement of taxation within the purview of the Legislature. All that is sought to be done now is to enunciate the processes that are to be followed in resettlement. The question of fixing the enhanced rates, etc., are left as hitherto in the hands of the Executive, while that is a thing which ought to be brought within the purview of the Legislature. This Bill does not even try to do that. Even in the processes several matters are left to the rules. Many matters which will be settled by rules are quite as important as matters for which provision is made in the Bill itself. The Bill makes a difference between matters which may be taken into consideration and the factors which ought to be taken into consideration. I do not know exactly the value that will have to be attached to these separate sets of matters and factors referred to in clause 8. After enumerating the factors, the Settlement Officer has to take into consideration some other matters. It seems to me that the matters mentioned in the latter part of the clause, namely, the vicissitudes of season, the value of the land, and the economic condition of the tract are quite as important, if not in some respects more important than those factors which are mentioned in the early part of the same clause for the consideration of the Settlement Officer. All these matters are to be settled by executive rules and the rules are to be placed before the Legislative Council. What is the value of the recommendation of the Council in such matters when it is left to the sweet will of the Executive to accept these recommendations or not just as they please?"

"Then with regard to the crucial matter of bringing every enhancement within the purview of the Council, the same principle was recommended by the Committee appointed by the Government themselves. We know how these Committees are appointed. Government always try to get men whose antecedents they know as far as possible." Of those who composed this particular Committee, for instance, eight men are officials at present, two are Members of Government, four, members of the permanent Civil Service and two, temporary members of Government. Besides, several of these gentlemen have been Settlement Officers in the Presidency. Then we have got the

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non-official side. Eight out of the fifteen members are gentlemen holding offices under Government. Out of the remaining seven it so happens that three are retired Government servants, two retired Deputy Collectors, and one retired Settlement Officer. So we find that out of fifteen people in the Committee eleven are either Government servants or people who have been in Government service. Only four were got from outside. The Committee, the composition of which I have just described, made a recommendation that the settlement proposals should be placed before the Council. When a committee consisting of eleven members so intimately connected with the Government, and only four non-officials came to such a conclusion, it is not very difficult to see that these four members could not have made the other eleven agree to a proposal which has just been described by the hon. the Home Member to be revolutionary. When eleven officers of the Government have sent a report like this, I do not know whether we can really go behind that and now say that the Bill ought to be accepted without that recommendation. The Bill must contain this important section recommended by the Committee, namely,

'The Local Government after considering the recommendations of the Collector and the Board of Revenue and such public criticisms as may be made on the scheme framed by the Settlement Officer, shall lay its proposals thereon before the Legislative Council. It shall be competent to the Legislative Council by its resolution to reject, adopt or modify the proposals of the Local Government in such manner as it may think fit. The Local Government shall pass final orders on the scheme in accordance with such resolution of the Legislative Council.'

"Under this section the Legislative Council is to be the final authority on this matter of resettlement proposals. That is only as it should be. If we are going to develop the principle of responsibility, the question of taxation ought to be the first thing that ought to come within the purview of the Legislative Council which represents the people. It is crucial that the Government should accept the recommendation of the Committee appointed by itself, and place all re-settlement proposals before the Legislative Council for final decision. Besides, there are so many other defects in the Bill which can be rectified. Unless this question of executive order and sanction of the Legislative Council is settled, it seems to me unnecessary to go into the other provisions of the Bill. There will be no advantage in it. The representatives of the people are of one mind that this principle enunciated by the Committee cannot be given up."

The House then adjourned for lunch.

After lunch (2-30 p.m.)

MR. F. NOYCE:—"I have, to my great regret, during the last day or two, been deprived of the proud position of being the most junior member of this House. I am now only the youngest member but one in point of standing though not, I am sorry to say, in point of years. India has always possessed a special reputation for kindness to the young and I trust that this House in accordance with that benevolent tradition will extend a double measure of indulgence to me. For it is not at all an easy matter for an unpractised speaker like myself to get up and maintain a position in the face of the many eloquent speakers on the benches opposite. To my regret, I was not a Member of the Committee by which the original Land Revenue Bill

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was drafted and I have not therefore the advantage of a testimonial from my hon. Friend, Mr. Krishnan Nayar, as to my qualifications to speak on the subject. But, in all modesty, I can claim to speak with a certain amount of authority on this question for I have been, for the greater part of my service, very closely connected with the Revenue Department, first as a Settlement Officer and Under Secretary to that department in this Presidency and subsequently as Under Secretary to the Government of India in the same department, and last, but not least in this connexion, as a Member of a Committee which was appointed by the Government of Burma to investigate the land revenue system of that Province and to suggest modifications and improvements in it. I state this latter fact as it has a bearing on conditions in this Presidency in that the Members of the Burma Land Revenue Committee who came here to inspect our land revenue system were very greatly impressed by the care and trouble taken by Settlement Officers and under the settlement system generally to ensure that an equitable land revenue assessment was arrived at. I may frankly confess that they thought that we were, in Madras, if anything, too meticulous. As a result of their deliberations, they made recommendations to the Government of Burma suggesting that in many particulars alterations should be made, the effect of which was to bring the Burma system more in consonance with ours, for I need hardly remind this House that Burma like Madras is a ryotwari Province. One hon. Member has stated that the Government in pressing this Bill on the House are giving the ryot a stone instead of a bread. I would remind this House of another proverb, which is, that half a loaf is better than no bread. Sir, the principles of the Madras Land Revenue administration have at last been embodied in a Bill which brings this Province into line with other provinces in India. It seems to me that this Council has at last something on which to bite, so to speak, and that that at any rate is a very great advantage and one which can be turned to even greater advantage in the future.

"Now, Sir, as I understand it, the objections to the Bill fall under two main heads. I leave out of consideration the passionate eloquence of my hon. Friend, Mr. C. V. Venkataramana Ayyangar, on behalf of the land owner who gets agricultural land at a low assessment and is able to build on it houses which he can let at high rents to impoverished Government servants. His objections on that point can, I think, be met without much difficulty in Select Committee. The two main objections to the Bill are, firstly, that it does not embody the principles of a permanent settlement, and, secondly, that this House has not been given the final word in dealing with settlement questions. I do not propose to traverse the argument in favour of a temporary as against a permanent settlement. The arguments on both sides of that historical question would fill many volumes. But I feel bound to say that the present seems hardly the time to introduce a permanent settlement in this Presidency, for, as we all know, conditions are changing rapidly. We are in a state of transition and I think it would be a great mistake on the part of this House to bind its successors in such a way. I should have thought, Sir, that in this Province the disadvantages of a permanent settlement were very obvious. We have been suffering for at least three years past under those disadvantages. They have however not arisen from a permanent settlement in this Province, but from a permanent settlement in a neighbouring Province for which we have had to pay through the nose. We have heard it maintained

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that the disadvantages, if there are any, that attach to a permanent settlement could be remedied by an agricultural cess, that is, by a cess on agricultural incomes which presumably would be varied year after year. I cannot but think that the ryot in this Province would be of opinion that if we substituted this for the present system, we should be giving him a stone instead of a bread. It simply means that instead of knowing exactly where he is for 30 years at a time, he would be subject to varying taxations year after year.

"The second objection, as I have said, is that this Bill does not embody the principle of entrusting this House with the final word on all settlement questions. I am not in the counsels of the Government on this point and I have no knowledge of the reasons which have prevented their accepting the views of the Land Revenue Committee on which my hon. Friend, Mr. Krishnan Nayar, laid so much stress. But there is just one consideration that I wish to put before this House in this connexion and that is this. In dealing with these settlement questions, the House should bear in mind that what is being fixed is a settlement which is to remain in force for thirty years and it seems to me that it is most desirable that there should be uniformity in this matter. It is necessary to make certain that the ryot in one district should be treated in the same manner as the ryot in another and it is for this reason I think that there is much to be said for leaving the final decision in the hands of the Government. It is somewhat presumptuous on the part of one who is still one of the youngest Members of the House to say anything that would cast the smallest doubt on the competency of this House to decide such questions. But I do think it possible that in years to come it might not take such a reasonable view as it would now, and it seems to me that there is a great risk that at one moment in dealing with one settlement the House might feel in a generous mood and fix the enhancement accordingly whereas, a year or two later, it might do exactly the opposite. I therefore maintain that there is much to be said for leaving the decision in the hands of the Government. The effect of this would be to ensure an entirely uniform policy in this matter and to ensure that the ryot in one district receives at one time exactly the same terms as the ryot in another district at another time.

"One more point that I should like to refer to before I sit down. My hon. Friend, Mr. Samuel, as I understand him has held that clause 10 (b) of the Bill was of no use. This clause reads.

"The additional value which may have been imparted to the land by improvements effected at the cost of the pattadar shall not be taken into consideration in fixing the assessment thereon."

"I entirely fail to understand his objection. I fail to see how a definite promise to the ryot embodied in the Act that no account would be taken in fixing the assessment of any improvements effected can be considered of no use."

Mr. C. RAMALINGA REDDI :—"May I ask my hon. Friend whether that promise is not already contained in the Government of India despatch of 1902 on the land revenue policy and whether it has been found practically to work out, I mean not taxing improvements?"

Mr. F. NOYCE :—"I maintain that that policy has been fully and fairly carried out in this Presidency and that there has been no departure from it. I was about to say, Sir, that I could not see how such a definite promise

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embodied in the Act that improvements should not be taken into account in fixing the assessment can be held in any way to prevent the ryot from making such improvements. I may say that I was Under Secretary to the Government of India at a time when the settlement schemes from all provinces came for scrutiny and one thing that I always felt proud of was that in this matter of agricultural improvements, the Government of Madras had always taken such a liberal view as compared with that held in the northern Provinces of India. There never has been any doubt on this question of taxing agricultural improvements but even if there were such a doubt it is now dispelled once for all by the incorporation of this provision in the Act. I therefore venture in conclusion to ask this House seriously to consider before rejecting this Bill whether it does not give them something substantial to go on and something that can be turned to the best advantage from the point of view of the Members opposite."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I just make a personal explanation, Sir, with reference to what Mr. Noyce was saying? He seemed to have felt what I said as having been said against him on account of his age in this Council. All that I said was that in view of the important nature of this Bill, it would be better if leaders of the Government made what may be called admissions on behalf of Government. This I said in view of the fact that some admissions are explained away afterwards. I may say I have got the greatest respect for Mr. Noyce."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Mr. Deputy President, Sir, before I offer my remarks on this Bill under discussion in this House, may I take this opportunity of congratulating my hon. Friend on the maiden speech that he has made? The Council would very soon find him to be a great acquisition. My association with him, though for a short time, has convinced me that either in the Secretariat or in the Government, if there is any officer of his position and rank, it is Mr. Noyce that can be counted as a true friend of India (Hear, hear).

"Now, Sir, to come to the Bill and our objections to it, if we are prepared to throw out the Bill, these objections are not based on the fact that we do not want it at all. In fact before the Decentralization Commission and before the Joint Committee of Parliament, representatives of this country prayed, pleaded, implored and begged for a Bill in which the principles of taxation concerning land must be incorporated. But certainly it was not a Bill of this kind that was expected by them (hear, hear). Another point which I should like to mention at the very outset is this. Let not the Government understand that our criticism is directed against the present Member or the present Government, for we know that they sent up a Bill, a copy of which was handed over to us to-day, to the higher authorities, and if that Bill comes to us mutilated and disfigured beyond all recognition, though the hon. Member said that it was only a small part that was so disfigured or mutilated, this Government is not responsible. If, Sir, that was done, I know this Government is not responsible . . ."

The hon. Sir ARTHUR KNAPP :—"May I ask, Sir, how any hon. Friend comes to know that we sent up this Bill to which he is referring to the Government of India?"

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I thought that a copy of it was sent to the Government of India, Sir. I think it was Sir Habib-ul-lah that stated that he was sending up the Bill to the Government of India."

The hon. Sir ARTHUR KNAPP :—" I understood the hon. Member to have said that it was the Bill he was referring to that was sent up to the Government of India. I am not quite sure what the interpretation is which he puts on the words 'sent up'."

Mr. C. RAMALINGA REDDI :—" Was not the Bill sent up ?"

The hon. Sir ARTHUR KNAPP :—" I want to know firstly what the hon. Member means by 'sent up'."

Mr. C. RAMALINGA REDDI :—" Submitted to the Government of India for sanction."

The hon. Sir ARTHUR KNAPP :—" This Bill was not submitted to the Government of India for sanction."

Mr. C. RAMALINGA REDDI :—" Was any other Bill of the Madras Government sent up to Delhi ?"

The hon. Sir ARTHUR KNAPP :—" Yes, Sir, the Bill which I am now introducing was sent up to Delhi. That is exactly my point. The use of the words 'sent up' carries a double meaning. There is no reason to suppose that the Bill did not come to the notice of the Government of India, but it was not 'sent up' in the sense in which the hon. Member was using that expression."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I was not quite cognizant of the technical meaning of that expression, Sir."

The hon. Sir ARTHUR KNAPP :—" My hon. Friend Sir K. V. Reddi said that that Bill was 'sent up' for sanction. May I ask him to say what he meant ?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" That the Bill was submitted to the Government of India for sanction? That is entirely my meaning."

The hon. Sir ARTHUR KNAPP :—" That is what I was going to point out. That is not correct."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Well, Sir, I will not say that it was sent up to the Government of India for sanction. In any case, I take it that the Government of India were not in favour of the Bill which was accepted by the Committee and sent to *this* Government by that Committee. The very fact that that Bill is not before us and that something different is before us leads one to believe that it is not the Government which is moving the present Bill that has rejected the old Bill, but some other authority."

The hon. Sir ARTHUR KNAPP :—" I am afraid that the inference which my hon. Friend draws is entirely without foundation."

Mr. S. SATYAMURTI :—" May I draw the attention of the hon. the Home Member to this statement of Mr. A. Rangaswami Ayyangar, M.L.A. :

'Mr. Butler . . . in answer to another question put by me on another occasion refused to say categorically that the Government of India had sanctioned the Land Revenue Bill as originally sent up by the Government of Madras and he refused to make a statement to the House,

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much less lay the connected papers on the table of the House, indicating what particular alterations or instructions were issued by the Government of India to the Madras Government in respect of this Bill."

The hon. Sir ARTHUR KNAPP :—" Yes, Sir, I am quite aware that the Government of India very wisely refused to lay the papers on the table, and Mr. Butler's refusal to make any statement that the Government of India sanctioned the Bill originally sent up by the Government of Madras shows the fact that the Bill was not 'sent up' to the Government of India."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" In the extract just now read out the words 'sent up' occur. So the words may be taken to mean what I was saying just now. However, apart from these arguments, when we pleaded before the Decentralization Commission and before the Joint Parliamentary Committee for a revenue Bill, we expected, Sir, that something would be done and something would be placed on the table of this House for its approval, something from which the people of this country, the ratepayers and taxpayers would be benefited. Now, Sir, what is it that we have got from the present Bill? There is not the slightest modification from the Settlement Manual or from the Resettlement Manual. It is admitted, I take it, that what is now before the Council in the shape of a Bill is a reproduction or a summary of the process or processes or procedure adopted at present in the districts whenever a settlement is undertaken. Now let me say that this was not what we expected or asked for. We expected, believers as we were in the fact that this is perhaps the only country in which taxes are gathered mostly from land and from one other source, namely, abkari, some relief in this direction. It will be remembered that out of the 16 or 17 crores of rupees that are collected from this province, something like 7 crores of rupees are collected from land alone. To be more accurate, I would give the figures to show how much is being collected from land. I find that the land revenue of this province is Rs. 7,47,00,000, out of a total revenue of Rs. 16,58,00,000, or a percentage of 45 out of the total revenues. And now, may I ask the hon. Member whether there is any country in the world which depends upon its land revenue to such an extent as that. If so, when a Bill of this kind is coming up before this House, I want to ask whether any attempt has been made to equalize taxation, to lessen the burden of taxation on the people of the country from this source. Then again, Sir, it is admitted and in fact from some papers placed on the table of the House it will be seen that the incidence of taxation so far as land taxation is concerned is the highest in this province, for the whole of India. The hon. Member, I think, said that the incidence of taxation in Madras was only Rs. 1-13-0. But from a paper that was placed on the table of the House, I remember the figure given was Rs. 2-8-11, whereas the incidence in Bombay was only Rs. 1-5-7; in the United Provinces it was Rs. 1-13-11; in the Punjab it was Rs. 1-8-6; while in the Central Provinces it was As. 10."

Mr. F. NOYCE :—" May I just explain, Sir, with reference to the hon. Member's figures, that they have to be considered along with other factors. One is that here in Madras we have a consolidated system of assessment for wet lands, whereas up in the north they have a separate charge for the use of water for irrigation. That accounts for the fact that the pitch of the land revenue assessment is higher in this province than in others. The reason why it is higher than in the neighbouring ryotwari province in Bombay is

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that Bombay has no such large irrigation schemes as we have here. So that when comparison is made with other parts of India, the irrigation charges also should be considered."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I quite understand the point raised by my hon. Friend, but let me say what the taxation is that is levied on land. That the land-tax in other provinces excludes the irrigation cess is no doubt in his favour. But there are provinces in the country with very little irrigation. In the province of Bombay there is very little of irrigation. Considering all the figures, it will be seen that the incidence of taxation in Madras is high. My point is this. In a Bill of this kind we expected that something would be done in order to reduce the taxation on land. My first objection to this Bill therefore is that there is nothing in this Bill which enables this Council or this Government to try and reach a certain stage when the burden of taxation will not be so great as it is now. And that is not all. Whenever there is a question of finding money for any purpose, land is found to be a very convenient source. Of course, land is already surveyed. The diglott register is there. It gives the number of the land and the amount of the tax thereon, and it would be very easy for the karnam to calculate at so much per acre, say at the rate of one anna per rupee. Now, that there is this facility to collect land revenue the basis for almost all cesses is taken from land. If it is the local board cess which is one anna in the rupee, it is land that is taxed; if it is railway cess of three pies in the rupee it is land that is taxed; if it is the educational cess it is the land again that is taxed, and if there is any special cess under any other Act then again it is land that is taxed. Now what I want to place before this Council is that in view of the fact that it is only in this province and this province alone that the main bulk of revenue is being drawn from land and from no other source, hon. Members of the House will see how far it has affected the economic condition of the people of this part of the country. Is there any other country in the world, I ask, which is so chronically indebted as this province of Madras? And how do you account for it? I have great regard for the British Government in India. They have given us peace, security of property and safety of person, and while they were perfectly willing to do all that kind of thing for us, they never attempted to improve the economic condition of the people. Here is an opportunity for something being done in that direction, and that has not been done. That is my first objection to this Bill. I do not wish to trouble the House with figures, but what I want to say is that the only other source of revenue that is of any great value in this country is the abkari revenue. So that we know that the Government in this country is maintained on the land revenue which affects the economic condition of the people and on the abkari revenue which affects the morals of the people. It is upon these two sources of revenue that the stability of the Government is based, it is upon these that the maintenance of the Government rests. I ask in all fairness are these two to be the only sources of revenue for finding money for purposes of Government? I do admit that Government needs money if the economic condition or the material well-being of the people is to be improved. But what I wish to say is that land having been the only source from which they can secure money, they have not found any other source of revenue except this land. Now, seeing that these two things are not found in this Bill, we at least expected that something would be done in the way of permanent

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settlement. May I bring to the notice of this House that it was only in December 1921 that this House by a large majority passed a resolution urging permanent settlement; 65 voted for the resolution, only ten voted against it, and the hon. the Ministers remained neutral to show that they were in favour of the resolution. And we find that not only is there no mention in this Bill, but that there is not the slightest possibility of working or utilizing the provisions of this Bill even for the future in order to get permanent settlement. Now, I ask, having committed itself to that position only two years ago, if we pass this Bill as it stands, will it be open to any Member of this House even to hope in future at least that he will have permanent settlement in this province? Now that is the point. As regards the permanent settlement, or the possibility thereof, if it should be supposed that permanent settlement would curtail the revenues of this province, so that future progress would be impossible, then one would have expected that at least the old Bill should have been given effect to, I mean the old Bill that was sent up to this Government by the committee. Even if that Bill was before the House, it would have been easy enough to see our way to support it. Now, what is there in its place? Hon. Members would see, as stated by the hon. Member in charge, that very important changes have been made in that Bill.

"The Bill comes back to this House with only two or three changes, one, an omission and two additions: The omission in the 3 p.m. Bill, Sir, is in section 12. The old section 12 provided that after the scheme is prepared, it is to be placed on the table of the House, and this House was given power to interfere with it, alter its terms, to recede from or add to those terms, and the decision of this House was held to be final. Now, what do we find? That section goes out and other two sections are introduced in its place, sections 12 and 13. We are told that the scheme will be placed on the table of the House. But the result is that even though this House will be at perfect liberty to pass any resolution it likes, that resolution will be considered by the Government for what it is worth. In other words, this Council is reduced to the position of, say the Finance Committee, or the advisory committees which are now attached to certain departments, whose recommendations are only recommendations and can never have the effect of law. I ask in all seriousness whether this House, containing representatives of the people who are paying the bulk of the taxes in this country—for, I take it about 60 per cent in this House are returned by the general tax-payer—can consent to this and sign its own decree of death warrant (hear, hear). By giving our consent to this Bill, we will only be abdicating our powers which were sought to be vested in us by the old Bill. If that is not so, then why should that provision be taken away? I do not know whether the hon. the Home Member was referring to this provision when he said that it was impossible to accept it as it was of a revolutionary nature. Well, Sir, if that is so, all that I can say is that this Bill in its present form cannot be accepted by this House. For, Sir, all these years we were trying to get legislation passed for codifying the principles of revenue settlement in the hope not that the old principles will be there but with a view to get some substantial powers vested in us in regard to these matters. Now, I ask what is the harm in allowing those two provisions in the old Bill also to be there? It has been said that the present Bill does not differ from the

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old one except that it is put in a more concise form. Simplicity, Sir, is no doubt a virtue, but when that simplicity leads us nowhere, I should think that we must demur to it. That Bill, as has been pointed out by my hon. Friend to my right (Mr. Krishnan Nayar) had the approval of so many eminent gentlemen, and I ask whether it is fair to ourselves, or whether it is fair to this House to be asked to accept a Bill which takes away the very essence of the old Bill, and which leaves us where we were two years ago, or in fact years ago. What is it that has induced the Government to change that Bill? How does it affect the position? What rights have been given to this House to interfere in any effective manner? These are questions which every hon. Member of this House should ask himself before he gives his vote in favour of the Bill.

"Sir, it has been said that Madras is a milch cow, and I should think, Sir, that land is the milch cow of Madras. The cow has been milched to the very last drop of milk, leaving nothing to the calf. What is worse, if the House will permit me to say, it has been bled white. Therefore, it is not right that any more power should be given to the Government to enhance the taxation on land. It is the duty of those that are responsible to find sources other than land. That has to be kept in view. I think the power must be held by this House to see that extraordinary changes are not made and that no more bleeding of the land is allowed. In case the hon. the Home Member is prepared to say that we are entitled to introduce that old section into this Bill, I shall certainly have no objection to its going to the Select Committee. But so long as it is not possible for us to introduce that measure and so long as it is not possible to secure some provision for this House in order that they may effectively intervene in these settlement matters, I should think that this House ought not to be inclined to give its assent to this Bill."

MR. P. N. MARTHANDAM PILLAI:—"Sir, I am sorry that I missed the very instructive speech of the hon. Mr. M. Krishnan Nayar. I listened with great attention and even walked to the Opposition benches in order that I might hear the hon. the Home Member to see whether there was any merit in the present Bill. The only merit I could hear him claim to it was that the Bill embodies the existing provisions in the Standing Orders. We have got rules and regulations and Standing Orders regulating these settlements and we have got all of them codified in this Bill and that the ryots' interest will not be injuriously affected. My short answer to that is: 'You want our assent to that Bill as representatives of the vast millions of the people of this Presidency, and we cannot so easily give our assent to it unless we are convinced that it is a measure intended for their benefit.'

"Apart from the more important sections with which I will deal presently, the attempt to make a landholder a mere tenant under the Government and the repeated introduction of the words 'Government land' in the earlier sections of the Bill (namely, sections 2 and 3), Sir, make the position of the Government rather suspicious. The Government want to make the ryot a cultivating tenant who has no right at all in the land, and the hon. the Home Member in the Statement of Objects and Reasons used the term 'ryotwari land'. He might have as well used the expression 'ryotwari land' in the Bill itself instead of the words 'Government land.'

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"Coming to the provisions of the Bill, there are three or four objectionable features to which I should like to draw attention. Section 9 introduces a new kind of taxation for non-agricultural lands. Section 10 makes a sort of declaration of the right of Government to one-half of the revenue of the land. Section 13 seems to be the traditional fatal number (Laughter) in which the opinion of the Legislative Council is put on a par with newspaper or other criticisms that may be offered. We want to make it clear if we possibly can, that we want to assert our authority over the executive and we want to be supreme in this Council. It is after all a very legitimate desire on the part of hon. Members of this House to have a final voice on all these matters. I would not very much mind permanent settlement if for every taxation measure you come before the House and have its assent. The very idea of permanent settlement seems to frighten away Members of Government. I do not want to press that. But I would advise Members of Government to bring all measures they may propose before the House and get its assent. And if the House as representing the people of this country gives its assent to them, then they will have the full approval of the country. Passing to section 24, Sir, it talks of 18½ per cent increase and that increase is not subject to the vote of the legislature.

"So it comes to this. We have got, as the hon. the Home Member said, a very simple Bill wherein there are only two or three provisions to which our attention should be drawn. But, Sir, in those two or three sections, we feel very strongly against the sentiments expressed by the Government. Unless the hon. the Home Member assures us that either in the Select Committee or at a later stage we can completely change the three or four important measures for which the Bill is brought forward, I think we cannot give our assent to this Bill. It seems to me like this. Once a crab was defined by a famous scientific society to be a red fish that walked backwards. When the full House met, it was agreed that the definition was perfectly correct except on two or three minor matters, viz., the crab was not red, it was not a fish, and it did not walk backwards. Excepting for these small alterations on these three matters, the definition seemed to be perfectly all right, and they accepted that definition. (Laughter.) Unless the hon. the Home Member wants us to accept this Bill in that light, I submit that the elected representatives of this House should be very slow to accept the present Bill."

MR. A. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I feel I am rather in a dubious position in speaking on this Bill, not indeed that I am in any doubt as to my own views on the matter, or as to the ultimate attitude that I may have to take, but I think I must make my position clear and also the position of those who sit with me on this measure. We are confronted, Sir, with the initial difficulty that this measure is a measure which is not wanted by the Government, but it is one which is wanted by us. This measure has been introduced, not indeed to confer any powers on the Government, for they possess any powers they want in their executive orders, but this measure has been obviously introduced with a view to give some little voice to the elected representatives of this Council in the most vital matter concerning their right, namely, the resettlement question. Therefore, we are in this unhappy position, that if we reject the Bill *in toto* on its very first reading, the Government will have a happy time of it, and if we allow this to go to the Select Committee, we shall have a most unhappy time of it. Therefore, it was not without much hesitation and after a great

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deal of thinking over the subject, that I have ultimately come to the conclusion that I cannot give my consent to the passing of this measure. (Cheers.) I am afraid the hon. the Home Member has not done justice to himself, has not done justice to the Government he represents, and has not done justice also to his hon. Colleagues on the Treasury bench in making his speech in moving this measure. He has kindly circulated to us the report of the Land Revenue Settlement Committee. That report, Sir, is signed by at least three of the hon. Colleagues of his, the hon. the present Revenue Member, the hon. the Law Member and the hon. Sir Muhammad Habib-ul-lah whom we shortly expect to welcome back amongst us. They have given their assent to that Bill. Now, there are two fundamental principles involved in that Bill which are totally abrogated in the measure which the hon. the Home Member has now introduced. Reference has been made to section 12 of that Bill which gave power to the Legislative Council to criticise the settlement proposals of the Government, and to reject, adopt or modify the proposals and to make their recommendations binding on the Government.

3-15 p.m. "I may also refer to one of the last sections, section 28 of the old Bill, by which the Local Government makes rules, and that is an important provision which was found necessary to be put in by the Select Committee, namely, that 'the Council within such period shall be competent to annul the rules or any of them or make such modifications therein as they may think fit,' and which has been abrogated by the Bill which has now been presented to us. I ask the hon. the Home Member what he suggests by saying that the Government thinks that these principles are revolutionary. Does he suggest that the hon. the Law Member thinks this revolutionary; does he suggest that the hon. the Law Member, who has also subscribed to the old Bill, has since changed his opinion ('Hear, hear'); does he suggest that the hon. Sir Habib-ul-lah Sahib who was President of that Select Committee, who was then in the most onerous capacity of being in charge of the department, who was then Revenue Member in charge of the settlement operations and land revenue settlement, who gave his whole-hearted consent to that Bill, who put his signature to that Bill, has allowed this Bill to come forward and given his affirmation to this Bill; does he think that Sir Habib-ul-lah did not then represent the Government, or does he think that he ought to be also classed among those who propose revolutionary measures for the benefit of the Government? I wish to understand wherefrom came this change. When did this Government realize that this measure is of a revolutionary character? I am certain that the hon. the Home Member, as I began by saying, is doing an injustice to himself. If he thinks that outside pressure has been brought to bear upon him, if he thinks that this Local Government has been subject to pressure from higher quarters, and if he thinks, or if it is a fact, that the tin-gods from above have forced the Local Government to abandon this very necessary and useful measure, let him candidly say, 'we are in this helpless position, we are subject to the control of the Government of India, we are under the authority of the Central Government even on these provincial subjects; this question of provincial autonomy is all a mirage; we are not given that freedom of action and that support which we must have'; then he will have the whole of this Council behind him in criticising and condemning in no uncertain terms the action of the Government of India."

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The hon. Sir ARTHUR KNAPP :—"If I get up at this point, it is to say that I do not claim on behalf of the Government to shelter myself on the ground of outside pressure from responsibility for the Bill now presented."

Mr. A. RAMASWAMI MUDALIYAR :—"That leaves the position exactly where it was before. We are aware that Members on the Treasury bench are always magnanimous and have got that spirit of chivalry that they will not expose others (laughter and cheers). I know, Sir, that it is the chivalry of the hon. the Home Member, or rather I suspect it is the innate chivalry of the hon. the Home Member that does not allow him to throw the Government of India to us, as it were (laughter). If the hon. the Home Member or the Government seriously propose that we should give our consent to this Bill and that this does not appear revolutionary, then I ask wherefrom came this change."

"Now, I will put another point of view before the hon. the Home Member. I am yet willing to allow this Bill to go to the Select Committee, if I can. But, will the hon. the Home Member say that in the Select Committee we shall be quite free to go back upon the present Bill and to introduce those additions which are found in the old Bill under section 12? Will the hon. the Home Member say that we in the Select Committee shall have the freedom to introduce a clause saying that these rules framed by the Government should be passed in the Legislative Council, or is he going to take up the technical position that these are all matters of principle which the Select Committee cannot amend? If for a moment he thinks that these are questions of principle, that he will stand by those principles, that he will not allow the Select Committee to subject them to criticism or amendment—I know as Chairman of the Select Committee the hon. the Home Member is omnipotent in these matters—if he is to take up that position, I for one am prepared to throw out this Bill and to recommend to this House to reject it and take the consequences ('hear, hear')."

(At this stage, Mr. J. A. Saldanha got up to speak.)

"Sir, I find that my hon. Friend Mr. Saldanha has a lot of useful information to furnish (laughter), and I am not anxious to give much information myself to this House, because I have very little information of a very useful nature to place before the House. But I do say in all seriousness that we on this side of the House are not accustomed to throw out a Government measure at its first reading. We may have to do it occasionally. Rejection is not our propaganda; obstruction is not our motto, and if therefore in spite of our practice, we do feel constrained to adopt this new policy on this matter, to take this rather severe attitude, it is only because we are still 'anxious to strengthen the hands' of the hon. the Home Member, to use a classical expression (laughter), and make him say to the Government of India once more, I am not able to introduce this measure because you have been standing as an incubus before us; you have prevented us from going forward in the way in which our hearts led us, you with your steel frame machinery and with your hearts hardened like steel (laughter), you from the heights of Simla, you who have not read the signs of the times, you who have not understood the feelings of the people, you have prevented us from doing more useful work.' Let the hon. the Home Member tell the Government of India again that in this Presidency of Madras where this Legislative Council has always stood by the Government, has always tried to give its

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support to the Government, that even there owing to the attitude of the Government of India, the position taken up by the Central Government, the position taken up by those who are in the high seats of authority at Delhi and Whitehall, that position is making this Presidency also impossible to govern, and it is adding the Madras Presidency also to the list of ungovernable provinces; let him tell, Sir, on his own authority and on the authority of this Government, on the authority of this Council, that if the Government of India does not change its angle of vision, if it is going to interfere even in the most meticulous details, if it is going to convert its powers of mere control into powers of an all-absorbing control, if it is going to press every detail that it thinks is for the good of the country upon the attention of this Government, if it goes back on its own theory of the man on the spot, then the time has come when the Provincial Government as such must revolt against the Central Government, and in that rebellion, not a rebellion against section 13, this House will be behind the hon. the Home Member and this Government (cheers)."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I do not need any apology for stating at the outset that I oppose the introduction of this Bill. I must in the first place express my gratification for the splendid speech of the hon. Member for Chingleput, who has joined the Opposition in this respect, in which he has thrown the Bill to the background. Sir, the main principles of this are first a declaration that in the matter of initial assessment the rate shall not exceed $12\frac{1}{2}$ per cent, or rather one half of the value of the net produce of an acre. Another principle of the Bill is that in carrying out initial settlements or resettlements, the instructions in clauses 8 and 22 shall be followed. And another main principle is that this Council shall only have the right to express its opinion leaving it to the Government to consider that opinion in such manner as it thinks fit, without any determining voice in regulating the assessment. By whatever standard you look at the main principles of the Bill, I submit, Sir, that we have now reached a stage when we must cry halt regarding some of these measures introduced on behalf of the Government.

"I think I may remind this House that after the publication of the 'Montford Report' an opportunity was given to this Council to express its opinion as to what subjects should be transferred and what subjects should be reserved. There was a full dress debate, and by a majority this House suggested that the subject of land revenue should be a transferred subject. Even if hon. Members had some doubts as to the transfer of the subject of land revenue, the way in which this Bill has been introduced and the way in which the provisions have been altered after they have emerged from the Select Committee, I think, will justify the views entertained in this House. In October 1918 that resolution was discussed in this House, and it was passed by a large majority that land revenue should be a transferred subject. The attitude of the hon. the Home Member in dealing with this subject justified the demand on behalf of the Indian public that such an important subject as land revenue should be a transferred subject. Now, we have been told that the previous Bill which emanated from the Select Committee did expressly contain provisions for giving the Legislative Council a determining voice in fixing the rates. The hon. the Home Member has told us that that Bill was not sent up to the Government of India for sanction but the Bill which has now been introduced into this House. There is

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also a clause in this Bill saying that it has received the sanction of the Government of India. We can therefore take it that the Government itself did not approve of the original Bill prepared by the Select Committee, but adopted the present Bill now before the House. It is, Sir, a more serious position than the hon. Members would have thought. If it is a case in which the Government of India have vetoed the suggestion made by this Government that the Legislative Council should have the determining voice in regard to the rates, it will be one thing. But we are told by the hon. the Home Member that this Government took the responsibility of throwing out the Bill framed by that Committee and bringing another Bill into existence, containing provisions doing away with the power of determining the rates by the Legislative Council. I wish to ask the hon. the Home Member, in the first place, whether this Bill is one which has had the sanction of the whole of the Cabinet. I would, in the second place, ask whether this Bill was got up only by the Reserved half of the Government. This question is important for this reason. Because, the previous Bill which emanated from the Select Committee, as the hon. Member Mr. Krishnan Nayar and others pointed out, was approved by the then Member for Revenue, by the present Revenue Member, the present Minister for Development and the ex-Minister for Development. I do not know whether this Bill which emanated from the Committee was considered by the whole Cabinet and whether all the Members have failed us thus since it emanated from the Select Committee. I think, Sir, it is a very serious question, namely, whether a Bill which has been considered by a Committee appointed mostly from among the elected Members of this House has been treated as waste paper."

The hon. Sir ARTHUR KNAPP:—"That Committee contained only five elected Members out of fourteen."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"So far as the main provisions are concerned, there is no difference of opinion in that Committee. Notwithstanding that, that the main provisions of that Bill should be set aside and replaced by a Bill of a different character is a circumstance which we must protest very strongly against. There is something wrong in the angle of vision of the present Madras Government. The previous Revenue Member, who was the President of the Select Committee and who was very enthusiastic on this subject, when we moved a resolution for permanent settlement, advised us as to how we should proceed, and it is clear from the debate on that Resolution that he gave us hopes that he would try to bring this question within the purview of this legislature, and when all that has been done, now to be told that the Government shall have the right of passing orders on the scheme as they may think fit, giving only an opportunity to this Council to make recommendations is, I think, going back upon the position we have taken all these years. And let me assure the hon. the Home Member that we do not attempt to exercise a new privilege in these matters. For he knows that we have been exercising this privilege by means of interpellations and by means of resolutions for several years, and there is no difference in the position which has now been taken up by the Council, and what is the additional privilege which this Bill is giving. I do not think the position of merely making recommendations is important to any extent, and we had better not have that privilege at all.

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"Then, Sir, I must point out one thing—and if I am compelled to quote the authority of the Court of Directors for a position which we take in the year 1924, I only follow the same example taking it from the Treasury bench. It will be found that so far as this position of fixing the assessment at nearly half of the value of the net produce is concerned, it is based on a faulty position. That is essentially a question of principle which, if we are to allow, i.e., to take away one-half of the value of the net produce, will work to the great detriment of those who pay rent. That is the first question which has to be raised.

"The Court of Directors in their despatch, dated 17th December 1856, 3-30 p.m. state:—

'That the right of the Government is not a *rent* which consists of all the surplus produce, after paying the cost of cultivation, and the profits of agricultural stocks, but a *land revenue* only, which ought, if possible, to be so lightly assessed as to leave a surplus or *rent* to the occupier, whether he, in fact, let the lands to others or retain it in his own hands.'

"They distinctly state that revenue is only the land revenue and that the assessment should be made so as to leave a good surplus to the occupier. I will only request this House to consider whether the passing of the Bill will take us anywhere near the principle which was advocated by the Court of Directors in 1856.

"Then, Sir, it will be found that in this matter there is a difference of opinion between the Members of the Treasury Bench and the other Members who were non-officials. I might draw the attention of the House to the question raised by the Government of India at the time of the division of the subjects into Reserved and Transferred. It is unfortunate that this question of the Land Revenue did not at that time receive the consideration which ought to have been given to it. I have carefully gone into the whole matter. This department has been kept as a reserved one and we shall have to be satisfied by merely giving directions or instructions regarding this. I may point out that the Indian Member of the Executive Government of India Sir C. Sankaran Nayar, has appended a minute of dissent to the despatch which clearly shows in what perspective the European officials looked at the matter and in what different perspective the Indians looked at it. This is what he stated regarding this particular question:

'In my opinion, however, there should be no increase of revenue merely by executive action. The land revenue or land rent should be treated as revenue, pure and simple, to be imposed only by the Legislative Council. At present outside the permanently-settled Zamindari, the theory maintained by the Executive Government is that land is the private property of the Crown, the landholder being bound to pay any assessment that may be fixed by the Executive Government at their discretion. India is the only country in the world'

"mark these words:

'India is the only country in the world where neither law, nor custom, nor competition determines the revenue or rent. This has been responsible to a great extent for the increasing poverty of the country. It has certainly tended to keep away labour and capital from land. It appears to me to be therefore essential that the proposal of the Functions Committee that the entry "Duties upon the unearned increment on land" should be so framed as to make the provincial powers of land taxation as wide as possible" should be accepted so as to cover the case of land revenue assessment referred to in paragraph 79. This may be done by altering the entry into "all demands upon land" and by making the imposition of any revenue on land either by legislation or by periodical settlements a transferred subject. In the alternative, I would urge that it should at least be laid down that (1) the general principles of land revenue assessment be embodied in Provincial Legislation as recommended ten years ago by the Royal Commission on Decentralization, and (2) every proposal of resettlement of a district be embodied in a Bill that should be passed by the Legislative Council like any other taxation Bill.'

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"Sir, I would ask this House to consider whether that expression of opinion by the distinguished representative of Madras on the Government of India while the question of division of power was under the consideration of the Government should not be regarded as the right view on the matter or whether the so-called majority of opinion of the steel-frame of the services under the Government should have a claim on our consideration. They take it for granted that the Land Revenue should be a Transferred subject and it is open to the Government to exercise control. We could thus give only some instructions to the Executive Government. Perhaps they have realized the awkwardness of the Government, if it is a provincial subject, and after making it an all-India subject they find it a little hard to impose restrictions. Now a Land Revenue Bill is sought to be introduced and it is said that the Bill is introduced to carry out certain policies. This is the way in which it is done. We also find that this question of calculation of any percentage in the net revenue is also a proposition which has not been duly handled. I may refer in this connexion to the letter written by the distinguished countryman Mr. Romesh C. Dutt, to His Excellency the Governor-General, in which he states:

'The second point to which I solicit Your Lordship's attention is the manner in which assessments are now revised at each recurring settlement in Madras. The principle accepted is that *one-half of the net produce of the soil* is due to the Government as revenue, and this net produce is ascertained by deducting from the gross produce the estimated cost of cultivation. The calculations are made by the settlement officers, and are not always in favour of the cultivators, and mistakes which are inevitable in such calculations are fatal to successful agriculture.'

"As anticipated, this letter did not get the approval of the Government. This was referred to the Board of Revenue for their remarks and was forwarded to the Government of Madras. They have criticised the proposals. I have no time to refer this House to the whole criticism of the Board of Revenue, but I may venture to say that there is considerable force in the way in which net profits are calculated which is highly prejudicial to the cultivators. The assessment comes to almost 50 per cent now at present, but it must be reduced much lower than that. The Board of Revenue while commenting on the proposals have stated as follows:

'The Board would first point out that the net produce is not "ascertained by deducting from the gross produce the estimated cost of cultivation". The normal gross produce, i.e., the gross produce struck on a comparison of good and bad years, is valued by a very favourable commutation rate which is usually considerably below the average of the previous 20 years, from which, moreover, all years of scarcity and high prices are excluded; from this sum from 10 to 27 per cent is deducted for merchants' profits and distance from markets; another deduction is then made of from 6½ to 25 per cent for vicissitudes of season and unprofitable patches of soil, the allowance on dry lands being never less than 15 per cent and now usually 20 to 25 per cent; it is from this that are deducted the estimated expenses of cultivation, and the remainder is taken as the average net produce;'

"With regard to this criticism they agree that the criticisms are not justified. Some of these resettlement proposals require considerable modifications and they should be so altered as to benefit the agriculturists. I would submit that this House before accepting the Bill ought to hesitate ten times. It may be that it brings a temporary benefit. In December 1919 at a meeting of this House, it may be remembered that by a majority of 65 against 10 we voted for permanent settlement. At that time the Ministers have remained neutral so far as that motion was concerned.

"I appeal to this House to fully consider the Bill and even for the sake of temporary advantage, or as a matter of temporary expediency I submit that

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we should not have a Bill like this at all. It is true that we are all for permanent settlement; but it is necessary that it should be under the control of the legislature. I therefore appeal to this House to reject this measure."

Dr. P. SUBBARAYAN:—"Mr. President, I move that the question be put."

The motion for closure was then put to the House and declared lost.

Dr. P. SUBBARAYAN:—"I thought that we had had enough discussion on this Bill and that is why I requested that the question be put. I am sorry that I did that. I now understand that members of the Government want to speak on this Bill and declare the merits of the Bill so that they convert some of us to their view of thinking. The hon. the Home Member, Sir, in introducing the Bill said that two of the clauses recommended were revolutionary in character. I do not know what he means by saying that the two clauses were revolutionary in character. I do not know any country in the world where taxation is levied by an executive fiat, and if the Bill is passed into law as it stands, the increase of taxation would be sanctioned by an executive fiat. Really speaking, the Bill is provided for putting the principle of taxation in this Presidency in consonance with the principles prevailing in other countries. Of course when the Council refuses to

consider a Bill there will come the certification of His Excellency the Governor. That is only an extraordinary

provision which has been enacted for the period of the transition. If really the executive want to have this power rather than the sanction of the Council, as the hon. the Home Member himself said in the beginning of his speech, I think the Settlement Manual is more explicit in the matter than this Bill. On this contention alone I would oppose the Bill. I would rather have the Settlement Manual than the sanction of the legislature in order to give the executive unlimited power. The Bill seeks to give the Manual the higher position of a statute. I think my hon. Friend, Mr. Krishnan Nayar, pointed out that the Committee which sat on this Bill was composed mostly of officials. One of them was Mr. Macmichael, who, I believe, has almost the greatest experience in this Presidency in settlement matters, and he has consented to this provision being included in the Bill. I remember when the Bill was put before this Committee the hon. the Law Member was the Advocate-General, and he will bear me out when I say that he himself was responsible for saying that the legislature should have power over settlement. This power was given in clauses 12 and 28 of the draft Bill. If I remember right, the hon. the Law Member was himself the father of these clauses. When it came to taking a vote on the report, the hon. the Law Member who was then the Advocate-General was present and suggested that it was a great improvement over the settlement as was prevailing in the Presidency, because it would give the legislature the great power of controlling settlement and we would not have the trouble that we had in Bellary and Tanjore. It was only on that condition that the members of the Committee, the non-officials, signed the report unanimously, excepting of course people like me who felt that there ought to be a permanent settlement. The hon. the Home Member, when he began his speech, said that the Committee had unanimously accepted all the proposals of the Bill except clauses 12 and 29 and that it was the only difference in the Bill that was introduced. I certainly did not agree to the Bill. This is what I have stated there—

"I regret that I am unable to assent to the conclusions arrived at by the Committee. I have signed the report merely as a token of having been a member of the Committee."

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[Dr. P. Subbarayan]

"So even then, Sir, I felt that in principle the Bill was wrong, because what the people in the Presidency wanted was a permanent settlement of revenue. I will shortly give the reasons why the people feel so in the matter. It is because we feel that the lot of the ordinary tenant farmer, in the sense in which it is understood all over the world, has become hard, and because we feel that it is not right to impose any further taxation on him that we want permanent settlement. It is not because the real land-owners want to escape taxation. It is merely to help the poor tenant farmer who almost gets the minimum that can be got out of land so that he may escape any further taxation. My hon. Friend, Mr. Ramalinga Chettiyar, said that he did not mean that Government should lose all right of getting any further revenue from land, but Government should lose the right of getting revenue from land as land. It is only on that principle that we wanted permanent settlement. Even now, Sir, if the hon. the Home Member is willing to restore clauses 12 and 28 of the old Bill and 29 of the new Bill as was laid in the Committee's report, I think the House may give permission for the Bill to go to the Select Committee leaving the other amendments to be made in the Select Committee."

The hon. Sir ARTHUR KNAPP:—"If I am willing to restore the old clauses?"

Dr. P. SUBBARAYAN:—"Yes."

Mr. G. F. PADDISON:—"Mr. President, Sir, as I once said in a previous debate,—in my first speech in this Council,—I was a settlement officer for some eight or ten years and I should like to say a few words on this Bill. I am very grateful to the opposition and the hon. Member, Dr. Subbarayan, for giving me an opportunity of saying a word about this Bill on which I feel strongly. Now, the hon. Member, Mr. Samuel, an old friend of mine from the Delta districts,—where I did a great deal of work and where I stayed long though not exactly where Mr. Samuel lives—started up a good deal of discussion which to my mind was really irrelevant to the main point at issue. His idea was to go into the question of initial settlement. As was pointed out by my hon. Friend, Mr. Noyce, for practical purposes the initial settlements of the Presidency are finished, and we have to consider the question as to what we are going to do on resettlement. I do not want to go into the question of permanent settlement or the advantages and disadvantages of a permanent settlement. I do not propose to appeal to the die-hards like my hon. Friend, Sir K. V. Reddi, who would let no Bill come until we get permanent settlement."

Rai Bahadur Sir K. VEKATAREDDI NAYUDU:—"On a point of personal explanation, Sir, I wish to say one word. I no doubt wanted a Permanent Settlement Bill. But I said if that was impossible we should have as an alternative something by which we can say this Council has got the final voice in determining the terms of resettlement."

Mr. G. F. PADDISON:—"I accept the correction, Sir, and beg the hon. Member's pardon. Whether it was stated by him or by others, there has been a good deal of discussion this afternoon and this morning on the question of permanent settlement, which I do not propose to deal with as being outside all practical politics at the present moment. I also do not propose to deal with the details of which the hon. Member, Mr. Venkataramana

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Ayyangar, spoke a good deal. He said that there was one jewel in the Bill, but the rest of it was filled with poison. The majority of speakers have said that there are only two points, rather only one point they want, viz., the restoration of the clauses which give power to the Legislative Council to approve or disapprove of the settlement scheme. If that goes through, the rest can stand. As to that which the hon. Member, Mr. Venkataramana Ayyangar, holds as poison, all that is the work of the special Committee of which we heard so much in terms of extremely high praise in the course of the speeches of the hon. Member, Mr. Krishnan Nayar, and others. Let us confine ourselves, if we may, to the question of this clause. Now, the hon. Member, Mr. Samuel, began with the question, 'What shall I say to the Kistna ryot? What shall I say to the ryot, if I go round and am asked about this Bill?' That is a question which I should like to ask the House. I should go back, explain the provisions and get an answer. The point is this. In the Bill as passed by the Committee there was no maximum. 18½ per cent is now put in. Go down to the Tanjore ryot or the Kistna ryot. . . ."

Dr. P. SUBBARAYAN :—"On a point of personal explanation I wish to say this, Sir. I think the hon. the Home Member made it clear that no maximum was placed by the Committee in the Bill because all settlements would come before the House and as such there was no necessity to fix the maximum."

Mr. G. F. PADDISON :—"That was the point to which I was coming. Go down to the Tanjore ryot or the Kistna ryot. The Kistna settlement is coming now. There will be an increase in revenue and there is going to be some rate fixed. Ask the Kistna ryot or the person coming under future settlements, 'Would you rather be tied down to two annas per rupee or would you rather have it left to the tender mercies not of this Legislative Council but to all hungry and eager Legislative Councils in the future and the Finance Members or Ministers who may be short of money?' I was in the Kistna district, and, personally, I should think that the Kistna ryot would rather have the three annas in hand than the prospective five or six annas in the bush. I will tell you, why. Because quite recently we had the Tanjore resettlement before the Council. It contained a provision of four annas in the rupee. You may say as a technical point that the question before the House was whether or not it was a right or just settlement. Well, whatever the technical plea might have been on the question as to whether there should be postponement of the Revenue Bill, this House decided, in my opinion rightly decided, though illogically decided, that we should treat Bellary differently from Tanjore as it was having famine this year. But it is a different matter. So far as Tanjore is concerned, they agreed that four annas in the rupee should be put on this year. I appeal to the hon. Member, Mr. Peddiraju. Let him go and say, 'this is the question put to me before the House, "Will you have three annas in a rupee certainly, or will you leave it open hereafter to be settled by the future Legislative Councils which may impose any rate they choose"'. You say the Legislative Council has no powers. If they pass this Bill they will have tied the hands of the Government for a very long time to come. Whether the Government are wise in tying their hands for such a long time I cannot say. To my mind there may be many difficulties. It may be that the value of the rupee or the purchasing power of the rupee may go

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down in 20 or 30 years, owing to causes which we cannot now foresee. It may be that the value of land may rise more than 100 per cent by the time the resettlement comes. But for those who agree in the interests of the ryot I would beg that they should say this Bill shall go forward—not for a moment as it stands at present. But at present it will be a boon for the ryot that hereafter he shall be bound to a rise of three annas in the rupee. There is only one other point. It is a point raised by the hon. Member, Mr. Krishna Rao, on behalf of the net cost. The net cost is being continually raised. I personally was a settlement officer and I may say that the net cost does not now come at all. When a man can get surely ten rupees for his rent on the basis of a lease, to say that a rate of two rupees per acre is more than or nearly half the cost is not right.

"However, I do not want to argue that point. Now the point I would 4 p.m. urge is, that this Bill is a great boon and it will tie down this Government, the hon. Ministers, the hon. the Revenue Member and the hon. the Finance Member, whoever they may be, whether Ministers or Members. Although they may not have a permanent settlement, they will have a very substantial instalment of that. Now, I ask, are we to go back upon the proposals made with regard to resettlement in Tanjore or Bellary and tell the ryots of these districts that whatever the Government might say, whatever the Finance Member might say, 'you shall not pay more than three annas in the rupee; we shall reject this Bill.' I think if we do that, we shall be doing a great wrong to the ryots of this Presidency."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I want to show to the House that the Bill, as drafted now, is even worse than the existing Settlement Manual in certain respects. I should not be understood thereby that I accept that the provisions of the Settlement Manual are all reasonable and satisfactory. We wanted, if possible, that as a first step towards permanent settlement, a Bill should be introduced placing the principles of land revenue settlement in this Presidency on a statutory footing.

"Now, Sir, I pass on to the defects of the Bill under consideration, as they present themselves to me. The Bill, as it stands, takes away the right of the Council of giving an affirmative sanction to the revised rates of assessment conceded to the Council in the previous draft. The taking away of the right of giving an affirmative sanction to a proposal, the duration of time allowed between one settlement and another resettlement, the distinction made between agricultural and non-agricultural land in regard to the building of farm houses, and the fixing of the maximum increase at 18½ per cent instead of at 12½ per cent—all these, I regret to say, are quite unsatisfactory. But I pass them by. There are other provisions worse than any contained in the existing Settlement Manual. Hitherto the practice in calculating the commutation price has been to omit those years in which the prices are abnormal. In the present Bill, we find that only those years which are declared to be famine years are to be omitted and all other years, without any exception whatsoever, ought to be included. I submit, Sir, this will work a great hardship to the ryots because the prices of grains generally go up when the yield of crops is less than normal and the ryots have nothing left to sell. To say that in such years the ryots are likely to make any money by selling surplus produce is a cruel estimate.

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"Again, Sir, the practice has hitherto been to make a difference between wet and dry lands and to fix the rate of enhancement of assessment on wet lands somewhat higher than that fixed for dry lands. No such distinction is contemplated in the present Bill. Hitherto the Government were exempting very poor lands bearing an assessment of 8 annas, 12 annas and 4 annas; but such exceptions may no longer be made under the present Bill. Hitherto in calculating the rate of assessment, Government were leaving a certain margin for an increased standard of comfort. That has been taken away altogether under the present Bill. Sir, if you will turn to section 22, you will find that the allowance made is only for the expenses of cultivation and the increased cost of living but previously they had an additional provision that enough should be left to the ryot to aspire to higher standard of comfort and that has been omitted now. In this connexion, I should like to read the instruction contained in the Settlement Manual which runs as follows:—

'The Settlement Officer should bear in mind that the rates of assessment cannot be raised in the same proportion as the prices have increased because allowances have to be made for increased cost of living, of labour and implements and for promoting higher standard of comfort.'

"Now, the present Bill before us does not contemplate any allowance being made for promoting a higher standard of comfort. This, I think, is indeed a very serious omission. For these and other reasons, I think I must join with the other speakers and refuse to give my assent to the introduction of this Bill. This is not the kind of Bill that we wanted. It is true we wanted a Bill, but a better one, more especially after a prolonged discussion of this Bill in the Select Committee."

Mr. B. MUNISWAMI NAYUDU:—"Sir, the main point that has been urged by some of my hon. Friends who have spoken on this Bill is, that the Committee which sat and reported on the Land Revenue Bill proposed, in their draft Bill that all schemes should have the affirmative sanction of the Legislative Council if it is to have the force of binding upon the people but that the present Bill only says that all schemes will be laid before the Council for their consideration. They also pointed out that in the draft Bill of the Select Committee there was no maximum of enhancement of assessment fixed, but in the Bill before us the Executive Government, without taking the sanction of the Legislative Council, wanted to fix the maximum of enhancement as 18½ per cent, and that therefore they could not vote for this Bill. Now, Sir, what I would ask is whether this House, as a deliberative body, would be in a position to deal properly and impartially with the scheme of resettlement of each district, when it comes before them. I think, Sir, that a deliberative body like this must be concerned more with the laying down of certain principles such as the maximum of enhancement of assessment and so forth than with the dealing with the conditions of each district or taluk every time. Sir, if the opinion of the majority of this House is that the Bill should aim at getting the affirmative sanction of the Legislative Council every time, it amounts to this: every year probably one or two schemes will be coming up. Some districts will be very poor and they will raise a hue and cry that it would be a negation of their rights if assessment were to be raised in those districts, and some individual members will be opposing the claims of those districts and in such cases it will be very hard to them. Sir, it is not merely the opinion of a few Members of this House that matters much but it is the

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opinion of the ryots that ought to concern us much. So far as this point is concerned, we have had many examples to show as to how we are not always bound by the interests of ryots of particular districts. Sir, in this very note which has been circulated to the Members of this House, the view that was taken by Mr. V. K. Ramanujachariyar is as follows:

'A limit of 12½ per cent was proposed but was negated on the ground that the Legislative Council might be trusted to safeguard the interests of the landholders. I am afraid that this hope may not be realized when the question before the Council is the resettlement of individual districts. In such a case no Members of the Council other than the representatives of that district will feel an active interest in the discussion and they will not be able to impose an effective check upon the tendency of an executive Government to extract as much revenue out of the resettlement as possible. Further, members of democratic bodies are often swayed by likes and dislikes and may be disposed to place a heavier burden upon individual districts than what they can justly bear without fully realizing the common issue involved. I object further more to this method of districtwar resettlement and enhancement as it does not enable the Legislative Council to grasp the full issue and tends only to create divisions in the Council facilitating the work of those that will exploit the Council for their own purposes.'

"This is how, Sir, he winds up:

'I feel strongly that the position of the ryotwari landholder will be made distinctly worse under the Bill as it stands and accepted by a majority of the Committee.'

"Then, Sir, Mr. T. Somasundara Mudaliyar, who is one of the richest mirasidars in Tanjore district and whose opinion is entitled to our respect, says as follows:

'I am moreover clearly of opinion that the vesting of this power of revising settlement proposals individually in the case of each district is bound to lead to a competition for preferential or prejudicial treatment according to the time and temper of the House which would easily degenerate into a scramble and the temptation of retaliation by the representatives of aggrieved districts in the Council is by no means imaginary.'

"I would therefore ask the House to ponder over these sentences and say whether they would take the responsibility of discussing district after district or whether they would lay down a rule that the maximum of assessment leviable should not go beyond 18½ per cent as proposed in the Bill under consideration leaving it to the Government to consider any resolution that this Council may pass on the schemes which the Government may prepare for any district and which under clause 12 of this Bill they are bound to place on the table of this House for a period of not less than two months when the Council is in session, for the purpose of having the opinions of the various people concerned. The question is whether a deliberative body like this will have to consider and pass definite proposals for an enhancement of As. 1, 2, or 3½ or whether we have to say that the enhancement shall be fixed at a maximum of 18½ per cent and no more beyond that except with the concurrence of the Legislative Council. That is how, Sir, we do in the case of stamp duty. What we do in the case of stamp duty is this: we lay down a certain maximum rate and leave the rest to the administrative head of each department. I may say, Sir, that the case is similar with regard to income-tax. Now, Sir, supposing the income-tax officer in a certain case thinks it fit, according to his discretion, to impose a rate of tax which the party protests against saying that it is unjust, then can we, on that account, accuse the Government and say that the executive Government should not be given powers to impose taxes according to their own discretion and that they should take the Legislative sanction every time they want to impose a tax? I think such a position would be quite improper for this Council to take. Under these circumstances, I ask, as between the two evils, viz., as to whether we should have

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individual schemes of resettlement coming before us for approval or whether we should fix a maximum of assessment and allow the Government to find out what exactly the enhancement should be for individual districts—which we shall choose?

“Sir, having regard to the opinions of some of the most influential mirasidars and landlords and having also regard to the opinion of my hon. Friend Mr. Krishnan Nayar on the impossibility of a deliberative body like this Council going into matters of detail like this . . .”

Diwan Bahadur M. KRISHNAN NAYAR :—“As a matter of personal explanation, Sir, my opinion should be read as a whole.”

Mr. B. MUNISWAMI NAYUDU :—“I shall certainly read it as a whole. Having regard to all the facts mentioned above, I ask whether we should agree to take power to reduce the percentage that is proposed in the draft Bill, viz., 18 $\frac{3}{4}$ per cent, or whether we should say ‘we shall give an affirmative approval in the case of each district’.”

“With regard to my hon. Friend Mr. Krishnan Nayar, while he agrees to the Bill, he also agrees to affirmative approval of the Legislative Council being obtained in the case of each scheme as it is being considered. He also wishes to prevent the Legislative Council from being very hard in certain cases and, as a sort of remedy for this, he states that a maximum should be fixed in the Bill itself. You say ‘that we, the Legislative Council, should have the power to give an affirmative sanction’. But what I say is that we may not be trusted always to be equitable in all cases where enhancements are proposed. In this connexion, I would invite the attention of the House to what Mr. Krishnan Nayar says:

“It is then stated that the Legislative Council is not likely to sanction enhancements which may be felt to be oppressive by the people. This protection, I am afraid, cannot always be depended upon. In the usual course of business, questions relating to enhancements of settlement rates in each district will come separately for consideration before the Legislative Council and the opinions of the representatives of the district concerned, who alone are expected to know the detailed conditions of the district and who are not likely to be more than three or four in number, may not be able to influence the vote of the Council as a whole . . . Thus the safeguard that is afforded by the vote of the Council in respect of questions that affect the whole of the Presidency like the levy of cess on assessments on land permanently settled to revenue cannot be expected to exist always in respect of questions like resettlement which affect only a single district at a time.”

“I would therefore submit, Sir, that I am very much impressed with the observations made by Mr. Noyce that the Council may be somewhat hard to one district and light in the case of another and they could avoid the difficulty and the meticulous necessity of having to consider each district with reference to its particular conditions by leaving it to the outside authority familiar with these things to consider them. The time for us to offer our suggestions will be when the Select Committee sits, and, meanwhile, it would be better to leave it to the outside authority. With these few remarks, I would suggest that this Bill may be passed.”

Mr. S. SATYAMURTI :—“Mr. President, Sir, I thought that after the eloquent speech of my hon. Friend from Chingleput, the hon. the Home Member would exclaim ‘Et tu Brute; then fall Cæsar.’ Knowing it is not to be so, my hon. Friend from Chittoor has gallantly come to the rescue, rehabilitating the old anti-deluvian theory ‘Don’t trust the people’s representatives; they may be blinded by partiality; therefore trust Deputy Providence in the form of the Executive Government of Madras.’ I do

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not know, Sir, what authority he has to say that. Because we may be partial to one district at one time and may be against another district at another time, he would not trust us but would trust the executive. I would leave it to him and his electorate to decide whether he was right in giving this certificate of partiality to the people’s representatives in this House. The hon. Member did very much less than justice to himself and to the distinguished gentlemen, Messrs. V. K. Ramanujachariyar and T. Somasundara Mudaliyar, when he read truncated portions from their reports. Mr. V. K. Ramanujachariyar and Mr. T. Somasundara Mudaliyar are passionately pledged to the permanent settlement of land revenue in this Presidency. After having said that they would have permanent settlement and permanent settlement alone, they give many arguments to show why the protection of the Council as provided for in the original Bill is not enough for effecting proper resettlements from time to time in the several districts. That is why they say that the Legislative Council cannot be trusted to be impartial. The hon. Member did less than justice to himself and the prominent gentlemen from whom he quoted when he used those arguments for supporting the present Bill. I would ask him to read the minutes carefully and to satisfy himself and this House as to what they wanted. They say that even this protection that we want is not enough, in their judgment, and therefore we are supporting something which they thought would not be adequate.

“But that apart, Sir, I really want this House to consider the main question which is underlying this Bill. The hon. the Home Member would not let us into the secrets of the correspondence between the Government of Madras and the Government of India and the Secretary of State. I am not anxious to peep in and find out what that is. Let me take it that the Government of Madras itself turned down the recommendations of the Committee or their hands were forced by the Government of India or the Secretary of State. Either way, the original Bill has been turned down and a new Bill introduced in its place. As Diwan Bahadur M. Krishnan Nayar pointed out very clearly and strongly, the Government have refused to accept the course of action suggested by the 15 members who may be trusted to understand the position thoroughly. From that report I want to read one passage, which was not read this morning, namely, paragraph 10, where these gentlemen say:

“Though land revenue continues for the present to be a Reserved subject and has not been transferred to the control of the Ministers, we are opinion that the Legislative Council should have a decisive voice in determining what increase in rates should be allowed at a resettlement.”

Then, Sir, towards the end of the report, in paragraph 15, they say: ‘The summary of our conclusions is that there should be no radical change in the present methods of settlement but that no orders imposing fresh burdens on the ryots should be issued without the full concurrence and approval of the Legislative Council.’ This is the report signed by these gentlemen. I am sorry the hon. the Law Member is not in his place. It was not a sudden fit of inspiration which made him sign this report, because, I have the evidence which he gave before the Joint Committee of both Houses in which he pleaded emphatically for legislative control over the levy of land revenue in this Presidency. I see the hon. the Raja of Kollengode is in his place and also the hon. Diwan Bahadur Sivagnanam Pillai. All these gentlemen have recommended this course, and the Government now suggest that it is ‘revolutionary’. I am glad to hear that word applied to them, because I now find that, even Conservatives are accused of being revolutionary

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by the Madras Government; and apart from having turned down the recommendations of their own committee, they have by this Bill also turned down the recommendations of the Joint Committee of both Houses, in letter and in spirit. I fail to see how even the ingenuity of the hon. the Home Member can persuade him to reconcile his precious Bill with the recommendations of the Joint Committee. The Joint Committee say:

'The Committee are impressed by the objections raised by many of the witnesses to the manner in which certain classes of taxation can be laid upon the people of India by executive action, that in some cases, etc.'

"I ask the hon. the Home Member whether, even if the Bill is passed, the anomaly will not still remain, whether certain classes of taxation, and the most important, namely, land revenue, cannot still be levied by executive action. As the hon. Mr. Ranganatha Mudaliyar put it, now at least, the executive in making resettlement will have some fear of the Legislative Council, because they are doing it under the Standing Orders which have no legislative sanction. Once we allow this Bill to be passed, the executive will be absolutely free, because, if and when we raise objections to the settlement proposals, they will turn round and say: 'You gave us the powers under the Bill, you now say you won't have it.' Therefore, after the passing of the Bill, the position will be worse. Let us not swallow the bait of the hon. the Home Member who put on a sanctimonious air this morning and said 'you asked for a Bill; there, I give you this Bill.' I congratulate him on having redeemed his pledge; but I repeat, in spite of Mr. Noyce's warning, that where we asked for bread, we are given stone. This is not the Bill we asked for. Some of us on this side of the House were very anxious to have a Bill because we knew—the hon. the Home Member will not ask us how we got the information—that the Bill as recommended by the Committee contained among its provisions a clause making it obligatory for settlement schemes being placed before the House for its affirmative sanction and approval. But we did not expect this Bill. He says, 'You asked for a Bill, therefore take it.' We say, 'We cannot accept that.'

"Then, Sir, the real effect of passing this Bill, as Sir K. Venkatarreddi Nayudu pointed out, will be that this Legislative Council will sign its death warrant. Hereafter, if any settlement proposals come before this House, the Government will say, 'Give us the power to make these settlements as we please; don't fetter our hands.' We are only given this power to say: 'We have discussed your proposals and we feel they are unacceptable.' The Government will turn round and say, 'We have considered your objections; we stick to our proposals; of course you have fixed 18½ per cent in that Bill, and subject to that, you must accept our proposals.' Excepting my hon. Friend Mr. Muniswami Nayudu, whose heroic support of autocracy I congratulate him on, I would like to know whether there is a single elected member of this Council who has so little faith in himself and in his colleagues and in the capacity, character and public spirit of this Legislative Council as to agree to this course. I, for one, have much greater faith in my people and my country, and I have no doubt that, although the experience of the last few years has been far from encouraging, as years go by, this Council will faithfully represent, more and more, the real interests of the people and will grapple with this problem satisfactorily. Anyhow, I am yet to learn that because democracy may make mistakes, we should accept autocracy. Making mistakes is the only way to learn how not to make mistakes. This problem of resettlement is the most important problem which this Legislative Council and its successors will have to solve.

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"The hon. the Home Member this morning almost forgot himself when he asked us in all seriousness, 'Is there any country in the world where taxation was levied by a vote of the Legislature?'"

The hon. Sir ARTHUR KNAPP:—"What I said was by a single Chamber?"

Mr. S. SATYAMURTI:—"I would ask the hon. the Home Member to investigate the financial powers of the House of Lords under the new Act. I have no time to go into that. I think he will agree that, for all practical purposes, the House of Commons is the supreme master of all taxation in the United Kingdom. I will, on the other hand, ask him whether there is any country in the world except India, where taxation is levied without the consent of popularly elected legislatures."

The hon. Sir CHARLES TODHUNTER:—"Does the hon. Gentleman suggest that the House of Commons do the administrative work of taxation, as, I understand, he is claiming that every Member of this House is qualified to be a settlement officer and do the executive work of such officer?"

Mr. S. SATYAMURTI:—"I have not said anything of the kind. I will make a present of the financial procedure in the House of Commons to the hon. the Finance Member. Let him introduce a finance Bill authorizing the levy of every kind of taxation including land revenue, year after year, and take the vote of this House."

The hon. Sir CHARLES TODHUNTER:—"I submit to the House that there is every difference in the world between a finance Bill which fixes a general rate of taxation and a Bill which imposes specific rates on specific pieces of land."

Mr. S. SATYAMURTI:—"I am perfectly willing to give the executive the power to fix the rates, provided they come year after year with a finance Bill embodying this taxation and take the vote of the House."

The hon. Sir CHARLES TODHUNTER:—"Do I understand that the vote of the House is to be taken upon every fixation of revenue upon every specific piece of land?"

Mr. S. SATYAMURTI:—"The proposal now made is that the settlement proposals must be placed on the table of the House for its affirmative sanction. As to how far the House should interfere will depend on the nature of the proposals made. Undoubtedly, the proposal of the original draft Bill was to the same effect. The idea was to place the settlement proposals on the table of the House for its approval. My proposal is to the same effect."

The hon. Sir CHARLES TODHUNTER:—"Would the hon. Gentleman likewise suggest that when an income-tax officer imposes a tax upon an assessee, this House should examine the accounts upon which the assessment is based?"

Mr. S. SATYAMURTI:—"I do not see the analogy at all. Once in thirty years you are making a settlement and we ask that the terms of the settlement may be placed before this House, so that we may examine whether sufficient allowance has been made for the various economic conditions of the district, whether sufficient allowance has been made for cultivation expenses and if too much has not been claimed by way of the sale price of agricultural produce. All these are questions which we can certainly discuss on the floor of this House and I want this House to have a decisive voice in the matter. If you want the House of Commons procedure, you may have it in full. On the other hand, if you do not want to have it, have at least the procedure recommended

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in the original Bill. But the House of Commons procedure is neither here nor there. I am asking that the Legislative Council should have this definite control over the settlements. Sir, if really this House wants to represent the real feeling of the people, as the hon. Mr. Paddison claimed to represent"

Mr. G. F. PADDISON :—"I made no such claim."

Mr. S. SATYAMURTI :—"I stand corrected. I say the real feeling of the vast majority of the ryotwari population in this country is for a permanent settlement. You talk of the sale price of produce having increased. You know nearly 60 per cent of the population have nothing to spare or sell in the market. Therefore, it is cruel to ask them to pay higher assessments, because the price of the produce which they never sell has been increasing. Therefore, I personally am for a permanent settlement of land revenue on all ryotwari lands in this Presidency, with an income-tax on all agricultural incomes over Rs. 2,000 a year. That seems to me to be the most equitable settlement, and since we cannot have that, we are anxious that, at least, the resettlement proposals should come before this House and be sanctioned by this House before they are put into operation."

"There is another provision in the Bill which makes it also reactionary compared with the earlier Bill, namely, with respect to the rule-making power. The earlier Bill provided that these rules also should get the affirmative sanction of the House. In this Bill, these rules are merely laid on the table of this House. The real point before the House is, they have given us the Bill and we are asked to vote upon it. Let us examine most carefully, without any desire to pick holes for the sake of picking holes, whether this Bill confers any benefits upon the ryots of the Presidency. I submit it does not, because it simply embodies in a statutory form all the existing rules and standing orders, which again get an additional halo by the fact of their having been given statutory sanction. Let us reject this Bill, and I have no doubt that the Executive Government will be compelled to bring a more forward Bill, more in consonance with the requirements of the times. After all, we shall lose nothing in rejecting this Bill. As to the small concession given to the Tanjore and Trichinopoly mirasidars, namely, that, if this Bill is passed, their percentage enhancement may be reduced to 18½ per cent, I am sure those mirasidars will not swallow this bait; if they do so, they will be literally selling their birth-right for a mess of pottage. I therefore respectfully invite every section of the House, to whatever party or school of thought they may belong, to vote against the first reading of this Bill and thereby tell the Government that we are not to be treated like children who are given dolls, because they are crying."

Mr. M. RATNASWAMI :—"Sir, if I intervene in this debate, it is to deal with the interesting constitutional question raised by a number of hon. Members who complained that the serious defect of this Bill is that the House is not given the right of an absolute and final control over settlement operations. Sir, such a contention seems to assume that, in democratic constitutions, a single legislative chamber like ours should have the right of giving a final and absolute decision upon financial proposals. Even in the most democratic constitutions in the world like that of the United States of America and of France, the senate or the second chamber has the right not only of introducing and amending money Bills, but also of rejecting money Bills. The United States of America and France are countries as

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democratic as England and perhaps more democratic than it. The reasons why the House of Commons has got absolute powers in regard to finance, are purely historical reasons. On account of the *non-possumus* attitude taken up by the House of Commons on the famous Lloyd Georgian budget, the House of Commons has been made impotent in regard to financial questions."

Mr. J. A. SALDANHA :—"May I draw attention to the fact that the House of Commons practically obtained control over finance from the year 1671 independently of the House of Lords?"

Mr. M. RATNASWAMI :—"I congratulate the hon. Member on the antiquary knowledge of my hon. Friend, Mr. Saldanha. (Laughter.) It is not of much use to us in our discussion at the present moment. I think it is worth considering whether we are justified in endeavouring to have final and absolute powers in regard to settlement matters. We know that no other legislative council has this power. What is proposed by hon. Members now is that this House should have the right of a second chamber for accepting or rejecting settlement proposals. In regard to the settlement proposals, the Executive Council or the Cabinet of Madras is numerous enough to constitute itself into a second chamber. Therefore I feel that the proposal of hon. Members to have the right of final decision in regard to settlement proposals is not a right which we should insist upon possessing."

Mr. J. A. SALDANHA :—"Does my hon. Friend, Mr. Ratnaswami, propose that the Treasury Bench should constitute itself into a second chamber?"

Mr. M. RATNASWAMI :—"My hon. Friend, Mr. Saldanha, ought to have a sense of humour, in order to understand some of my remarks. What I was saying was that the Madras Cabinet may be considered as constituting in certain respects a second chamber in regard to settlement proposals."

"Turning to the general aspects of the question, there is one important point in the Bill which makes me give my support to it and that is, it has conceded the important principle that settlement proposals are within the jurisdiction of this Council. Of course this is done only to a very small extent now, in a very halting manner. I ask the House seriously to consider whether we should give up this right of exercising our power even to the small extent to which we are allowed to exercise it under this Bill. If we are going to wait for a perfect Bill, I am afraid we shall have to wait till the Greek Kalends."

Mr. S. SATYAMURTI :—"Why?"

Mr. M. RATNASWAMI :—"The Madras Government being constituted as it is. (Laughter.) Therefore, I think we should accept this Bill, if half a loaf is better than no loaf. If I should be justified in attributing Machiavellian designs to the hon. the Home Member, I think of all hon. Members of this House, he would certainly be very glad if this Bill were rejected (Laughter); for then he could continue to use his bureaucratic methods to deal with settlement proposals. Therefore, I appeal to this House to accept the Bill as it is, since it concedes the very important principle that settlement proposals are brought into the jurisdiction of the Legislative Council."

Mr. J. A. SALDANHA :—"I apply for closure, Sir."

The hon. the PRESIDENT :—"It was only an hour ago that closure was moved and the House was not satisfied that it had had a reasonable amount of debate. I do not know whether it is satisfied now. But it seems to me in the exercise of my discretion in this matter that this Bill being a Government

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Bill, has to be debated on for a certain amount of time by both sides of the House. I do not think that we have had that amount of debate. For instance, it is possible that in this matter all parts of the House excepting a very few hon. Members have made up their minds. But if 90 per cent are unanimous and the other 10 per cent are of a different view I think that the 10 per cent have a right to be heard."

MR. P. L. MOORE:—"Sir, I do not propose to go into the details of this Bill. The question had reduced itself to two points. One is the question of permanent settlement, and the other is the question of settlement schemes coming to this Council in each individual case for sanction. Now on the first I do not think that the House should insist. In my opinion the Permanent Settlement has been disastrous to Bengal and would be disastrous to Madras.

"With regard to the proposal that settlement schemes should come to the Legislative Council to be passed, it is true it was a proposal made by a very responsible committee, and, of course, there are so many good points to be said for it. Therefore I think it is a matter which should be gone into. The hon. the Member for the University told us that this is a question of broad principle. I do think that when a settlement scheme comes up for discussion you will find that what we are discussing is something quite different from the actual scheme. You will really find that what you are trying to do can only be done by a person possessing a very detailed knowledge of the circumstances of each case and that a large body like this Council cannot be reasonably expected to come to right conclusions on matters of detail."

MR. J. A. SALDANHA:—"I ask whether adding a burden every thirty years is not a matter of principle."

MR. P. L. MOORE:—"Adding a burden every thirty years is certainly a matter of principle. But does he mean that every time we meet we are going to discuss whether the principle of 30 years settlement is to be adopted or not? If he does not mean that, I do not quite know what he means by saying that he should discuss the principle on each individual Settlement Bill. When each individual Settlement Bill comes up, you will find that what you have before you is not any broad principle but difficult questions of detail. I do think, if I may be permitted to say so in this House, that the Council has rather rashly and rather quickly made up its mind on this Bill. They have said to themselves: 'This Bill is a Government Bill. No good has ever come from the Government. Therefore reject it even before the first reading.' I think this attitude, if I may say so, is a survival of the old days when practically all non-official Members opposed any Bill brought by Government. I say it is a survival, because hon. Members have lost sight of the great change that has come on the deliberations of this House. You are now dealing with a Government which is a very different thing from the Government which you had ten years ago. You are dealing with a Government very largely made up of your own men, and nearly half of them are indirectly, I do not say directly, men of your own choice. I think therefore your attitude towards a Government of this composition must be modified.

"Speaker after Speaker for instance said that no benefit would ever accrue from this Bill. I have not gone into the details of the Bill very thoroughly—I am very busy now—but when I glanced at it, the very first thing that struck me as rather a rash thing to have introduced was this maximum of 18½ per cent. I rubbed my eyes and wondered whether it was a mistake. It seems to me that the House by introducing this Bill are tying down the

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revenues of this Presidency in what might prove to be a very serious manner indeed. Nobody wants fluctuations. But the prices have gone up from 1914. Therefore a time may come 10, 20 or 25 years hence when this 18½ per cent will mean very serious reduction in your revenue. Personally, if I were a ryot in the Kistna district, and this thing were put to me, I do not think I would hesitate for a moment. I would take this chance and avoid what is likely to come later on and which might probably be very much worse. I do not think how these Kistna ryots can in the ordinary course of things expect to avoid a rise of 25 per cent. I am speaking with knowledge of the district. I do not think that they can get away from that. The same thing applies also to the districts of Tanjore and Trichinopoly. With regard to Tanjore, I understand—I may be wrong—that these rates would be given retrospective effect. In that case it would be a great benefit to those ryots. I am simply taking the example of the three districts to show the benefit that will accrue to them from limiting the maximum percentage of enhancement to 18½ per cent.

"Then it must be remembered that this Council is not going to be always composed as it is now. When you get very much larger representation of landless people we have got to consider what line they will take about the rate of revenue. I am not peeping into the future with any degree of accuracy, but I am simply putting it to you that we are very doubtful about it. I personally feel very doubtful about it. There is another class whose influence is increasing. They are the dwellers in towns; and we ought to consider what their vote is going to be on a question of increasing the land revenue. They have already done pretty well in municipalities. They get a heavy share of the land revenue in the shape of grants, grants for water-supply and drainage, etc. But they do not contribute land revenue. As I said before what will their votes be in the future legislative bodies? Now you have a majority of persons whose interest is to keep down the land revenue. It is very likely that you will get a majority of persons whose interest may be exactly the other way.

"With regard to the hon. Member Mr. Ratnaswami's remark about bureaucratic instincts I think he meant that to be taken humourously. I must endeavour not to take its implication seriously. However I would like him to take this assurance from me. Whatever instincts we might have acquired by many years of Government work, we may be bureaucrats for the work that we have to do; but that has no effect whatever on the democratic instincts which are born and which flourish in the soil of England. ('Hear, hear'.) If you have to work a Government we have to work in a certain bureaucratic line. But we have democratic principles ingrained in us. I do not think for one moment that I and my friends are affected by the bureaucratic spirit in discussing these subjects. In fact, if you want to be fair to us you will find that in all these questions our sympathy is generally with the *demos*. We are democrats in instinct although we are openly charged with being bureaucrats because we do the work of a bureaucracy."

The hon. Sir CHARLES TODHUNTER:—"Sir, before the House decides to throw this Bill out, I ask it to consider seriously the constitutional aspect of such action. It is rather a serious matter for the Government to bring a Bill after full deliberation, and for the House to say, 'We won't look at it.' It is not as if the House had not plenty of other opportunities. If the Bill is allowed to go to the Select Committee, it can be examined fully by that committee, it could be re-written and then be brought before the House. If the

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House is not satisfied with the Select Committee's recommendations, then it can amend it out of all knowledge. If again the amendments do not satisfy the House, it can reject the Bill."

Mr. J. A. SALDANHA :—"Can there be an amendment on the constitutional point, Sir? Clause 20 says that the term of a settlement introduced under this Act shall ordinarily be thirty years. Can there be a change on that point? It might be said in the Select Committee that we cannot amend this point."

The hon. Sir CHARLES TODHUNTER :—"The hon. Gentleman is learned in the law; it is not for me to dictate to him what the law is. I would only say this. I have known a case of a Government Bill in which the Member in charge was left in a minority of one in the Select Committee, and he signed a dissentient minute. But he did not proceed with the Bill ('hear, hear'). Even that course is open to the House in Select Committee. The alternative course of throwing the Bill out at the first reading is one which, I think, in most responsible quarters is very very seldom taken except on grounds such as might have occurred in this case if the House had determined that they would look at nothing but permanent settlement, when there would be no use in discussing temporary settlement."

Mr. C. RAMALINGA REDDI :—"Give us legislative control over the rates and we will gladly agree to this Bill. That is the point of difference between the Treasury Bench and the hon. Members on this side."

The hon. Sir CHARLES TODHUNTER :—"I venture to say that it is not the only point of difference. There is this further point of difference. This Bill is spoken of as a taxation measure. Now I can refer to the Finance Bill in England and other examples, which impose a rate of taxation upon the whole country at one time and uniformly. If we were to make settlement proposals taxation measures, they would not affect the whole country uniformly at one and the same time; each Bill would affect a single district."

"We have seen in other provinces, happily not in Madras, that violent changes take place in the constitution of the Council and in the views the Council take in certain matters. If you make each Bill a taxation measure, you might have a Council that is anxious for taxation in one year and willing to impose a high rate of taxation, and the next year you might have a Council anxious for no taxation which would refuse to pass any Bill at all. The result would be a great waste of money in preparing proposals which were only going to be turned down. I do not think you can draw any analogy between a Settlement Bill and a Finance Bill in England or on the Continent."

"The endeavour now is to lay down principles in this Bill. I quite recognise that it is sometimes difficult to see where the principles end and where the practice begins. I do not know whether hon. Members have all actually gone through this Bill, but there is an infinity of details comprised in settlement proposals such as examination of the conditions of the area from end to end, the crops grown, the cultivation expenses, the kind of soil, the market prices, the famine years and so on, which can only be dealt with by persons trained to deal with them. It would be, to my mind, just as impossible for all these details to be examined by a body of 127 Members, as it would be if in a Customs case where you have three grades of betelnuts imported, and each at different rates, the House should attempt to decide whether any particular bag of nuts is first class or second class or third

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class. It would be simply a *reductio ad absurdum*. Similarly with regard to income-tax, you propose a certain rate and the official executive must determine what is the amount upon which an individual has to pay at that rate. There is the difference between policy and practice. The difficulty is to draw the line between policy and practice in respect of Land Revenue Settlements. We want the policy to be laid down in the Bill and the practice to be carried out by the executive. But if hon. Members think that what we have embodied as policy in the Bill does not go quite far enough and that there are other lines of policy that can be brought in the Bill without asking the Council to do the work of the executive officers, they may raise their points in Select Committee and see if they cannot arrive at a *modus vivendi*. What has been proposed is that the whole of the executive orders of the Government must be laid before it for its approval; in short, that the House is to do the work of the executive staff. That is a thing which, I say, cannot be done."

Mr. J. A. SALDANHA :—"As the Bill stands, clause 12 says that the executive shall lay the scheme on the table of the House. What are we to do but criticise it and make our recommendations?"

The hon. Sir CHARLES TODHUNTER :—"It has been suggested that the Bill implies that we do not trust the people's representatives. I think the opposition to the Bill rather implies that people's representatives do not trust the executive officials. Government do trust the people's representatives, but they do not expect them to do the work of the executive officials, the ordinary work of administration for which special training is required. That I think is the sole difference between the two sides if we can get the rhetoric out of the way. Therefore, Sir, I do ask the House that, unless they propose to say simply 'once and for all. We want permanent settlement, and we won't have anything to do with this Bill,' I ask the House to let this Bill go to Select Committee and have this question fully examined and see if they cannot find a *modus vivendi* that will satisfy them. When once the question of principle is settled, the carrying out of it must be left to the ordinary executive staff."

The hon. Sir ARTHUR KNAPP, on being called upon to reply, said :—"Sir, much time has been taken by Members on these benches, and as the hon. the Leader of the House has just summed up the position, I think I shall not claim to exercise my right of reply."

The motion that Madras Land Revenue Settlement Bill be read in Council was put and declared lost.

On a poll being demanded by the hon. Sir Arthur Knapp, the House divided as follows :—

Ayes.

- | | |
|------------------------------------|---------------------------------------|
| 1. The hon. Sir Charles Todhunter. | 9. Mr. G. F. Paddison. |
| 2. " " Arthur Knapp. | 10. " F. Noyce. |
| 3. " Mr. C. P. Ramaswami | 11. " T. R. Venkatarama Sastryar. |
| Ayyar. | 12. " Abdulla Ghatala Sahib. |
| 4. " the Raja of Kollengode. | 13. " S. Arpudaswami Udayar. |
| 5. " Sir A. P. Patro. | 14. Rao Sahib T. C. Tangavelu Pillai. |
| 6. " Diwan Bahadur T. N. | 15. Mr. C. R. T. Congreve. |
| Sivagnanam Pillai. | 16. " P. K. S. Arumuga Nadar. |
| 7. Mr. R. W. Davies. | 17. " B. Muniswami Nayudu. |
| 8. " P. L. Moore. | 18. " M. Ratnaswami. |

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Noes.

1. Mr. S. R. Y. Ankinedu Prasad Bahadur.
2. " H. B. Ari Gowder.
3. " A. V. Bhanaji Rao.
4. " N. Devendrudu.
5. Rao Bahadur P. C. Etirajulu Nayudu.
6. Mr. L. C. Guruswami.
7. " Mahabala Hegde.
8. " T. Mallesappa.
9. " P. N. Marthandam Pillai.
10. " K. Prabhakaran Tampan.
11. " G. Premayya.
12. " K. Raghuchandra Bellala.
13. " P. T. Rajan.
14. " B. Ramachandra Reddi.
15. " J. D. Samuel.
16. " K. Sarvarayudu.
17. " K. Sitarama Reddi.
18. Diwan Bahadur P. Kesava Pillai.
19. Rao Bahadur C. Natesa Mudaliyar.
20. " T. A. Ramalinga Chettiyar.
21. Mr. C. Ramalinga Reddi.
22. Rao Bahadur C. V. S. Narasimha Raju.
23. Mr. A. Chidambara Nadar.
24. " K. Koti Reddi.
25. " J. Kuppuswami.
26. " P. Anjaneyulu.
27. Sriman Biswanath Des Mahasayo.
28. Mr. M. Gangaraju.
29. " S. Muttayya Mudaliyar.
30. Dr. P. Subbarayan.
31. Mr. C. Gopala Menon.
32. " P. Peddiraju.
33. " V. C. Vellingiri Goundar.
34. " A. Ranganatha Mudaliyar.
35. " J. A. Saldanha.
36. Sriman Sasibhushana Rath Mahasayo.

Neutral.

Rao Sahib P. V. Gopalan.

Rao Bahadur P. Raman.

Ayes : 18. Noes : 68. Neutral : 2.

The motion was lost.

The House then adjourned at 5 p.m. to meet again at 11 a.m. on Monday, the 31st March 1924.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

28th March 1924]

APPENDIX.

[Vide Item III at page 21 supra.]

(1)

Proceedings of the First Meeting of the Public Accounts Committee for 1923-24 held on Saturday, the 15th December 1923 at 2 p.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

The hon. Sir CHARLES TODHUNTER, K.C.S.I., I.C.S. (Chairman).

M.R.Ry. B. MAHARALA HEGDE AVARGAL, M.L.C.

" S. ARPUDASWAMI UDAYAR AVARGAL, M.L.C.

" P. N. MARTHANDAM PILLAI AVARGAL, M.L.C.

" C. V. VENKATARAMANA AYYANGAR AVARGAL, M.L.C.

" R. SRINIVASAN AVARGAL, M.L.C.

A. J. LEECH, Esq., M.L.C.

R. W. DAVIES, Esq., I.C.S., M.L.C.

The Accountant-General Mr. A. A. L. Parsons, I.C.S., was also present.

The audit report on the accounts of the Madras Presidency for 1922-23 was taken into consideration.

2. *Section I of the report—Paragraph 4 (2).*—The Committee desired to be informed as to the orders that were passed with regard to the excess expenditure of Rs. 9,216 referred to.

3. *Section II of the report—Paragraph 2.*—The Accountant-General informed the Committee that the prescription in the Civil Account Code that "on no account may charges be actually incurred in one year and thrown on the grant of another year" means that bills due in one year should not be paid in the following year, and that the phrase "charges incurred" means "bills due for payment."

4. *Section II—Paragraph 5.*—The Committee desired to be informed whether the royalty plus interest would be recovered from the Company.

5. *Section II—Paragraph 6 (b).*—The Committee desired an explanation as to why an embezzlement of Rs. 101 by a clerk in a sub-magistrate's office should be considered to have been adequately punished by the loss of promotion for one year.

6. *Section III—Paragraph 1.*—The Committee desired that the Secretaries to Government, Public Works Department, should attend and explain why the percentage of "works started without estimate", whether under the head of repairs or original works, was so high.

7. *Section IV—Paragraph 3.*—The Committee desired to be informed as to who was responsible for the delay referred to in this paragraph.

8. *Section IV—Paragraph 5 (a).*—The Committee desired that the correspondence should be produced in order that they might ascertain whether further action is required with regard to the Auditor-General's remarks.

FORT ST. GEORGE,
17th December 1923

C. G. TODHUNTER.

[28th March 1924]

(2)

Proceedings of the Second Meeting of the Public Accounts Committee for 1923-24, held on Wednesday the 5th March 1924.

PRESENT:

M.R.Ry. C. V. VENKATARAMANA AYYANGAR Avargal, M.L.C.
 „ R. SRINIVASAN Avargal, M.L.C.
 „ S. ARPUDASWAMI UDAYAR Avargal, M.L.C.
 „ B. MAHABALA HEGDE Avargal, M.L.C.
 A. J. LEECH, Esq., M.L.C.
 R. W. DAVIES, Esq., M.L.C.

Mr. J. F. Mitchell, the Accountant-General, and Mr. M. R. Kharegat, Secretary to Government, Public Works Department (General, Buildings and Roads), were also present.

In the absence of the Chairman, Mr. R. W. Davies took the chair.

The audit report on the accounts of the Madras Presidency for 1922-23 was further considered.

2. *Section I of the report—Paragraph 4 (2).*—The information called for at the previous meeting of the Committee was furnished to the Committee who desired that the Secretary, Development Department, should attend at the next meeting and explain the excess expenditure in greater detail.

3. *Section II of the report—Paragraph 6 (b).*—The Committee expressed the opinion that the punishment inflicted, viz., debarment from promotion for one year, was most inadequate.

4. *Section III of the report.*—The Committee requested Mr. Kharegat to explain why so large a percentage of works was started without estimates in the year under report. Mr. Kharegat stated that the Accountant-General had included a large number of cases in which the works were started without estimates in accordance with, and not in violation of, the rule. The Accountant-General was asked to verify to what extent he had included cases which were authorised by the Code.

5. *Section IV of the report—Paragraph 3.*—The Secretary, Public Works Department, was asked to furnish a note explaining the delay of fourteen months referred to in the paragraph.

6. *Section IV of the report—Paragraph 5 (a).*—The Committee expressed the opinion that there had been regrettable delay on the part of Government in fixing the rate of rent to be recovered from the occupants of the bungalows in question, and in imposing the standard rate of rent, and that this delay had resulted in an unnecessary loss of public money. In view of the fact that the failure to collect the standard rent was due to the delay on the part of Government, the Committee did not consider that arrears should be collected. They were of the opinion, however, that the officers who had sublet their bungalows during their absence on leave at a concession rate of rent should pay the full standard rent during the period of their leave, provided that they had not obtained previous sanction to sublet their houses under the rules then existing.

7. *Section IV of the report—Paragraph 6.*—The Committee desired that a memorandum should be prepared for their information giving the history

[28th March 1924]

of the case and allocating the responsibility for the delay at each stage. They also desired that they should be informed of the nature and extent of the punishment awarded.

8. *Section IV of the report—Paragraphs 10, 11 (a), 11 (b), 12 (d), 14 (a), (c) and (d), 17, 20 and 23.* The Committee desired that the orders of Government should be communicated to them.

9. *Section IV of the report—Paragraph 18.*—The Committee recommended that, where a scheme of this nature is embarked on after full consideration and the scheme has not in itself been proved to be unsuitable or to require variation on grounds other than that a change of opinion has taken place, the original decision should be adhered to.

10. *Section IV of the report—Paragraph 22.*—The Committee desired that, after the departmental inquiry had been completed, the results of the inquiry should be communicated to them.

11. *Section IV of the report—Paragraph 24.*—The Committee desired that in all cases in which the rule with regard to pre-audit had been violated, the explanations that have been already called for should be communicated to them together with the orders of Government passed thereon.

12. The Committee then adjourned to meet again on Saturday the 15th March at 11-30 a.m. The consideration of sections V, VI and VII of the report was deferred until the next meeting.

6th March 1924.

R. W. DAVIES.

(3)

Proceedings of the Third Meeting of the Public Accounts Committee for 1923-24 held on Saturday the 15th March 1924 at 11-30 a.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

The hon. Sir CHARLES TODHUNTER, K.C.S.I., I.C.S. (Chairman).
 M.R.Ry. S. ARPUDASWAMI UDAYAR Avargal, M.L.C.
 „ B. MAHABALA HEGDE Avargal, M.L.C.
 „ P. N. MARTHANDAM PILLAI Avargal, M.L.C.
 „ R. SRINIVASAN Avargal, M.L.C.
 „ C. V. VENKATARAMANA AYYANGAR Avargal, M.L.C.
 Sriman SASIBHUSHANA RATH Mahasayo, M.L.C.
 Janab ABAS ALI KHAN Bahadur, M.L.C.
 C. E. WOOD, Esq., M.L.C.
 R. W. DAVIES, Esq., M.L.C.

Mr. J. F. Mitchell, I.C.S., the Accountant-General and Mr. M. R. Kharegat, Secretary to Government, Public Works Department (General), were present.

1. The Committee continued their scrutiny of the audit report on the accounts of the Madras Presidency for 1922-23.

[28th March 1924]

2. *Section I of the Report.—Paragraph 4 (2).*—Mr. Noyce explained the circumstances under which the excess expenditure had been incurred. The feature of the case that required adverse comment was the commencement of the work before estimates had been sanctioned.

3. *Section III of the Report.*—The Accountant-General explained that, in the majority of cases, the works that had been started without estimates were works falling under sections 188, 190 and 233 of the Public Works Department Code under which sections petty construction and repairs, involving a total outlay of less than Rs. 1,000 in each case, may be started on the requisition of the head of the department without a detailed estimate. The Accountant-General explained that such items had been included in the list of works that were started without estimates on the ground that the provisions of sections 188, 190 and 233 had not been complied with, and that, if the procedure prescribed in those sections were followed, a large number of irregularities would be eliminated. Mr. Kharegat promised to take steps to ensure that the procedure laid down in these sections should be complied with in future.

4. *Section IV of the Report.—Paragraph 3.*—The Secretary, Public Works Department, explained the delay of fourteen months which had occurred in the Public Works Department and Finance Secretariats. In view of the explanation, the Committee advised that no further action was necessary.

5. *Section IV of the Report.—Paragraph 5 (a).*—The Committee were informed by Mr. Kharegat that the officers in question had obtained previous sanction to sublet their houses under the rule then existing and reaffirmed their view that, in the circumstances, arrears of rent calculated at the standard rate should not be collected from the officers concerned.

6. *Section IV of the Report.—Paragraph 6.*—The memorandum called for by the Committee was placed before them. This memorandum showed that the Revenue Inspector who had been punished was not the only guilty party, but that the Divisional officer and the Tahsildar had also been responsible for the delay. The memorandum showed that the Board of Revenue had called for no explanation from the Divisional officer or the Tahsildar and had instituted no enquiry as to the fixation of responsibility. The Committee regretted that the lowest paid officer, viz., the Revenue Inspector had had to bear the whole brunt of the punishment inflicted for the inordinate delay in the case, while his superior officers had escaped from criticism and were not even called upon for an explanation.

7. *Section IV of the Report.—Paragraph 11 (a).*—The payment of contractor's profits on the value of materials supplied by Government was made by the Executive Engineer in violation of the provisions of Public Works Memorandum No. 2317 C of 8th April 1918. The Committee were informed that Government has not yet passed final orders, but desired to express their recommendation that the provision contained in Public Works Memorandum No. 2317 C of 1918 should be embodied—in the K. 2 agreement.

8. *Section IV of the Report.—Paragraph 20.*—The Committee observed that the loss of Rs. 20,066, which is referred to in this paragraph, was due to the failure to observe the necessary formalities before embarking on construction, and expressed the opinion that this departure from

[28th March 1924]

orthodox procedure should have been avoided. They regretted that Government should have embarked on the scheme without the formal sanction of detailed estimates and without correct information as to what the scheme would cost. In view of the fact that the buildings have been sold, no further action appeared to be necessary.

9. *Section IV of the Report.—Paragraphs 10, 12 (d), 14 (a), (c) and (d), 17, 23 and 24*—Government have not yet passed orders in these cases.

10. *Section V of the Report.*—The Committee were satisfied that the March expenditure required no comment and that the figures for 1922–23 showed a satisfactory distribution of expenditure.

11. *Section VI of the Report.—Paragraph 6.*—The Committee desired to be informed what action had been taken on the recommendations of the Accountant-General and the Retrenchment Committee with regard to the cost of electric current. Mr. Kharegat promised to make inquiries.

12. *Section VI of the Report.—Paragraph 7.*—The Accountant-General was requested to report whether improvement in the recoveries had taken place.

13. *Section VII of the Report.—Paragraph 1.*—The Accountant-General was requested to report on the present state of the works accounts in the Agency.

14. *Section VII of the Report.—Paragraph 2.*—The Committee considered it desirable that the treasuries of the Presidency should be inspected annually and that the inspection of treasuries should not be curtailed in the manner indicated. They also expressed the opinion that Public Works Divisional accounts and the accounts of Civil officers acting as Public Works disbursers should be inspected annually and not once in two years as at present.

15. *Section VII of the Report.—Paragraph 16.*—The Committee recommended that the verification of the Public Works Stores by a member of the Audit department should be undertaken and requested the Accountant-General to revive the proposal.

16. *Appendix to the Report.*—The Committee scrutinized the further action taken on the financial irregularities noticed in the Audit reports of previous years and considered that the action taken by Government was adequate.

17. The Committee desired to call attention to the frequency and multiplicity of transfers in the Public Works Department as a result of which a whole series of officers is, in many cases, made responsible for a single irregularity and the difficulty of fixing responsibility is increased. The delay in obtaining explanations from officers who have been transferred to other parts of the Presidency, and who have no longer access to the papers, militates against dealing with the irregularities promptly and adequately, the officers concerned having, in many cases, retired or died before the disposal by Government of the case in which they were concerned.

FORT ST. GEORGE,
17th March 1924.

C. G. TODHUNTER.

[28th March 1924]

(4)

Proceedings of the Fourth Meeting of the Public Accounts Committee for 1923-24 held on 18th March 1924 at 5-15 p.m. in the Cabinet Chamber, Fort St. George.

The following members were present :—

The hon. Sir CHARLES TODHUNTER, K.C.S.I., I.C.S. (Chairman).

M.R.Ry. C. V. VENKATARAMANA AYYANGAR Avargal, M.L.C.

" B. MAHABALA HEGDE Avargal, M.L.C.

" R. SRINIVASAN Avargal, M.L.C.

C. E. WOOD, Esq., M.L.C.

R. W. DAVIES, Esq., I.C.S., M.L.C.

Mr. J. F. Mitchell, I.C.S., the Accountant-General, was also present.

The Appropriation Report on the accounts of 1922-23 was taken into consideration together with the Auditor-General's review thereof, and the following resolutions were passed :—

Section IV.—The Committee desired to emphasize the importance to be attached to the progressive control of expenditure by heads of departments and disbursing officers. They were informed that the whole question was under the consideration of the Finance Department.

2. The excesses over net grants were considered by the Committee which recommended that excess demands should be moved in the case of voted items. They were informed that Government would sanction the excesses in the case of non-voted items. With reference to particular excesses, the following recommendations were made :—

(1) The travelling allowance of Members of Council and of Ministers exceeded the voted grant by Rs. 30,000.

The Committee considered that a progressive account of the expenditure should be maintained in the Chief Secretariat and that Members of Government should be advised as to the progress of that expenditure.

(2) Under 'Staff and household of the Governor' the excess of 1.76 lakhs was explained as due to late adjustments of debits passed on by the Army department. A sum of Rs. 10,000 still remained unexplained with regard to which details were called for.

(3) The expenditure on discretionary grants was exceeded by Rs. 4,740. The Accountant-General was asked to furnish an explanation.

3. The Deputy Secretary, Finance, attended and explained that the excess expenditure of 23 lakh under Port establishment was due to the adjustment of the Harbour Engineer's salary against the total cost of works expenditure during the year, and that the total expenditure incurred could not be ascertained till after the close of the year.

4. The Superintendent and the Assistant Superintendent of Stationery were present when excesses under the minor head "Stationery Stores—Provincial" were dealt with. It was explained that the excess was due to a paper adjustment and that there was a corresponding reduction in "Stationery supplied from Central Stores". The Committee were informed that the present method of exhibiting the total expenditure under Minor head 46-B would be abandoned in future and that the actual expenditure incurred less recoveries from Central and other Governments, would alone be shown.

[28th March 1924]

5. The Committee next considered paragraph 8 (a) of Section IV of the Appropriation Report in which are detailed the reductions made by the Legislative Council during the vote on the demands for grants for the year 1922-23. It was observed that in three cases the net grants sanctioned by the Legislative Council had been exceeded. The Committee expressed the opinion that in no case should the net grant sanctioned by the Legislative Council, as the result of reductions made by that body, be exceeded without the specific sanction of the Council in each case.

(5)

Proceedings of the Fifth Meeting of the Public Accounts Committee, held at 5-15 p.m. on the 22nd March 1924 in the Cabinet Chamber, Fort St. George.

The following members of the Committee were present :—

The hon. Sir CHARLES TODHUNTER, K.C.S.I., I.C.S. (Chairman).

Janab ABBAS ALI KHAN SAHIB, M.L.C.

M.R.Ry. P. N. MARTHANDAM PILLAI Avargal, M.L.C.

" B. MAHABALA HEGDE Avargal, M.L.C.

" C. V. VENKATARAMANA AYYANGAR Avargal, M.L.C.

" S. ARPUDASWAMI UDAYAR Avargal, M.L.C.

C. E. WOOD, Esq., M.L.C.

R. W. DAVIES, Esq., I.C.S., M.L.C.

The draft report of the Public Accounts Committee was adopted as amended.

FORT ST. GEORGE,
23rd March 1924.

C. G. TODHUNTER.

(6)

Proceedings of the Twenty-first Meeting of the Finance Committee. 1923-24, dated 17th March 1924.

PRESENT :

The hon. Sir CHARLES TODHUNTER, K.C.S.I., I.C.S. (Chairman).

Rai Bahadur T. M. NARASIMHACHARLU Garu, M.L.C.

M.R.Ry. A. RAMASWAMI MUDALIYAR Avargal, M.L.C.

" A. KANGANATHA MUDALIYAR Avargal, M.L.C.

Dr. P. SUBBARAYAN, M.L.C.

Janab MUHAMMAD YAHYA ALI SAHIB Bahadur, M.L.C.

C. NICHOLSON, Esq., M.L.C.

R. W. DAVIES, Esq., I.C.S., M.L.C.

Messrs. J. S. Westerdale, Sanitary Engineer to Government, and B. Rama Rao, Deputy Secretary to Government, Local Self-Government Department, were also present.

[28th March 1924]

A. SCHEMES.

- (1) Sewers in Secretariat Buildings and Council Chamber.

The Committee considered that the portion of the main scheme for which provision has been made is by no means the most important and would advise that a combined scheme be prepared for the whole Secretariat, special attention being given to provision for the clerks.

- (2) Employment of two nurses in the Government Headquarter Hospital at Palamcottah—Cost in 1924-25, Rs. 1,650.

The Committee recommended the scheme for acceptance.

- (3) X-Ray Institute, Madras—Increase of staff—cost in 1924-25. Rs. 4,920.

The scheme was recommended for acceptance.

- (4) Appointment of a Government Lady Medical officer in the Municipal Hospital, Parlakimedi—Addition to the cadre of Civil Assistant Surgeons—Extra cost Rs. 1,170 per annum.

The Committee recommended the scheme for acceptance.

- (5) Purchase of District Judge's bungalow, Coimbatore—Rs. 55,000.

The scheme was recommended for acceptance.

B. SUPPLEMENTARY DEMANDS FOR 1923-24.

- (6) "22. General Administration—Tour expenditure of His Excellency the Governor"—Rs. 30,000.

The Committee recommended that a supplementary demand be moved.

- (7) "32. Medical—Transferred—Voted charges," Rs. 1,86,326.

The Committee recommended that a supplementary demand be moved.

- (8) Payment of compensation to the Adhigari of Tirurangadi Mapilla Rebellion—Rs. 9,000.

The Committee advised that the details of the claim should be scrutinized.

C. ADDITIONAL DEMAND FOR 1924-25.

- (9) Additional staff—Finance Secretariat—Preparation of the Provincial Civil Budget Estimates—Cost in 1924-25, Rs. 6,100.

The Committee recommended that an additional demand be moved.

- (10) "32. Medical—Grant to the Countess of Dufferin's Fund." Extension and improvements to the Women and Children's Hospital, Vizagapatam—Cost in 1924-25, Rs. 28,000.

The Committee recommended that a sum of Rs. 28,000 be moved as an additional demand for 1924-25.

- (11) Improvements to the Electric Supply—King Institute, Guindy—Rs. 30,600.

The Committee recommended that an additional demand be moved.

- (12) Additional Assistant Secretary and menial staff—Chief Secretariat—Cost in 1924-1925—Rs. 5,830.

The Committee requested that the Chief Secretary should explain in person the necessity for the new appointments.

- (13) The following paper was placed on the table:—

G.O. No. 76, Public, dated 6th February 1924, regarding the constitution of a Staff Selection Board.

FORT ST. GEORGE,
18th March 1924.

C. G. TODHUNTER.

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 31st March 1924.

The House met at 11 o'clock, the hon. the President (Diwan Bahadur L. D. SWAMIKANNU PILLAI, C.I.E., I.S.O.) in the chair.

I

NEW MEMBER.

Sir JAMES SIMPSON, Kt., was sworn in.

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 and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, 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.]

Government Servants' Conduct Rules.

Interviews given by the Collector of Coimbatore to newspaper correspondents.

801 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Finance, the hon. the Member for Revenue and the hon. the Minister for Development be pleased to state—

(a) whether there is a rule governing the conduct of Government officers that they should not write articles to any newspaper about public matters;

(b) if so, whether that rule is applicable to cases where public servants give interviews to newspaper correspondents and have their opinions expressed in their interviews published in newspapers;

(c) whether the attention of the Government has been drawn to two interviews granted by the Collector of Coimbatore and published recently in newspapers, the latter one being in the 1st March 1924 in the course of which interviews he expresses his opinion regarding two important matters now under the consideration of hon. the Member for Revenue and of the hon. the Minister for Development; and

(d) whether the Government view such publications with approval?

A.—(a) The answer is in the negative.

(b) The question does not arise.

(c) The answer is in the affirmative.

(d) The answer is in the affirmative.

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know, Sir, if that rule applies to all officers of Government?"

The hon. Sir ARTHUR KNAPP:—"May I ask, Sir, which rule my hon. Friend is referring to?"

[31st March 1924]

Mr. C. V. VENKATARAMANA AYYANGAR :—"The rule referred to in the last portion of the answer, that the Government have no objection to Government officers granting interviews to newspaper correspondents."

The hon. Sir ARTHUR KNAPP :—"I find nothing about interviews in the last portion which only says that the Government view the publications with approval."

Mr. C. V. VENKATARAMANA AYYANGAR :—"A reference to the previous portion of the answer will make the matter clear, Sir. It has reference to the interviews granted by the Collector of Coimbatore on two important matters and the Government, in answer, reply that they view the publications of the interviews with approval. I am asking, therefore, whether every public servant is entitled to grant interviews on any question whatever to newspaper correspondents who can publish the result."

The hon. Sir ARTHUR KNAPP :—"I am not quite prepared at present to go beyond the terms of the answer which are that the Government view with approval the publication of the two interviews referred to in the question."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I wish to know, Sir, whether the interviews were granted with the consent of the Government."

The hon. Sir ARTHUR KNAPP :—"Not with the previous consent, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know then, Sir, what is the test to be applied to know whether a particular interview is admissible? Does it depend upon the position of the officer or whether there are other conditions to be considered?"

The hon. Sir ARTHUR KNAPP :—"It depends upon the good sense of the officer, the nature of the subject and possibly also upon the character of the newspaper on whose behalf the interview is given."

Mr. C. V. VENKATARAMANA AYYANGAR :—"In these matters, most of the newspapers had interviews."

Mr. S. SATYAMURTI :—"With reference to the answer to (a) of this question, may I ask the hon. the Home Member, as he has been answering the questions on behalf of the Finance Member, whether the rule that Government officers may write articles to any newspaper about public matters is absolute, independent of the nature of the subject or, as the hon. the Home Member described, the character of the newspaper to which they write?"

The hon. Sir CHARLES TODHUNTER :—"There is no rule prohibiting Government officers from writing articles about public matters."

Mr. S. SATYAMURTI :—"May I invite the hon. the Finance Member's attention to this fact, that it may be extremely embarrassing to the Government, which has got to lay down the policy, to allow its own servant to canvass for a policy in the columns of the newspapers, and with reference to that, does the Government still say that the freedom of the servant of the Crown in this matter is absolutely unfettered to discuss questions of Government policy in public press?"

The hon. Sir CHARLES TODHUNTER :—"When the Government find that they are embarrassed by the conduct of their servants they will take the necessary action."

[31st March 1924]

Mr. S. SATYAMURTI :—"Therefore, may I take it, Sir, that the Government will lay down no general rule of conduct, but continue to hang a Damocles' sword over the officers, and when their opinions suit their taste will not take any steps but when it is otherwise, will turn round upon the officers granting the interviews?"

The hon. Sir CHARLES TODHUNTER :—"The Government have found the existing rules to work quite satisfactorily and see no cause to alter them."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Are the revenue inspectors prohibited from giving information to the correspondents of the *Madras Mail*?"

The hon. Sir CHARLES TODHUNTER :—"There is no rule to that effect."

Mr. S. SATYAMURTI :—"With reference to the answer to (d) of the question, 'that the Government view the publications with approval,' may I take it that the approval is based on the Government reading the interviews and the Government feeling that the opinions expressed in the interviews are not against public interests or against the policy of the Government?"

The hon. Sir CHARLES TODHUNTER :—"The Government approve Government officers taking steps to make their policy understood by the people in the districts under their administration."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is it so even when the Members of the Cabinet are considering those very subjects, as in the instances mentioned in the question, on which the interviews were given? I understand, Sir, in the two interviews mentioned in the question, the subject was under consideration by the Members even when the interviews were granted."

The hon. Sir CHARLES TODHUNTER :—"I am not aware that any of my hon. Colleagues have been embarrassed by the particular interviews. I am sure that, if they had been, they would have informed me accordingly."

Sriman SASIBHUSHANA RATH Mahasayo :—"Is there any objection, Sir, to Government servants as a class defending themselves against allegations made against them, or correcting any misrepresentations or misstatements regarding them?"

The hon. Sir CHARLES TODHUNTER :—"I submit, Sir, that that question does not arise out of the question on the paper."

Mr. S. SATYAMURTI :—"With reference to the answer of the hon. the Finance Member to a supplementary question, that the Government have no objection to their servants explaining their policy to the people in the newspapers, may I know whether he means the policy of the Government or of the Collectors themselves?"

The hon. Sir CHARLES TODHUNTER :—"The policy of the Government."

Mr. C. V. VENKATARAMANA AYYANGAR :—"In these two instances cited, do the Government say that the policy propounded by the District Collector is the policy of the Government? I ask the question because, I understand, that the Members of the Cabinet have themselves been considering the policy in regard to these matters."

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The hon. Sir CHARLES TODHUNTER :—"So far as I am aware there is nothing in what the Collector has said in any way contrary to the policy of the Government."

Presidency Allowances.

Representations from the non-gazetted officers regarding presidency allowances.

802 Q.—MR. S. SATYAMURTI : Will the hon. the. Member for Finance be pleased to state—

(a) whether it is a fact that the Government have recently sanctioned Presidency allowances to certain officers, gazetted as well as non-gazetted, who are stationed in the city of Madras ;

(b) what principles were laid down by the Government to decide which class of officers should be declared eligible for the allowances ;

(c) whether it is a fact that a large number of non-gazetted officers who are employed in the City of Madras and who do not get higher pay than similar officers in the mufassal have not been given these allowances ; and if so, the reasons for denying them these allowances ;

(d) whether it is a fact that the bulk of the ministerial officers employed in the City of Madras have been denied these allowances and, if so, whether it is due to the fact that those officers get slightly higher scales of pay than clerks of the same grade in the mufassal ;

(e) whether the difference in pay, where such exists, between the pay of clerks in the city and the corresponding officers in the mufassal is only Rs. 5 and whether it is a fact that but for this differential pay of Rs. 5, the clerks in the city would be entitled to Presidency allowances at rates varying from Rs. 10 to Rs. 50 ;

(f) whether any representations have been received from the non-gazetted officers who have not been given the Presidency allowances requesting the early grant of these allowances at the prescribed rates from the 1st March 1924 ;

(g) whether the ministerial officers have even agreed to surrender, wherever such difference exists, the differential pay of Rs. 5 in order to be eligible for the Presidency allowances at the rates prescribed ; and

(h) what action has been taken by the Government on these representations and whether the Government are going to recognize the claims of these low-paid officials and include them in the list of officers entitled to Presidency allowances ?

A.—(a) As a consequence of the recent reduction and reclassification of allowances, following on the inquiries of the Retrenchment Committee certain of the allowances granted have been classified as Presidency allowances.

(b) There has been no general introduction of a Presidency allowance scheme for all officers in the City of Madras. The principles on which the reclassification of allowances was based, are discussed in Chapter III of the Retrenchment Committee's report.

(c) The Government are not aware of any instance in which the principles arrived at after discussion of the Retrenchment Committee's report have been departed from.

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(d) Since there has been no question of the introduction of a general scheme of Presidency allowances, there is equally no question of the denial of these allowances to particular officers.

(e) The Salaries Committee of 1921 recommended a difference in pay between clerks of the lowest grade in the city and the mufassal of Rs. 5 and this recommendation has been adopted. It is not a fact that, but for this differentiation of pay, the clerks in the city would be entitled to an allowance of Rs. 10 to Rs. 50.

(f), (g) & (h) Certain representations have been received and are under consideration. But any such consideration must be subject to the fact that the instructions to the Retrenchment Committee were to retrench and not to propose large new schemes of expenditure.

MR. S. SATYAMURTI :—"With reference to the answer to clause (a) of the question, may I ask the Government to consider the hardship arising from the circumstances mentioned in clause (e) of the question and going beyond the instructions to the Retrenchment Committee, whether they will see that this inequality is redressed ?"

The hon. Sir CHARLES TODHUNTER :—"If the hon. Gentleman is prepared to carry a Resolution in this House recommending the introduction of a general scheme of Presidency allowances, I shall be most glad to prepare a scheme for introduction."

MR. S. SATYAMURTI :—"May I take it, then, that the Government will accept such a Resolution, if passed by this House ?"

The hon. Sir CHARLES TODHUNTER :—"I cannot commit my successor or my hon. Colleagues in the Government, nor can I be certain that the necessary money would be forthcoming. But personally I should like to see the introduction of a general scheme of Presidency allowances."

MR. S. SATYAMURTI :—"May I ask the hon. Member to commit this Government, at least to the extent to which he as Finance Member can commit, instead of saying 'Personally, I am in favour' which would of course have been valuable last year, but not now just on the eve of his retirement, to such a proposal ?"

The hon. Sir CHARLES TODHUNTER :—"The hon. Gentleman's question seems to me to contain its own answer."

Rao Bahadur C. NATESA MUDALIYAR :—"Is it not a fact that a sum of Rs. 5 is not an adequate compensation for clerks living in Madras and is it not a fact, also, that clerks in Madras are very willing to go to the mufassal though they get five rupees less ?"

The hon. Sir CHARLES TODHUNTER :—"I have not received any applications from clerks for such a transfer on a lower rate of pay."

Rao Bahadur C. NATESA MUDALIYAR :—"Was there a proposal to grant reliefs to them by giving them sites and advances of a year's salary to construct buildings thereon ?"

The hon. Sir CHARLES TODHUNTER :—"I have no recollection of any such proposal. I did however attempt to work out a scheme for granting advances under the rules to clerks who are permanently settled in Madras with a view to the recipients forming themselves into a co-operative house-building society."

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Rao Sahib U. RAMA RAO :—"Will the hon. the Finance Member be pleased to say whether the scholastic branch of the Educational department have been deprived of allowances while the inspecting officers of the Educational department have been allowed them?"

The hon. Sir CHARLES TODHUNTER :—"This question has already been answered fully on a previous occasion."

Rao Sahib U. RAMA RAO :—"Sir, is it also a fact that the Superintendent of the Sanskrit schools who has got jurisdiction all over the Presidency has not got the allowance?"

The hon. Sir CHARLES TODHUNTER :—"The answer is given in the answer to (b) of the main question. What the Committee did was to reclassify existing allowances, and as I have said, if the hon. Gentleman will carry a Resolution in favour of a general scheme of Presidency allowances, I, for one, shall only be too glad to support it."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Will the Government consider the desirability of abolishing the post of the Superintendent of Sanskrit schools?"

The hon. Sir CHARLES TODHUNTER :—"I am afraid, Sir, that that question does not arise out of the question on hand."

Forests.

Working of the forest panchayats in the Chingleput district.

803 Q.—Mr. C. MUTTAYYA MUDALIYAR : Will the hon. the Home Member be pleased to state—

- (a) the number of forest panchayats working in the Chingleput district;
- (b) how many of them are working satisfactorily;
- (c) whether the Government have any proposals to extend them to the other parts of the district;
- (d) the names and extent of forest reserves disafforested during the years 1922-23 and 1923-24 in this district;
- (e) the extent of cultivable land in the disafforested reserves; and
- (f) the extent of such land, if any, which has been assigned on patta to depressed classes?

A.—(a) Thirty-five on 31st December 1923.

(b) Thirty-four.

(c) Yes.

(d) A statement is placed on the table.*

(e) & (f) The Government have no information.

Mr. C. MUTTAYYA MUDALIYAR :—"May I know, Sir, which is the one panchayat court that does not work satisfactorily as is seen from the answer to the question?"

The hon. Sir ARTHUR KNAPP :—"I am afraid, I must have notice of the question."

* Printed as Appendix I on pages 121-122 infra.

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Mr. C. MUTTAYYA MUDALIYAR :—"Will the Government be pleased to call for the information asked for in clauses (e) and (f) of the question?"

The hon. Sir ARTHUR KNAPP :—"No, I do not think that any special purpose would be served by calling for information as to the extent of the land assigned."

Filling up of a vacancy in the 'listed' posts open to the Madras Forest Service.

804 Q.—Rao Bahadur P. C. ETHIRAJULU NAYUDU : Will the hon. the Home Member be pleased to state—

(a) whether there has been a vacancy in the 'listed' posts open to the Madras Forest Service; if so, (i) how long it has been vacant, and (ii) and why;

(b) whether it is a fact that the Chief Conservator of Forests has recently submitted the nomination of an officer who is low down in the list and who has not permanently held charge of a major or minor district in the Presidency at all;

(c) whether that officer is 'fully qualified' in the sense understood by the Secretary of State for India;

(d) whether it is a fact that more than a dozen officers above the present nominee have for years held charge of most important districts and have already proved their claim to recognition;

(e) whether it is a fact that the nominee has been selected mainly for his war-service; if so, whether the King's Commission was open to all the Indian officers in the Provincial Forest Service; and

(f) whether it is a fact that the Madras Government before it got enhanced powers submitted his nomination to the Imperial Service to the Government of India some years ago and it was not accepted?

A.—(a) The number of listed appointments in the Indian Forest Service was raised by one in 1921 in consequence of the creation of three new posts for the Agency. As none of these three posts has been filled the additional listed post has also to remain vacant.

(b) No.

(c) to (f) The questions do not arise.

Jails.

Alleged beating of Punjabi prisoners in the Central Jail, Vellore.

11-15 a.m. 805 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that on 5th October 1923 the Jailor of the Central Jail, Vellore, had one Ramacharandas and four other Punjabi prisoners severely beaten and that the then Superintendent of the Jail did not make proper inquiries when appealed to by the said prisoners; and

(b) if so, what action the Government propose to take in the matter?

A.—(a) The answer is in the negative.

(b) Does not arise.

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Mr. T. ADINARAYANA CHETTIYAR :—"Sir, I have got here a statement made by a responsible gentleman to the effect that the beating took place inside the jail, and I have got also a list of the witnesses who were present on the occasion; there are about ten of them. The statement also shows that the doctor, the medical officer in charge of the jail, was also present on the occasion. . ."

The hon. Sir ARTHUR KNAPP :—"May I ask, Sir, whether this is a question?"

The hon. the PRESIDENT :—"What is the hon. Member's question?"

Mr. T. ADINARAYANA CHETTIYAR :—"The answer given by the Government denies any beating having taken place. Therefore, I should like to know whether the hon. the Home Member will be prepared to receive from me the additional information which I have been able to obtain and shall furnish to him. I shall give the number and names of witnesses who were present on the occasion. I have also got information that the very people who have complained of having been beaten were awarded some default punishment by the jail authorities. I want to know if the hon. Member will give his attention to the matter."

The hon. the PRESIDENT :—"The Government are objecting that there is no supplementary question in what the hon. Member has stated. He has furnished certain information; it is quite open to him to communicate that information as he proposed to do, to the hon. Member for the Government concerned. But that is no supplementary question arising out of the original question."

Mr. T. ADINARAYANA CHETTIYAR :—"The Government have denied the alleged beating, and I wish to place additional information in their hands, and I wish to know if the hon. the Home Member is going to take action in the light of that information?"

The hon. Sir ARTHUR KNAPP :—"I cannot say that, Sir, until I see the information."

Mr. A. RANGANATHA MUDALIYAR :—"May I know, Sir, on whose report the answer to clause (a) is based?"

The hon. Sir ARTHUR KNAPP :—"On the report of the Inspector-General of Prisons."

Mr. P. ANJENEYULU :—"May I know, Sir, whether any beating at all took place in the jail in which these prisoners are residing, whether it be at the instance or the connivance of the jail authorities or not?"

The hon. Sir ARTHUR KNAPP :—"There was a fracas among the prisoners themselves, and the jail officials had to interfere in it and separate them. And, I understand, as a result of that, certain prisoners were subjected to disciplinary measures. But, for the suggestion that the jailor had certain prisoners severely beaten, there is no foundation."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to know whether the Government's objection or denial relates to the prisoners being severely beaten or to simple beating?"

The hon. Sir ARTHUR KNAPP :—"The objection is to the jailor having the prisoners beaten."

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Sriman SASIBHUSHANA RATH Mahasayo :—"Did the punishment take the form of beating?"

The hon. Sir ARTHUR KNAPP :—"No."

Mr. S. SATYAMURTI :—"Sir, the hon. the Home Member said that the jail officials had to interfere. May I know what the gentle process was that was used to separate them?"

The hon. Sir ARTHUR KNAPP :—"I am afraid, Sir, I have not got the details of the actual process of separation. But I think that, considering the violence perpetrated by the prisoners, a certain amount of force had to be used in order to separate them."

Mr. S. SATYAMURTI :—"The answer given here to clause (a) of the question simply says 'The answer is in the negative'. May I know whether the answer of the hon. the Home Member has been given after a thorough inquiry having been instituted in the jail regarding this matter, or is it a mere answer forwarded by the jail officials?"

The hon. Sir ARTHUR KNAPP :—"It is an answer made on the report of a responsible head of the department, the Inspector-General of Prisons, who had himself made the necessary inquiry."

Mr. T. ADINARAYANA CHETTIYAR :—"May I know, Sir, whether there is anything in the records of the jail, in connexion with this alleged beating, to show that some punishment had been given to the very people who complained of having been beaten."

The hon. Sir ARTHUR KNAPP :—"I am afraid, if the hon. Member wishes me to take a statement as to the contents of the jail records, I must ask for notice."

Mr. S. SATYAMURTI :—"May I know, as a result of the separation in the alleged quarrel, these people were actually beaten, whether there has been any report made to the Government or to the superintendent by the jail officials, or whether there would be some other record to show the offence for which any beating was given and the amount of injury caused, etc.?"

The hon. Sir ARTHUR KNAPP :—"Any beating of this kind that might have come to the notice of the jailor would naturally be reported later to the superintendent of the jail. The jailor reported to the superintendent that there had been trouble among the prisoners, that he had to interfere, and that, apparently, a certain amount of force had to be used for the purpose of separating the combatants."

Mr. T. ADINARAYANA CHETTIYAR :—"From what the hon. Member had read out, mild words such as 'fracas, among the prisoners', 'interference', 'separation' come out prominently. But I shall now supply information which would further elucidate the very mild words used. May I request the hon. the Home Member to investigate the matter? I shall place before him definite facts which have come to my notice, instead of relying on the information of anybody, and it is better in the interests of the prisoners and in the interests of the Government itself to investigate into it."

The hon. the PRESIDENT :—"I think the hon. the Home Member has already told the House that if the hon. Member would furnish any information, he would be prepared to take action upon it. And I do not think any further question arises on that point."

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Mr. T. ADINARAYANA CHETTIYAR :—" But, after that, he read out those words to which I have referred."

The hon. Sir ARTHUR KNAPP :—" I trust the hon. Member would inform me as to the source of his information."

Mr. S. SATYAMURTI :—" May I ask the hon. the Home Member to kindly read out the report of the jailor about the occurrence?"

The hon. Sir ARTHUR KNAPP :—" If my hon. Friend wishes that I should lay on the table the report of the jail officials, I am afraid, I must ask for notice."

Mr. S. SATYAMURTI :—" May I point out to you, Sir, that he has been reading from that report, and what I am asking the hon. the Home Member is, whether he is not going to place that report on the table of the House."

The hon. Sir ARTHUR KNAPP :—" That is the point about which I ask for notice. I read the report myself before answering these questions."

Mr. S. SATYAMURTI :—" May I know why he is not now prepared to lay the report on the table?"

The hon. Sir ARTHUR KNAPP :—" Because it is quite possible that the report might contain matter which it may not be desirable to lay on the table of the House."

Mr. S. SATYAMURTI :—" May I ask you, Sir, on a point of order, whether it is permissible for any Member of the Government, in view of your predecessor's ruling on the point, to read certain extracts from a paper, and then to decline to place it on the table of the House when a request is made."

The hon. the PRESIDENT :—" The hon. Member (Sir Arthur Knapp) so far as I remember, did not read any extracts from the paper or report. He had a paper in his hand, and he said he had information from the Inspector-General of Prisons, and he gave the House certain information, but not as extracts from any report, so far as I remember."

Mr. T. ADINARAYANA CHETTIYAR :—" As a matter of fact, he read out certain extracts from a paper. . . ." (Cries of Order, order.)

Recommendations of the Jail Commission.

806 Q.—Mr. P. SIVA RAO : Will the hon. the Home Member be pleased to state whether the Government have carried into effect any and which of the recommendations of the All-India Jail Commission?

A.—The attention of the hon. Member is invited to the statement placed on the Council Table on 22nd March 1924 with reference to the answer to question No. 160.

Settlement.

Tanjore Mirasidars' Deputation to His Excellency.

807 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Home Member be pleased to state—

(1) whether there is considerable dissatisfaction among the mirasidars of the Tanjore district on the recent enhancement of land revenue assessment;

(2) whether they resorted to non-payment of taxes as a protest against the enhancement;

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(3) whether as a result of the visit of the hon. the Home Member to the district, it was eventually arranged that His Excellency the Governor should receive a deputation of the mirasidars of the district;

(4) whether as a result of it a deputation was received by His Excellency the Governor on the 13th February;

(5) whether any final orders have been passed on the representations made by the deputation; and

(6) if not, when final orders will be issued?

A.—(1) & (2) The Government are aware that there is some dissatisfaction among the ryots of the Tanjore district at the enhancement of the Land Revenue assessment sanctioned for the district.

(3), (4), (5) & (6) A deputation of the ryots of the district waited on His Excellency the Governor on the 13th February 1924. The orders passed by the Government on the memorandum presented by the deputation are contained in G.O. No. 439, Revenue, dated 17th March 1924, which has already been placed on the Council table.

Mr. S. SATYAMURTI :—" May I invite the hon. the Home Member's attention to the fact that the dissatisfaction among the ryots of the Tanjore district is not 'some dissatisfaction' but that it is very great?"

The hon. Sir ARTHUR KNAPP :—" That, Sir, I think is a matter of opinion."

Mr. S. SATYAMURTI :—" May I ask the hon. the Home Member whether his attention has been drawn to the proceedings of the conference held yesterday at Mayavaram of all the leading mirasidars of the Tanjore district?"

The hon. Sir ARTHUR KNAPP :—" No, Sir, I have not seen any account of that conference."

Mr. S. SATYAMURTI :—" May I ask him to consider whether, in view of the fact that a very large number of distinguished and leading mirasidars of the district assembled yesterday and resolved not to pay the April instalment of the kist in the natural way, until the Government compels them to pay it by coercive process, he would still stick to the opinion that there was only 'some' dissatisfaction among the ryots?"

The hon. Sir ARTHUR KNAPP :—" I should prefer to reserve my opinion till I have seen a full account of the meeting."

Mr. S. SATYAMURTI :—" In view of the fact that there is some dissatisfaction—I am afraid I have to use the hon. the Home Member's phrase and not mine—does not the Government wish to take any action to allay even this dissatisfaction?"

Mr. C. V. VENKATARAMANA AYYANGAR :—" Have the Government decided on the principle of the 18½ per cent enhancement being made applicable to Tanjore, now that the Land Revenue Bill has been thrown out?"

The hon. Sir ARTHUR KNAPP :—" I do not think the Government made any suggestion that 18½ per cent enhancement would be given unless the Land Revenue Settlement Bill is passed."

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MR. C. V. VENKATARAMANA AYYANGAR :—" But what I am now asking the hon. the Home Member is, now that the Bill has been thrown out whether the Government intend to apply that principle of 18½ per cent enhancement to Tanjore or would decide on full enhancement, and thus punish them because this Council did not take up the suggestion offered and pass the Bill? "

The hon. Sir ARTHUR KNAPP :—" My answer is that that question does not arise."

MR. S. SATYAMURTI :—" In view of the fact that there is some agitation and discontent, and in view of the opinion of this Government that 18½ per cent increase is the only maximum that is equitable, just and proper, may I ask whether the Government would apply that opinion to the Tanjore district, irrespective of the fate of the Bill in this House? "

The hon. the PRESIDENT :—" I must object to the hon. Member asking the same question twice. That question about the 18½ per cent enhancement was asked by Mr. Venkataramana Ayyangar and was answered by the hon. the Home Member who said that the question did not arise."

Levy of interest from defaulting Pattadars in Tanjore.

808 Q.—RAO SAHIB U. RAMA RAO : Will the hon. the Home Member be pleased to state—

(1) whether it is a fact that the Collector of Tanjore has issued instructions to all tahsildars to levy interest at 6 per cent per annum from defaulting pattadars in exercise of the special discretionary power vested in him under the Board's Standing Orders;

(2) whether such discretionary power was ever exercised in the Tanjore district till now for arrears of kist outstanding within the fasli; and

(3) whether in view of the special circumstances under which the mirasidars have been obliged to withhold payment and in view also of the delay on the part of the Government in issuing orders on the representations made by the mirasidars' deputation, the Government propose to issue instructions to the Collector to suspend its operation?

A.—(1) Yes.

(2) The Government have no information.

(3) The Government do not propose to interfere with the exercise of the Collector's discretion in the matter.

MR. S. SATYAMURTI :—" May I ask, in view of the fact that according to the information of the Government such discretionary power was never exercised, the reasons why the Government do not propose to interfere with the exercise of the Collector's discretion in the matter? "

The hon. Sir ARTHUR KNAPP :—" The Government have not said that 'according to their information that discretionary power was never used before.' The Government have said that they have no information whether it was or was not."

MR. S. SATYAMURTI :—" May I ask the hon. the Home Member to say what exactly the Government means? Does the Government mean that that power was exercised, and if so, when and under what circumstances? "

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The hon. Sir ARTHUR KNAPP :—" The Government have already said that they had no information."

MR. S. SATYAMURTI :—" May I take it that according to the information of the Government, to the best of their information, such power was never exercised? "

The hon. Sir ARTHUR KNAPP :—" The Government have no information on the matter to say whether such discretion was ever exercised, and in the absence of information, they have no right to give any opinion."

MR. C. V. VENKATARAMANA AYYANGAR :—" Was this discretion exercised with the previous sanction of the Government? "

The hon. Sir ARTHUR KNAPP :—" The previous sanction of the Government was not required."

MR. C. V. VENKATARAMANA AYYANGAR :—" All that I asked was, taking into consideration the facts that led to the present situation, whether the Collector cared to apply to the Government to give their sanction for the use of that power."

The hon. Sir ARTHUR KNAPP :—" No, Sir."

MR. C. RAMALINGA REDDI :—" Will Government kindly call for the information and if they find that interest was not charged in previous years, will they see that the same concession is shown this year also? "

The hon. Sir ARTHUR KNAPP :—" I do not think any useful purpose will be served by calling for the information, for the simple reason, that in previous years there was no no-tax campaign."

MR. C. RAMALINGA REDDI :—" There is no no-tax campaign even now. It is only a no-enhancement campaign."

The hon. Sir ARTHUR KNAPP :—" I understood from one of the previous speakers that it has been decided at the Conference to start a no-tax campaign."

MR. C. V. VENKATARAMANA AYYANGAR :—" It is a campaign not to pay excess tax, which means the 25 per cent enhancement or the April kist."

MR. S. SATYAMURTI :—" Sir, on a point of personal explanation, may I tell the hon. the Home Member that I did not use the words 'no-tax campaign'? What has been resolved upon in the Tanjore Conference is a constitutional protest not to pay enhanced kist, in order to convince the Government of their real economic inability to pay the increased assessment."

The hon. Sir ARTHUR KNAPP :—" That, Sir, I should call a partial no-tax campaign."

THE RAJA OF RAMNAD :—" In cases where payments are realized without resort to coercive process, may I know whether the Government would waive their claim for interest? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I do not quite understand my hon. Friend's question. If the kist is paid on demand, no interest need be paid."

THE RAJA OF RAMNAD :—" What I mean is that there might have been default in the payment of kists for the first two instalments. If in the third instalment the full amount be paid with the arrears will the Government waive their claims for interest? "

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ May I know whether there is any provision in the Revenue Recovery Act for levy of this interest, or is it done under a Standing Order of the Board of Revenue ? ”

The hon. Sir ARTHUR KNAPP :—“ I am afraid I must have notice of that question.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (3), may I know the reasons why the Government will not interfere with the exercise of the Collector's discretion ? ”

The hon. Sir ARTHUR KNAPP :—“ Because we have every confidence in the Collector's discretion.”

Mr. S. SATYAMURTI :—“ May I know who the Collector is that passed this order, whether it is Mr. Shield or Mr. Hood ? ”

The hon. Sir ARTHUR KNAPP :—“ I cannot say that offhand. But we have confidence in the exercise of discretion of both these officers.”

Economic conditions of the depressed classes in the Tanjore district.

809 Q.—Mr. L. C. GURUSWAMI : Will the hon. the Home Member be pleased to state whether any special investigation was made by the Special Settlement Officer regarding the economic condition of the depressed classes tenants, cultivators and pattadars in the Tanjore district ?

A.—The Special Settlement Officer's enquiry into economic conditions was made by villages and includes an enquiry into the condition of the labourers in those villages as well as to that of tenants, cultivators and pattadars. It was not specially directed to the condition of the depressed classes.

The Tanjore Mirasidars' Deputation.

810 Q.—Mr. S. SATYAMURTI : Will the hon. the Home Member be pleased to state when the Government propose to issue any orders on the representation of the deputation of the Tanjore mirasidars or whether they propose to issue any order at all ?

A.—The hon. Member is referred to the answer to question No. 792.

Irrigation.

New dam in Malvarpatti, Dindigul taluk.

811 Q.—Mr. S. ARPUDASWAMI UDAYAR : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether the construction of the new dam in Malvarpatti, old survey No. 48, Dindigul taluk, across the canal, old survey No. 536, of Varattar, has been permitted by the Government ;

(b) whether Ayankulam to which water is diverted by the construction of this new dam is a Government tank ;

(c) whether this new dam finds a place in the survey map ; and

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(d) whether it is a fact that its construction causes, when the stream is full, the inundation of the villages of Marambadi, Samimuthanpatti, Sinnamuthanpatti and Andikavundanur and of all lands and wells situated within the radius of a mile of its banks ?

A.—Ayyankulam is a private tank. The rest of the information asked for cannot be furnished as the question of supply to this tank is sub-judice.

The Madras-Mysore agreement regarding the waters of Cauvery.

812 Q.—Mr. S. SATYAMURTI. Will the hon. the Law Member be pleased—

(i) (a) to place on the table of the Council all the papers connected with the Cauvery settlement and the Madras-Mysore agreement ;

(b) to place on the table of the Council the final agreement on this matter signed on the 18th February 1924 ; and

(ii) to state

(a) whether his attention has been drawn to the review of the negotiations by the Diwan of Mysore published in the “Hindu” of the 21st February 1924 and if it was published after reference to the Madras Government ;

(b) what were the main outlines of the settlement threshed out in the conference between the two Governments in April 1920 ;

(c) what was the settlement arrived at at that conference on the question of the limit gauges ;

(d) what were the modifications of the previous agreement agreed to by both the Governments in August 1920 ;

(e) what were the terms of the final agreement arrived at between the technical officers in regard to the Krishnarajasagara on the 26th July 1921 ;

(f) what were the main points of dispute between the two Governments on the question of the “sharing of the surplus waters” ;

(g) what were the terms of the “amicable settlement” arrived at between the two Governments in 1922, as to the “modus vivendi” relating to the sharing of the surplus water ;

(h) what were the terms of compromise indicated by His Excellency the Governor during his visit to Mysore ;

(i) what were the terms of the second agreement signed by the technical officers of the two Governments in 1923 ;

(j) whether the Madras Government have surrendered their rights over the Mekadatu water, and the reasons for that surrender ;

(k) whether the Ministers were consulted at any stage in these negotiations ; and

(l) whether in arriving at all these settlements the ryots of the Trichinopoly and Tanjore districts were ever heard ; if not, why ?

A.—(i) (a) The papers will be placed on the table in due course.

(b) The final agreement will be placed on the table after His Excellency the Governor and the Maharaja of Mysore have formally affixed their signature to the agreement.

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(ii) (a) Yes.

The review was not referred to the Madras Government before publication, nor were they aware that it would be issued.

The terms of a brief communique merely announcing the fact that an agreement had been arrived at were agreed upon by the two Governments and this appeared in the Press some days before the review referred to.

(b) to (i) The information is at present confidential.

(j) The right to generate power at Mekadatu by means of works constructed by this Government has been surrendered subject to conditions providing for the supply to Madras on favourable terms of a share of the power generated at a power station to be constructed by the Mysore Government.

(k) The Ministers were kept informed of the progress of the negotiations.

(l) The following memorials and representations were received from time to time from interested parties :—

(1) Memorial from the landholders of Tanjore and Trichinopoly districts to the Viceroy and Governor-General of India received in March 1915 through M.R.Ry. V. K. Ramanuja Achariyar Avargal.

(2) Memorial dated 28th April 1917 from the landholders of Tanjore and Trichinopoly districts to His Majesty's Secretary of State for India received through M.R.Ry. K. Chidambaranatha Mudaliyar Avargal.

(3) Supplementary memorial dated 19th October 1917 from the landholders of Tanjore and Trichinopoly districts to His Majesty's Secretary of State for India received through M.R.Ry. K. Chidambaranatha Mudaliyar Avargal.

(4) Memorial from certain ryots of the Trichinopoly district dated 16th June 1921.

(5) A Note by the leading ryots of Tanjore who were consulted by Government at a conference in the Fort St. George on 16th August 1922.

All these were before Government and were carefully considered.

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (l), may I ask the hon. the Law Member to tell me whether, in any matter, the opinions of the ryots affected the conclusions arrived at on any matter ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Without disclosing the details, I can say that, on two points, the opinions of the ryots were adverted to and were pressed upon the attention of the other Government and on one of those points, the Madras Government have succeeded.”

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Mr. S. SATYAMURTI :—“ With reference to the answer to clause (k), may I know whether the opinions of the Ministers were at any time asked ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I cannot say that ; but so far as the actual agreement that was entered into is concerned, it was with the enthusiastic concurrence of the hon. the Ministers.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether it is expected that the present Governor will be able to sign the document before he leaves Madras ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Yes.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Is it intended that the Mysore Government is going to set up a power station at Mekadatu ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Yes, on the border.”

Mr. S. SATYAMURTI :—“ I know it is impossible to assess the pecuniary values of these rights, but to the extent to which it can be done, may I ask the hon. the Law Member whether, with reference to the answer to clause (j), the right to generate power is more or less equal to the value of the supply to Madras on favourable terms of a share of the power generated ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Naturally, the capital comes from the Mysore Government, and it may amount to lakhs.”

Mr. S. SATYAMURTI :—“ Was the opinion of any experts taken with regard to the equalizing the value of the concessions given and the value of the concessions taken ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The communique will contain the information on that matter.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether the Government have given up their right to generate power only at Mekadatu, or also lower down ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ How can we give up our right to generate power in our own territory ? ”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I do not know whether it is British territory, or whether it belongs to Mysore ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ When it is a boundary between Madras and Mysore, it cannot be either.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Just at Mekadatu, one of the banks belongs to the Madras Government and the other is near the borders of Mysore.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ If it is not in or near the boundary, there would not have been any necessity for these negotiations at all.”

Mr. S. SATYAMURTI :—“ May I know where the power station will be constructed ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It will be on the boundary.”

Mr. S. SATYAMURTI :—“ How much in the Mysore territory and how much in British India ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I cannot answer that.”

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Mr. C. V. VENKATARAMANA AYYANGAR :—" May I just ask the hon. the Law Member to say as to where Mekadatu is and how far it is from the frontier? I may just appeal to him to see if there is any necessity to have any change in the matter. My own impression is that at Mekadatu both lands belong to the British territory. Of course, I may be wrong. But I have seen myself one side at this particular place, which is British territory and I am not sure if the other side also does not belong to it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The actual fall is in the Mysore territory, but for the utilization of that power, a portion of our territory has to be used for locating the works. It is this circumstance which formed the actual basis of the negotiation."

The amalgamation of the Minor Irrigation Department with that of the Public Works Department.

813 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state whether there is any proposal to amalgamate the Minor Irrigation Department with that of the Public Works Department, and if so, at what stage the matter stands?

A.—Such a proposal has been under the consideration of the Government. The Government have recently directed that the activities of the Minor Irrigation Department should be confined to works which do not require high technical skill and that works requiring such skill should be entrusted to the Public Works Department for execution. The Board has been asked to submit a report on the working of the arrangement after three years and pending the receipt of the report, the Government have decided to hold in abeyance the question of the amalgamation of the Minor Irrigation Department with the Public Works Department.

Magistracy.

Working of the Panchayat Courts in the Presidency.

814 Q.—Mr. P. N. MARTHANDAM PILLAI : Will the hon. the Law Member be pleased to state—

- (1) whether the Government have investigated the working of the Panchayat Courts in this Presidency;
- (2) whether the Government are going to extend the pecuniary jurisdiction of these courts;
- (3) whether there has been any representation that mass voting at panchayat elections leads to great strife in villages; and
- (4) in view of the great responsibility that is thrown on the members of the panchayat who have to act as Judges, whether there have been any suggestions before the Government as to the fixing of any qualifications for the panchayat members and also for their electors?

A.—(1) Yes. G.O. No. 2410, Law (General), dated the 2nd October 1923, reviewing the working of Panchayat Courts for the year 1922 in the Presidency has been placed on the Editors' Table.

(2) Not at present.

(3) No.

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- (4) Suggestions have been received in the case of Panchayat members and adopted in rule 4. The Government have decided on consideration not to prescribe any qualifications for voters.

Police.

Recruitment of Sub-Inspectors of Police.

815 Q.—Mr. L. C. GURUSWAMI : Will the hon. the Law Member be pleased to state—

(a) the number of Sub-Inspectors of Police recruited for training during the year 1923-24; and

(b) how many of them belong to the depressed classes?

A.—(a) 100.

(b) None (who so described themselves).

Sub-Inspectors of Police belonging to the depressed classes.

816 Q.—Mr. B. OBALESAPPA : Will the hon. the Law Member be pleased to state whether any Sub-Inspectors of Police belonging to the depressed classes were promoted to the selection grade, and whether any were recruited since 1921 in the Ceded Districts, and if so, why?

A.—The Government have no information.

Court of Wards.

The appointment of the Revenue Divisional Officer, Berhampur, as Estate Collector.

817 Q.—Sriman SASIBHUSHAN RATH Mahasaya : Will the hon. Member for Revenue be pleased to state—

(1) whether it is a fact that the Revenue Divisional Officer, Berhampur, is also the Estate Collector of Bodikimedi, now under the Court of Wards in the district of Ganjam;

(2) whether it is a fact that owing to the appointment of the said Revenue Divisional Officer as Estate Collector cases under the Estates Land Act and criminal prosecutions in which the estate is concerned are transferred to the file of the Revenue Divisional Officer, Chatrapur; and

(3) whether the appointment of the Revenue Divisional Officer as Estate Collector of the estates under his jurisdiction is obligatory in law and if not, to state the special considerations leading to the appointment of the Revenue Divisional Officer as Estate Collector instead of the District Collector?

A.—(1) Under section 8 of the Court of Wards Act, the Court of Wards has appointed Mr. E. C. Wood, I.C.S., Revenue Divisional Officer, Berhampur, as the Estate Collector of the Bodikimedi estate so long as he continues to be the Revenue Divisional Officer, Berhampur, and invested him with all the powers of the Collector and Agent to the Court of Wards except those reserved to the latter officer by statute.

(2) The Government have no information.

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- (3) It is not obligatory in law that the Revenue Divisional Officer in whose jurisdiction a particular estate is situated should be appointed as the Estate Collector; but section 8 of the Court of Wards Act permits this being done. The Government are not aware of the special considerations which led the Court of Wards to make the appointment.

Sriman BISWANATH DAS Mahasayo:—"With regard to clause (3), will the Government be pleased to enquire as to the special reasons which led to the appointment of the Revenue Divisional Officer, Berhampur, as the Estate Collector of Bodikimedi?"

The hon. the RAJA OF KOLLENGODE:—"To relieve the District Collector of the heavy work that would otherwise devolve on him in regard to the management of this estate."

Sriman BISWANATH DAS Mahasayo:—"May I inform the hon. the Revenue Member that the Collectors of Ganjam were discharging this function also before this even when two or three estates were under the management of the Court of Wards?"

The hon. the RAJA OF KOLLENGODE:—"Probably the work of the Collector may have increased now. I must see the papers."

Depressed classes.

Distribution of lands to the members of the depressed classes by the Labour Commissioner.

818 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) the extent of lands districtwar and talukwar distributed by the Labour Commissioner among the members of the depressed classes during the last three years;

(b) the extent of lands given to Hindus and the extent of lands given to Christians;

(c) the principles, if any, on which the lands are distributed;

(d) whether lands are distributed through the agency of foreign Christian Missions and the reasons for employing their agency;

(e) the means employed by the Government for giving publicity to the intentions of the Government in this matter; and

(f) the extent of land likely to be available for such distribution for the next three years?

A.—(a) & (f) It is presumed that the hon. Member desires information regarding the assignment of waste lands for cultivation. District figures only are available and they are given in the statement placed on the table.* The lands are distributed not by the Labour Commissioner but under the orders of the Collectors concerned.

(b) The information required is not available.

(c) The hon. Member's attention is invited to Board's Standing Order No. 15.

* Printed as Appendix II on pages 122-123 infra.

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- (d) Where large blocks of land are available for distribution, assistance and advice are generally desirable especially in the opening stages. Such assistance is given sometimes through Mission bodies and sometimes through other non-official agency when it is available. As a rule, the assistance of Mission bodies is only called in when Christian members of the Depressed classes are concerned. There have been cases, however, in which Mission assistance was given to groups composed of both Christians and non-Christians.

- (e) No special instructions have been issued by the Government in the matter. It is open to local officers to give publicity in any manner they think fit.

Mr. S. SATYAMURTI:—"With reference to the answer to clause (b), and to the allegations frequently made that preference is given to the Christians and not to the Hindus to the same extent, considering the strength of the population, will the hon. the Home Member be good enough to call for information, at least from some districts?"

The hon. the RAJA OF KOLLENGODE:—"What is the information that is required?"

Mr. S. SATYAMURTI:—"I am asking for information with regard to the extent of lands given to the Hindus and the extent of lands given to the Christians. The answer with regard to clause (b) is 'The information required is not available'. I am asking whether, in view of the frequent allegations made that in the distribution of lands undue preference is shown to Christians, the Government will be pleased to call for information, at least from certain districts, in order to satisfy themselves and this Council whether those allegations are true or false."

The hon. the RAJA OF KOLLENGODE:—"If any specific instances are brought to our notice, that Christians are preferred in any particular district, we shall be glad to enquire."

Mr. R. VEERIAN:—"With reference to clauses (b) and (c), may I ask whether the Government have issued any circular to the district authorities not to assign any lands in jungles where human beings cannot have free access, but to assign only such cultivable lands where human beings can have free access without any danger to their life?"

The hon. the RAJA OF KOLLENGODE:—"They are not obliged to take any piece of land which is not habitable."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the lands set apart as likely to be required during the next three years, are exclusively reserved for the depressed classes only, though there may be immediate demand for the lands from some other classes?"

The hon. the RAJA OF KOLLENGODE:—"They are reserved for the depressed classes."

Mr. A. RANGANATHA MUDALIYAR:—"Even though there be none to take up the lands, they will be kept waste pending application in the remote future. Is that so?"

The hon. the RAJA OF KOLLENGODE:—"If there is none from the depressed classes, the question will be considered."

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Assignment of waste lands to the depressed classes.

819 Q.—Mr. L. C. GURUSWAMI: Will the hon. the Member for Revenue be pleased to lay on the table a statement showing the total acres of waste lands assigned to the depressed classes for the past thirty years ending with the year 1921 and the number of Arundhateyas (Madigas), the number of Adi-Dravidas and other depressed classes who were benefited by these assignments?

A.—The information is not available.

Economic condition.*Seasonal conditions in parts of Kurnool district.*

820 Q.—Rao Bahadur C. VENKATARANGA REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) whether representations have been received from the people of the villages of (1) Maddikara, (2) Maddikara agraaharam, (3) Yedavalli, (4) Hampa, (5) Burusula, (6) Hosur and (7) Pedda Halthi in the Pattikonda taluk of the Kurnool district regarding the seasonal conditions in those villages; and

(b) if so, the action that the Government have taken on the same?

A.—(a) Yes.

(b) The requests of the ryots are under consideration.

Rao Bahadur C. VENKATARANGA REDDI:—“May I ask what the actual rainfall was from June 1923 to December 1923 in each of those places I have referred to?”

The hon. the RAJA OF KOLLENGODE:—“The actual figures are not before me.”

Rao Bahadur C. VENKATARANGA REDDI:—“May I ask what the report of the Collector is?”

Mr. A. RANGANATHA MUDALIYAR:—“Is there not a registering station at Maddikara?”

Mr. S. SATYAMURTI:—“May I know what is the public interest that will be harmed by the publication of the report of the Collector on the seasonal conditions of a particular district or particular districts?”

The hon. the RAJA OF KOLLENGODE:—“The Collector may have given free expression to his opinion to the Government and we are entitled to keep it confidential.”

Mr. A. RANGANATHA MUDALIYAR:—“Will the Government pass orders on such one-sided reports?”

The hon. the RAJA OF KOLLENGODE:—“We will make the necessary enquiries.”

Mr. A. RANGANATHA MUDALIYAR:—“Unless the reports are made available, how can we answer the allegations made therein?”

The hon. the PRESIDENT:—“I think we are still on question No. 820, whereas the hon. Member from Bellary asks questions on 821.”

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Mr. A. RANGANATHA MUDALIYAR:—“Because the hon. Member for the University put a question with reference to that and the Member for Government answered it, I followed with a supplemental question.

Rao Bahadur C. VENKATARANGA REDDI:—“May I know what the actual outturn of crops is in each of those villages that I have named?”

The hon. the RAJA OF KOLLENGODE:—“If notice is given of the question it will be supplied.”

Report on the seasonal conditions in Kurnool district.

821 Q.—Rao Bahadur C. VENKATARANGA REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Collector of Kurnool has sent a report on the seasonal condition of the Pattikonda taluk in the Kurnool district; and

(b) if so, whether the Government will be pleased to lay it on the table?

A.—(a) Yes.

(b) The Government do not think it will be in the public interest to publish the original report of the Collector.

Mr. A. RANGANATHA MUDALIYAR:—“Is it because the Collector's report cannot bear public criticism that the Government think that it will not be in the public interest to publish it?”

The hon. the RAJA OF KOLLENGODE:—“It is confidential.”

Mr. P. ANJANEYULU:—“Is not the seasonal report generally given in the interest of the public, Sir? If so, is it not in the interests of the public to lay it on the table?”

The hon. the RAJA OF KOLLENGODE:—“The question will be considered before placing it on the table.”

Minor Irrigation.*Repair of mountain kanar at Melvisharam.*

822 Q.—Mr. ABDULLA GHATALA SAHIB: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a mahazar from the residents of Melvisharam praying for the repair of the mountain kanar and the removal of the silt from the hill stream at that place;

(b) whether it is a fact that the said mountain kanar which was originally 6 feet deep is now completely filled up with silt and as a result of this the rain water flowing from the mountain during the rainy season is not carried away outside the town but is directed towards the streets of the town; and

(c) what action the Government have taken or propose to take to redress the grievances of the people of that town?

A.—(a) No.

“(b) & (c) The Government are not aware of the grievance complained of.

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Revenue Establishments.*List of persons qualified for Tahsildar and Deputy Tahsildar's posts.*

823 Q.—Rao Bahadur CRUZ FERNANDEZ: Will the hon. the Member for Revenue be pleased to state—

(a) whether the lists of Tahsildars and other officials found fit for Deputy Collectors' posts are prepared and revised annually by the Government and appointments made from such lists; and

(b) whether the lists of persons qualified for Tahsildar and Deputy Tahsildars' posts are prepared and revised annually?

A.—The hon. Member is referred to the answer to question No. 769.

Local Boards and Municipalities.*Misconduct of the President, Chilkaluripet Union Board.*

824 Q.—Mr. SAMI VENKATACHALAM CHETTIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(1) whether it is a fact that Mr. T. Seenayya Nayudu, President, Chilkaluripet Union Board, was convicted by the Subdivisional Magistrate of Narasaraopet under section 406, Indian Penal Code, in C.C. No. 7 of 1922 for misappropriating the union funds as the President of the Chilkaluripet Union Board and fined Rs. 300 and that in another case, C.C. No. 33 of 1923 on the file of the same Magistrate, he was awarded imprisonment till the rising of the Court and also a fine of Rs. 50 for an offence under the same section for misappropriation of union funds and that in both the cases his conviction has been confirmed on appeal to the District Court of Guntur;

(2) whether it is a fact that the above fines of Rs. 300 and Rs. 50 and another approximate sum of Rs. 1,200, amounting in all to nearly Rs. 1,550, alleged to have been spent for the conduct of the two criminal cases have been debited to the accounts of the union, though the expenditure in question could not, on the very face of it, be an authorized and legitimate charge on the union funds; if so, have steps been taken for the recovery of the said sum from him;

(3) whether it is a fact that the Collector of Guntur has communicated to the Government about the uneven and unjust assessment of house-taxes made by the said Mr. T. S. Nayudu as the President of the Chilkaluripet Union Board;

(4) whether it is a fact that the Collector of Guntur has sent a report to the Government as to any temporary and permanent misappropriations committed by the said Mr. T. S. Nayudu and also any fraud played by him in the kerosene-oil account and that the Collector has requested for sanction to prosecute the individual under section 409, Indian Penal Code; if so, have orders been passed by the Minister; if orders have not been passed up to now, what causes have led to this inordinate delay; and

(5) whether it is a fact that Mr. T. S. Nayudu is harassing the tax-payers as the President of the Union Board in the collection of the house-taxes assessed arbitrarily and without any reference to the procedure obtaining in the matter of assessment or enhancement of the original assessment?

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

(2) In January 1923, the President got the union board to bear the costs of defending the cases against him and drew nearly Rs. 1,440 from the treasury. The resolution of the union board has since been cancelled by Government and the District Magistrate is taking steps to prosecute the President.

(3) The answer is in the affirmative. The President of the Union Board, however, reported that he had subsequently revised the assessments in a number of cases.

(4) The Collector sent a report and stated that he was consulting the Public Prosecutor in regard to the institution of criminal proceedings against M.R.Ry. T. S. Seenayya Nayudu. The Collector has since authorized the Police to investigate an offence under section 406 of the Indian Penal Code and prosecute M.R.Ry. T. Seenayya Nayudu if a *prima facie* case is established.

(5) Complaints of harassment have been received. The Government have dissolved the Union Board under section 45 of the Madras Local Boards Act, 1920, and M.R.Ry. T. Seenayya Nayudu is no longer member or President of the Union Board.

Sriman SASIBHUSHANA RATH Mahasayo:—"Has this Rs. 1,440 been recovered from the President?"

The hon. the RAJA OF PANAGAL:—"Not yet."

Sriman SASIBHUSHANA RATH Mahasayo:—"May I know what steps are being taken to collect the amount?"

The hon. the RAJA OF PANAGAL:—"The matter is under investigation."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"With reference to the answer to clause (5), may I know on what date the Union Board was dissolved?"

The hon. the RAJA OF PANAGAL:—"I cannot say the exact date. It was some time ago."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"When was information received by the Government about the conduct of the President of the Union Board?"

The hon. the RAJA OF PANAGAL:—"I cannot give the exact date."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Was there any interval left between the date of receiving the information and the passing of orders by the Government dissolving the Union Board?"

The hon. the RAJA OF PANAGAL:—"There was sufficient time for the enquiry."

Mr. P. ANJANEYULU:—"Does the Government intend to reconstitute the union? If so, when?"

The hon. the RAJA OF PANAGAL:—"In course of time."

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Mr. S. SATYAMURTI :—"With reference to the answer to clause (5), may I know what is the substance of these complaints of harassment and what is the action Government have taken, or propose to take, apart from dissolving the Union Board?"

The hon. the RAJA OF PANAGAL :—"It has already been answered, that the President himself has revised the assessment in cases where it has been raised."

Mr. S. SATYAMURTI :—"May I take it, therefore, that in all the cases in which complaints have been received of harassment, redress has been given to them by the President himself?"

The hon. the RAJA OF PANAGAL :—"Yes, the President of the Taluk Board brought pressure upon the President of the Union Board."

Appointment of the Salem District Board President.

825 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state whether Mr. Foulkes' appointment as President of the District Board of Salem has been or will be cancelled and if not, the reason why?

A.—Mr. Foulkes has ceased to be President of the District Board by the operation of clause (b) of sub-section (1) of section 56 and sub-section (1) of section 15 of the Madras Local Boards Act, 1920.

Mr. S. SATYAMURTI :—"May I ask the hon. the Minister for Local Self-Government when Mr. Foulkes ceased to be the President of the District Board by the operation of the sections of the Madras Local Boards Act?"

The hon. the RAJA OF PANAGAL :—"I cannot say the exact date without making a reference."

Mr. S. SATYAMURTI :—"I am not asking the exact date. May I know how many months or weeks have elapsed since he ceased to be the President of the District Board?"

The hon. the RAJA OF PANAGAL :—"About a month."

Mr. S. SATYAMURTI :—"Have the Government considered the question of getting a successor for him, and, if so, are they going to throw open the post for election or are they going to nominate a successor?"

The hon. the RAJA OF PANAGAL :—"The question whether the Presidentship should be thrown open for election is under consideration."

Mr. T. ADINARAYANA CHETTIYAR :—"Is it a fact that there was a resolution passed by the District Board to the effect that the Presidentship should be thrown open for election?"

The hon. the RAJA OF PANAGAL :—"There was a resolution of the Board to the effect that the Presidentship should not be thrown open for election."

The RAJA OF RAMNAD :—"Was the Collector of the District asked about the desirability of throwing open the post for election?"

The hon. the RAJA OF PANAGAL :—"Yes, he was asked."

The RAJA OF RAMNAD :—"May I know what he said."

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The hon. the RAJA OF PANAGAL :—"I cannot exactly say that. I believe he said in his report that Mr. Foulkes was the proper man for nomination if nomination was resorted to."

Mr. T. ADINARAYANA CHETTIYAR :—"Is the hon. the Minister aware that recently there was a lot of manœuvring in the matter of bringing about the appointment of the President of this District Board?"

The hon. the RAJA OF PANAGAL :—"The hon. Member ought to know it."

Mr. T. ADINARAYANA CHETTIYAR :—"I am not on the Board, Sir."

Sriman BISWANATH DAS Mahasayo :—"May I request the hon. the Chief Minister to let the House know whether he would be willing to lay on the table the replies of the Collectors of the various districts who were consulted on the matter of throwing open the Presidentships of the various District Boards for election?"

The hon. the RAJA OF PANAGAL :—"I do not think that such a measure is necessary."

Mr. A. RANGANATHA MUDALIYAR :—"May I know when approximately the Government is likely to come to a conclusion in the matter of throwing open the post for election?"

The hon. the RAJA OF PANAGAL :—"I have already stated that the matter is under consideration. I cannot exactly say how long it will take."

Sriman BISWANATH DAS Mahasayo :—"Cannot the hon. the Chief Minister give an approximate idea of the date when this question of throwing open the District Board Presidentships for election will be decided by the Government?"

The hon. the RAJA OF PANAGAL :—"I have already said that it is under consideration. Moreover, this question does not arise from the question before the House."

Mr. S. SATYAMURTI :—"In view of the answer of the hon. the Minister for Local Self-Government summarising the report of the Collector that, in case nomination is to be resorted to Mr. Foulkes is the best man, may I take it that the Collector has given no opinion as to the question whether the post of District Board Presidentship should be thrown open to election or be reserved for nomination by Government?"

The hon. the RAJA OF PANAGAL :—"He has not expressed any definite opinion."

Mr. T. ADINARAYANA CHETTIYAR :—"Is not the opinion given that of the retiring Collector who has been in the district for only some weeks?"

The hon. the RAJA OF PANAGAL :—"The Collector of the District."

Mr. A. RANGANATHA MUDALIYAR :—"Is Mr. Foulkes available for nomination if the Government are so inclined to nominate him?"

The hon. the RAJA OF PANAGAL :—"That depends upon when Mr. Foulkes is returning."

Mr. V. C. VELLINGIRI GOUNDER :—"Will the hon. the Minister be pleased to call for information from the Collector of Salem in view of the allegations revealed in the administration of the District Board?"

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The hon. the RAJA OF PANAGAL :—"I am rather surprised to hear my hon. Friend saying that there have been so many complaints. On the other hand, the District Board itself passed a resolution that the Presidentship should not be thrown open for election."

Mr. V. C. VELLINGIRI GOUNDER :—"I am not speaking of any complaints but about the allegations made in regard to the general administration."

The hon. the RAJA OF PANAGAL :—"There have been no complaints about the general administration."

Mr. V. C. VELLINGIRI GOUNDER :—"Were there not some complaints about the financial budget?"

The hon. the RAJA OF PANAGAL :—"Absolutely none."

Mr. T. ADINARAYANA CHETTIYAR :—"Then, may I assure the hon. the Minister that there is dissatisfaction about the administration of the District Board."

The hon. the RAJA OF PANAGAL :—"Some members who are anxious to get the place might feel worried about it (laughter)."

Mr. T. ADINARAYANA CHETTIYAR :—"I did not refer to any such people; but I referred to the general and widespread feeling of the public."

Mr. S. SATYAMURTI :—"May I ask the hon. the Minister for Local Self-Government to say whether the place of Presidentship is such that he considers it an unworthy ambition for any one to seek to fill it?"

The hon. the RAJA OF PANAGAL :—"I did not say so; I only said that there has been anxiety in the minds of those who were aspiring for it. Whether the aspiration is legitimate or not, I did not express an opinion upon it."

Election of the Vice-President of Tiruvannamalai Taluk Board.

826 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether, at a meeting of the Tiruvannamalai Taluk Board held to elect the Vice-President on the 20th September 1923 there were only 20 members present, only 18 members voted, but that 19 voting papers were found in the box;

(b) whether the matter has been referred to the District Board and the Government;

(c) whether the Government have passed final orders, if so, when, and if not, why; and

(d) what the orders of the Government are?

A.—The hon. Member apparently refers to the meeting of the Tiruvannamalai Taluk Board, dated 29th September 1923.

(a) & (b) The answer is in the affirmative.

(c) Orders were passed on 30th October 1923.

(d) A copy of G.O. No. 2429, L. & M., dated 30th October 1923, is laid on the table.*

* Printed as Appendix III on page 123 infra.

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Mr. C. RAMALINGA REDDI :—"Will the hon. the Minister tell us whether the result of the election has since been declared?"

The hon. the RAJA OF PANAGAL :—"I do not think the result of the election has yet been declared."

Mr. S. SATYAMURTI :—"Paragraph 2 of the Government Order referred to in the answer, i.e., G.O. No. 2429, L. & M., dated 30th October 1923, says 'if the President had signed the ballot papers before issuing them, it would be possible to find out easily which papers were genuine and which were not.' May I ask the hon. the Minister for Local Self-Government what action, if any, has been taken by the President since the passing of that order in regard to this matter?"

The hon. the RAJA OF PANAGAL :—"The Government are not aware of any action taken by the President."

Mr. A. RANGANATHA MUDALIYAR :—"The election is supposed to have taken place on the 29th September 1923. Is there no time-limit within which the results of these elections are to be declared?"

The hon. the RAJA OF PANAGAL :—"There is no time-limit. In some cases the results are disputed and the matters go to the courts, and it takes an indefinitely long time. Therefore there is no time-limit for the declaration of the results."

Mr. C. RAMALINGA REDDI :—"I believe matters do not go to court until after the results of the election are announced. The Government Order is, dated 30th October 1923, and it is now over five months and I should like to know from the hon. the Minister for Local Self-Government whether he has taken any steps to see that this order was honoured by the President of the Taluk Board and that he has obeyed the instruction contained in it."

The hon. the RAJA OF PANAGAL :—"No steps are necessary in this direction."

Mr. C. RAMALINGA REDDI :—"May I ask the hon. the Minister whether, in case the President does not declare any result at all, the matter will be continued in such an unsatisfactory condition for ever?"

The hon. the RAJA OF PANAGAL :—"If it is brought to the notice of the Government, they will take necessary steps."

Mr. C. RAMALINGA REDDI :—"In a matter like this, is it not better for the Government to take steps and inquire whether their order has been given effect to or not and the result of the election declared?"

The hon. the RAJA OF PANAGAL :—"An order has already been issued and no further order is necessary."

Mr. A. RANGANATHA MUDALIYAR :—"May I know if the Taluk Board is without a Vice-President, and if so, what arrangement has been made to fill up the appointment?"

The hon. the RAJA OF PANAGAL :—"I should like to have notice of the question."

Mr. S. SATYAMURTI :—"I am not able at this distance of time to give the date on which I sent my question; it must be some months ago. In view of the fact that I sent my question so long ago and the Government have

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answered that an order was passed, may I know whether it is not the duty of the Government not only to pass an order, but to see that the order is carried out, especially when an allegation like this is made?"

The hon. the RAJA OF PANAGAL :—"In all these cases, we must allow them sufficient time."

Mr. S. SATYAMURTI :—"May I know whether in the judgment of the hon. the Minister these five months are not sufficient to recount the 20 ballot papers?"

The hon. the RAJA OF PANAGAL :—"Recounting must have taken place. The result of the recounting, we are not in a position to know at present."

Mr. S. SATYAMURTI :—"Are the wires cut off that you cannot get the information in Madras?"

The hon. the RAJA OF PANAGAL :—"There is nothing to call for information. There is the order of the Government and the order is expected to be obeyed."

The hon. the PRESIDENT :—"I do not think this question will justify any more supplementary questions."

Medical.

Posting of Civil Assistant Surgeons.

827 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of temporary civil assistant surgeons in the Presidency;

(b) whether there are permanent civil assistant surgeons on reserve duty while temporary civil assistant surgeons are holding permanent posts, and, if so, how many, and why; and

(c) whether temporary civil assistant surgeons are posted to the Medical College and the Medical Schools while permanent civil assistant surgeons are posted to small stations, and, if so, why?

A.—(a) There are at present forty-four temporary civil assistant surgeons in the Presidency.

(b) Two permanent civil assistant surgeons are now on reserve duty. One of them recently underwent a special course of training in malaria at Kasauli. It is proposed to employ him on special anti-malarial work for which a special temporary staff has recently been sanctioned by the Government. The other is temporarily posted on reserve duty in the Medical College in order to enable one of the civil assistant surgeons of the college to undergo training in Bio-chemistry under Dr. Frost.

(c) Temporary civil assistant surgeons have in some cases been posted to teaching appointments in the Medical College and Medical schools because they are specially qualified to hold teaching appointments.

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Rao Bahadur C. NATESA MUDALIYAR :—"Are all the temporary civil assistant surgeons specially qualified retained in service?"

The hon. the RAJA OF PANAGAL :—"Those that have been appointed as teachers have the special qualifications for the appointments."

Rao Bahadur C. NATESA MUDALIYAR :—"Were not some of the assistant surgeons specially qualified sent away?"

The hon. the RAJA OF PANAGAL :—"Those whose services were not required were sent away."

Rao Bahadur C. NATESA MUDALIYAR :—"Is there not an instance in which the head of the department wanted to retain a specially trained assistant surgeon and yet the Government sent him away?"

The hon. the RAJA OF PANAGAL :—"I do not think there is any such."

Mr. P. ANJANEYULU :—"With reference to the answer to clause (b), may I ask whether the assistant surgeon was posted to reserve duty as a sort of temporary arrangement? I know that a demi-official has passed from the Surgeon-General to the District Medical Officer."

The hon. the RAJA OF PANAGAL :—"I do not think there is any such thing. It is a matter left to the discretion of the Surgeon-General."

Mr. P. ANJANEYULU :—"Is there not a rule that medical officers, when they are awarded punishments, should be given a chance of explanation on the remarks of the District Medical Officer?"

The hon. the RAJA OF PANAGAL :—"It is a matter left to the discretion of the Surgeon-General. He may call for remarks or may not call."

Education.

Municipal High School, Anantapur, under Government management.

828 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Education be pleased to state—

(a) the net cost of the Municipal High School, Anantapur, in each of the last six years;

(b) the annual saving in the salaries ever since the school was taken up by the Government, as compared with the previous period;

(c) why the salaries have been curtailed, and what compensation has been paid to the teachers whose salaries have been reduced;

(d) how many teachers have left the school up to date after the management was taken up by the Government in 1921;

(e) whether all the old teachers were retained when the Government took up the management of the school or only such of them as were of proved ability and efficiency;

(f) whether those teachers who were retained were entitled to all the advantages such as allowances and increments to which they were entitled under the old régime or whether they were denied all such advantages;

(g) whether the teachers had the benefits of provident fund when they were municipal servants and whether they were denied all these benefits when the Government took up the management;

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(h) whether the district educational officer recommended every year from 1921-22 onwards that the scale of pay of the teachers should be revised as it was very inadequate and that the matter "required urgent attention" and what the result of the recommendation is;

(i) whether it is a fact that the scale of pay in the Board High School of Penukonda is higher than the scale of pay in Anantapur Government High School and if so, why this difference is made; and

(j) whether the teachers have sent up memorials, praying for redress of their grievance, and what steps the Government have taken in that matter?

4.—(a) The net cost of the school in the last six years was as follows :—

	RS.
1918-19	4,772
1919-20	6,715
1920-21	5,836
1921-22	2,889
1922-23	4,280
1923-24	4,085 *

* Actuals of nine months only are available.

(b) The following statement gives the information :—

Year.	Expenditure.	Savings.
	RS.	RS.
1920-21	18,485	...
1921-22	15,188	3,297
1922-23	15,725	2,760
1923-24	Complete figures are not available.	

(c) In fixing the initial pay of such of the teachers in the Municipal High School, Anantapur, as were retained in the school after its transfer to departmental control, the war allowance drawn by them while in municipal service was not taken into account. The Government have since sanctioned the payment of the allowance with retrospective effect from 1st March 1921 to such of the teachers as were adversely affected.

(d) The Government have no information.

(e) Only such of the members of the staff as were considered competent were retained.

(f) The teachers were declared to be ineligible for temporary additions to pay, but allowances have since been granted to those who were adversely affected.

(g) While the correspondence was going on with Government regarding the transfer of this school temporarily to Government control there was no provident fund for teachers in the municipality. Before, however, the Government took control of the school a provident fund was started by the municipality. After transfer of the school to Government management the teachers ceased to be municipal servants and, as such, could not derive the benefits of the Municipal Provident Fund.

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(h) The revision of pay of teachers was suggested by the District Educational Officer in the annual inspection reports, but its consideration was deferred pending decision on the question of the retransfer of the school to the Municipal Council.

(i) No.

(j) Yes. The Anantapur High School has since been retransferred to the Municipal Council, Anantapur. The question of the revision of the scales of pay of teachers in that school is a matter for the consideration of the council in the first instance.

Mr. G. RAMESWARA RAO :—"Have the allowances been granted to all the teachers who were adversely affected?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The answer is clear."

Mr. G. RAMESWARA RAO :—"I know that some of them have not received allowances. That is why I put the question."

Mr. V. MADHAVA RAJA :—"With reference to the answer to clause (j), may I know whether the Government have introduced the scale of pay prevailing in the department in the Anantapur High school?"

The hon. Rao Bahadur Sir A. P. PATRO :—"This school was transferred from the Anantapur Municipality and the Government see no need to introduce a new scale, until the municipality takes action."

Mr. G. RAMESWARA RAO :—"With reference to the answer to clause (f), may I know why the temporary additions to pay have been denied?"

The hon. Rao Bahadur Sir A. P. PATRO :—"They wanted temporary additions to their pay which was denied by the department and allowances were granted to those who were adversely affected by the order."

Mr. G. RAMESWARA RAO :—"Were they entitled to the usual ordinary increments of which they were deprived?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The answer given is quite clear."

Mr. G. RAMESWARA RAO :—"I want to know whether they were deprived of the increments which they were accustomed to get?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I do not know what they were accustomed to and what they were deprived of. The answer is clear."

Mr. G. RAMESWARA RAO :—"I mean the ordinary increments according to their original scale of pay."

Pupils of depressed classes in commercial schools.

829 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) the number of candidates belonging to the Indian Christian, Muhammadan and the depressed class communities who are at present receiving instruction at the Government School of Commerce at Calicut as well as at the Government Institute of Commerce, Madras, in the various commercial subjects;

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(b) the number of students belonging to the depressed classes who appeared for the Government Technical Examinations for various commercial subjects during the past one year from the Government School of Commerce, Calicut, as well as the Government Institute of Commerce, Madras;

(c) the school fees charged by the Government School of Commerce, Calicut, as well as the Government Institute of Commerce, Madras, for various commercial subjects including typewriting for all classes of students; and

(d) whether there is any concession in the matter of school fees in the case of the students belonging to the depressed classes who receive instruction in the Calicut School of Commerce or in the Government Institute of Commerce, Madras?

A.—(a) & (b) Figures in respect of 1923-24 are not available. On the 31st March 1923 there were in the Institute of Commerce, Madras, 16 Indian Christian and 2 Muhammadan pupils and in the School of Commerce, Calicut, 13 Indian Christian and 20 Muhammadan pupils, while there were no pupils belonging to the depressed classes in either of the institutions.

(c) *School of Commerce, Calicut.*—The rate of fees per subject per term except for typewriting is Rs. 3, payable in three instalments of Rs. 1 each. The fee for typewriting is Rs. 12 per term, payable in three instalments of Rs. 4 each. The same rate of fee is charged for each of the grades in a subject.

Institute of Commerce, Madras.—The fee for the Audit class is Rs. 70 for the first term and Rs. 42 for the second term, both payable in advance. Candidates who have appeared for the Government Diploma in Accountancy examination and failed to secure a pass therein are permitted to receive instruction in either of the two subjects for the examination on payment of three-fourths of the fees leviable for each term. The fees for technical examination classes are as follows:—

—	One subject.	Two subjects.	Three subjects.	Four subjects.	Five subjects.
Lower grade—	RS.	RS.	RS.	RS.	RS.
First term	11	16	25	30	40
Second term	7	9	16	18	24
Higher grade—					
First term	15	25	30	40	..
Second term	9	16	18	24	..

(d) The hon. Member is referred to rule 102 of the Madras Educational Rules.

Mr. R. VEERIAN :—“With reference to clause (d), I know that according to rule 102 of the Madras Educational rules that the fees levied from Muhammadans and other backward classes in all these institutions should be half the standard rate. Is it not a fact that the backward classes are quite different from the depressed classes?”

The hon. Rao Bahadur Sir A. P. PATRO :—“They are classified into those two different classes; some of them as backward classes.”

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Mr. R. VEERIAN :—“Then, may I ask whether Government would prefer to amend the Educational Rules so as to specify the term ‘depressed classes’ and thereby make them eligible for the concession?”

The hon. Rao Bahadur Sir A. P. PATRO :—“Each case is considered on its own merits. When hardships are brought to notice in regard to the depressed classes, certain concessions are given to them.”

Grain allowance to the elementary teachers under the Vellore Taluk Board.

830 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government paid a grant to the Vellore Taluk Board towards half of the grain allowance to be paid to the elementary teachers for the year 1922-23;

(b) if so, what was the amount granted and whether the amount was actually spent towards the purpose for which it was granted;

(c) whether it is a fact that the Board elementary teachers under the Vellore Taluk Board were not paid the above grain allowance for the period 1922-23;

(d) if the answer to (c) is in the affirmative, what is the reason for such withholding;

(e) whether representations have been received by the President, Vellore Taluk Board, the President, North Arcot District Board and the Educational Department from these teachers about the matter; and

(f) if so, what action is proposed to be taken in the matter?

A.—(a) By the term ‘grain allowance’ the hon. Member apparently means the temporary allowance of Rs. 4 per mensem granted to teachers in elementary schools under the control of local bodies. If so, the answer is in the affirmative.

(b) A sum of Rs. 4,824 was paid in 1922-23 as subsidy from Provincial funds. The Government have no information as to the amount actually spent.

(c) to (f) The Government have no information.

Mr. T. ADINARAYANA CHETTIYAR :—“I am told that the money has already been paid to the Vellore Taluk Board. That taluk board has not paid the school-masters. What is the remedy? That is my question, Sir.”

The hon. Rao Bahadur Sir A. P. PATRO :—“The school-masters have their own remedy against the local body. The Government have given the subsidy to the local board.”

Mr. T. ADINARAYANA CHETTIYAR :—“Is it not the duty of the Government to see that the money actually reaches the school-masters?”

The hon. Rao Bahadur Sir A. P. PATRO :—“It is the duty of the hon. Members to see that the local boards discharge their responsibilities.”

Mr. T. ADINARAYANA CHETTIYAR :—“May I know if the Government have no further responsibility in the matter?”

The hon. Rao Bahadur Sir A. P. PATRO :—“If the matter is brought to the notice of Government that the taluk board has not discharged its duty, then it is a matter for consideration by the Government.”

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Mr. T. ADINARAYANA CHETTIYAR :—"Then, am I to take it, Sir, that the poor school-masters have no other relief than through the Civil Courts to which they are not likely to resort."

Agriculture.

Buffalo-breeding station in the Guntur district.

831 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon the Minister for Development be pleased to state—

(a) what special facilities have been found in the Guntur district for the location of a buffalo-breeding station there; and

(b) whether it is a fact that the climate of the Guntur district is very dry and that a dry climate is unsuited to the buffalo?

A.—(a) The reasons why a buffalo-breeding station was located in the Guntur district were that a large area of land suitable for an agricultural station was available free of cost as it was placed at the disposal of the Agricultural department by the Forest department. The purpose for which this land was required was for an agricultural station for the study of Cocanada cotton but, as more land than was necessary for a station for this purpose was available, it was considered that an excellent opportunity presented itself for establishing a buffalo-breeding station on the remainder. The justification for utilizing the land as a buffalo-breeding station lies in the fact that most of the surrounding villages are noted for their buffaloes. The people are interested in these animals and it was considered that assistance in improving them should be given and that an attempt should be made to produce a strain which would not only give a bigger milk yield but would also be of a slightly larger size and therefore capable of harder work than the local strain. At the same time it was proposed to see if judicious feeding and care from birth would not bring buffaloes to maturity more quickly and tend to increase their milk yield and make them breed regularly.

(b) It is true that the climate of Guntur district is very dry but a careful inspection of the locality did not show it to be unsuited to buffaloes. A report received from the station as recently as the 28th February indicates that the animals are in good condition.

Co-operative Societies.

The régime of the present Assistant Registrar of Co-operative Societies in North Arcot district.

832 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that during the régime of the present Assistant Registrar of Co-operative Societies in North Arcot district the Banking Union of the district has shown a steady decline as regards the working capital, the annual dividend on shares, punctual collection of instalments of principal and interest on loans disbursed as compared with the period prior to his taking over charge of the district;

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(b) whether it is a fact that complaints of the interference of this officer were addressed to the Registrar of Co-operative Societies by individuals as well as societies; and

(c) whether the Government propose to investigate the matter so that the investing public and the provincial bank may feel assured about the safety of their investments in this Banking Union?

A.—(a) The present Assistant Registrar of Co-operative Societies, North Arcot, was placed in quasi-independent charge of the district on April 12, 1922. He was given full independent charge in July 1922.

The following statement relating to the District Central Bank, Vellore, North Arcot, shows the working capital, dividend paid and percentage of arrears due at the close of the years 1920-21, 1921-22 and 1922-23 and the working capital at the end of February last:—

	1920-21— end of June.	1921-22— end of June.	1922-23— end of June.	1923-24— end of February.
Working capital	Rs. 22,13,849	Rs. 28,42,727	Rs. 28,78,252	Rs. 30,43,334
Dividend paid	9 per cent.	9 per cent.	7½ per cent.	..
Arrears due to the Bank—				
Principal	0.24 per cent.	4.10 per cent.	9.94 per cent.	..
Interest	0.30 per cent.	0.67 per cent.	2.68 per cent.	..

There has been no decrease in the working capital although the rate of increase has been comparatively slow since the end of the year 1921-22. There was a fall in the dividend for the year 1922-23 and an increase in the percentage of arrears for 1921-22 and 1922-23 as compared with the period immediately preceding. The present comparatively slow increase in working capital and the fall in the rate of dividend are features which are not peculiar to North Arcot. In districts like North Arcot in which co-operation is well developed, the rate of expansion and consequently the rate of increase of the transactions and of the working capital of the District Central Bank cannot always be maintained at the standard of earlier years.

A fall in the rate of dividend does not necessarily indicate any real deterioration as regards the soundness and stability of the central bank concerned. The fall last year in the case of North Arcot Central Bank was due to the failure to collect within the year the overdue interest amounting to Rs. 6,003.

The main reasons which account for the increasing percentage of overdues (and the consequent fall in dividend last year) are to be found in the following facts. During the period of financial stringency (1919-21) the North Arcot District Bank, like other financing banks, could not accommodate its primary societies to any appreciable extent with long-term loans. Substantial amounts were however given during these years by the district

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central banks to its primary societies as short-term loans. In many of the primary societies, these short-term loans were utilized for long-term purposes though the loans appeared in the accounts as short term. The result was that in many societies members could not pay off their loans on the due dates. In 1920-21 the primary societies were allowed an extension of time by the District Central Bank in respect of the short-term loans disbursed to them during the previous two years but apparently no such extension was given in 1921-22 or later, with the natural result that arrears have been heavier at the end of the last two years than in the years immediately preceding. Some of the local unions, through which loan applications have to pass, were reluctant to recommend further loans to societies which were in default in respect of loans already taken and this in part at least accounts for the comparatively slow development in the last two years of the transactions of the District Central Bank.

- (b) During the Provincial Co-operative Conference which was held about Christmas, 1922, an informal representation was made to the Registrar by one or two persons connected with the central bank that the Assistant Registrar would not sanction loans to societies and was thus retarding the development of the bank. The societies in the Natrampalle union were cited as a specific instance. The Registrar discussed the matter with the President of the Natrampalle union who was present at the conference and he explained that the dearth of loan applications from societies in his area was due not to any action of the Assistant Registrar but to a resolution of the union refusing to recommend further loans to societies until they had cleared off the arrears of short-term loans borrowed in previous years. Further examination confirmed this and it was clear that the Assistant Registrar was in no way responsible for the falling off in the demand for loans. If the action of the Assistant Registrar had been in any way responsible for the falling off in the demand by primary societies for loans from the District Central Bank there would presumably have been a marked change when in the latter half of 1922-23 local unions in the district were authorized to send loan applications direct to the District Central Bank instead of sending them through the Assistant Registrar as had formerly been the practice. In this connexion, it may be noted that the North Arcot District Central Bank has borrowed heavily from the Madras Central Urban Bank for long-term purposes. Such long-term loans unlike loans for seasonal requirements can equally well be taken at any time of the year so that if loan applications were held up on account of any so-called interference by the Assistant Registrar in the earlier part of 1922-23 they could have been sent on to the District Central Bank after the change in procedure mentioned above. But the figures for the working capital on 30th June 1923 and 29th February 1924 show that the rate of expansion still remains very slow and is not comparable with the rapid development in 1920-21.

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The causes for the slow progress in the transactions of the District Central Bank must be sought elsewhere than in the alleged interference of the present Assistant Registrar. So far as the Registrar has been able to trace, no complaints against the Assistant Registrar, North Arcot, had been received before the informal representation referred to above. Since that date, however, a few complaints have been received regarding particular actions of the Assistant Registrar but they did not allege 'interference'. Such representations against particular actions by Assistant Registrars from parties who consider themselves aggrieved are not uncommon and those which were received from North Arcot presented no unusual features. The Registrar who investigated them was satisfied that there was no justification for the complaints.

- (c) There is no case for any investigation of the kind proposed. The district bank is in a perfectly sound financial position although there is probably some discontent amongst individual shareholders at the drop in dividend. Experience shows that a temporary fall in dividend does not necessarily shake the confidence of the investing public.

MR. T. ADINARAYANA CHETTIYAR :—"With reference to clause (a) of this question, I find the answer 'A fall in the rate of dividend does not necessarily indicate any real deterioration as regards the soundness and stability of the central bank concerned.' Sir, I have got information that the Assistant Registrar has been actually interfering into the working of primary societies and offending the fundamental principles of co-operation. May I ask whether these points will be investigated?"

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI :—"If the hon. Member will bring particular instances to the notice of Government, I shall have the matter investigated."

MR. T. ADINARAYANA CHETTIYAR :—"I have got some information collected by me, and I shall be glad this very day to give them to the hon. the Minister for his consideration."

APPENDIX I

[Vide answer to question No. 803 asked by Mr. C. Muttayya Mudaliyar at the meeting of the Legislative Council held on the 31st March 1924, page 88 supra.]

Names and extent of forest reserves disafforested in the Chingleput district.

Name of reserve.		Area in acres.
1922-23.		
1. Part of Irukulam Reserve	...	154'00
2. Portion of Tirutheri Reserved Forest	...	76'16
3. Portion of Tirutheri Extension No. I	...	103'00
4. Extension No. 4 of Vandalur Reserved Forest	...	94'00
5. Portion of Extension No. I of Tirukkalikunram Reserve	...	93'00
6. Portion of Extension No. II of Tirukkalikunram Reserve	...	88'00

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Name of reserve.	Area in acres.
1922-23—cont.	
7. Portion of Tirumani Reserved Forest	1·80
8. Portion of Ugumudy Extension No. 1 including Extension Nos. 5 and 6	53·00
9. Portion of Tirukkalikunram Reserve and extension No. I.	86·00
10. Acharapakam Extension No. 1	205·00
11. Portion of Acharapakam Reserve	28·00
12. Portion of Acharapakam Reserve	12·00
13. Nandambakkam and its Extension No. I	331·26
14. Portion of Appur Reserved Forest and Extension No. III	18·00
15. Portion of Appur Reserved Forest	8·40
16. Portion of Tirutheri Reserved Forest Extension No. II	30·00
17. Kattur Reserved Forest, Bit No. I	73·00
18. Kattur Reserved Forest, Bit No. II	0·40
1923-24.	
19. Portion of Kattur Reserved Forest	15·50
20. Portion of Sengunram Extension No. I	14·75
21. Portion of Vembodu Reserved Forest	239·00
22. Alapakkam Reserved Forest (A & B)	517·33
23. Portion of Gudalur Reserved Forest	261·00
24. Tirumullavoyal Reserve Portion of Extension No. II	64·00

APPENDIX II.

[Vide answer to question No. 818 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 31st March 1924, page 102 supra.]

Statement showing the districtwar particulars required in the Legislative Council question No. 797 (a) and (f).

Name of the district.	Extent of land assigned to the members of the depressed classes during the last three years.	Extent of land likely to be available for assignment for the next three years.
	ACS.	ACS.
1. Anantapur	6,633·30	98,917·27
2. North Arcot	7,181·26	38,563·99
3. South Arcot	4,774·53	41,983·58
4. Bellary	2,731·91	20,052·47
5. South Kanara	165·93	14,114·30
6. Chingleput	1,532·94	* 9,562·44
7. Chittoor	2,061·84	4,774·85
8. Coimbatore	1,775·75	5,987·56

* This represents the assignment during the period of two years and nine months ending with 30th September 1923. The latest figure for the quarter ending 31st December 1923 is, not yet to hand.

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Statement showing the districtwar particulars required in the Legislative Council question No. 797 (a) and (f)—cont.

Name of the district.	Extent of land assigned to the members of the depressed classes during the last three years.	Extent of land likely to be available for assignment for the next three years.
	ACS.	ACS.
9. Cuddapah	6,266·44	34,866·18
10. Ganjam	1,868·86	2,232·29
11. Gōdāvari	2,353·13	4,311·16
12. Guntūr	4,231·22	35,927·98
13. Kistna	12,513·81	15,676·85
14. Kurnool	7,038·00	45,486·00
15. Madura	3,746·27	15,410·92
16. Nellore	4,541·43	21,856·26
17. The Nilgiris	27·08	102·50
18. Ramnad	283·83	1,096·39
19. Salem	2,199·29	34,724·04
20. Tanjore	333·25	6,923·03
21. Tinnevely	850·20	2,892·27
22. Trichinopoly	1,522·24	24,242·49
23. Vizagapatam	285·94	2,226·35

APPENDIX III.

[Vide answer to question No. 826 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 31st March 1924, page 110 supra.]

G.O. No. 2429, L. & M., dated 30th October 1923.

READ—the following paper:—

From the President, Taluk Board, Tiruvannamalai, No. 1405, dated the 29th September 1923.

Order—No. 2429, L. & M., dated 30th October 1923.

The Government are advised that the election is not invalid merely because there is an additional voting paper. The President may proceed to count the votes and declare the result and in that process find out if possible the spurious voting paper and reject it.

2. If the President had signed the ballot papers before issuing them it would be possible to find out easily which papers were genuine and which were not.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Acting Secretary to Government.

To the President, Taluk Board, Tiruvannamalai (through the President, District Board, North Arcot).

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III

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE REGARDING THE BIFURCATION OF THE KISTNA DISTRICT.

Mr. J. D. SAMUEL :—" Mr. President, Sir, I beg to move for an adjournment of the business of this House for the purpose of discussing a definite matter of urgent public importance, viz., the bifurcation of the Kistna district."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, into the merits of this particular question of the bifurcation of the Kistna district, I do not, and indeed cannot, enter. But it seems to me that this very point was raised twice during the budget discussion, once during the discussion on the Revenue Department and once during the discussion on Police. The Revenue Department has made arrangements on the basis of the bifurcation and Police Department also has made similar arrangements. Speaking for my own department, the Police, I can say, a motion was made to raise this question and I must say that rule 12 of the Legislative Council Rules sub-rule (i), seems to apply, viz.—

'The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

(i) not more than one such motion shall be made at the same sitting ;'

"Whatever be the significance to be attached to the word 'sitting' it cannot but connote a continuous session of the Council beginning with the budget debate and continuing the session to the present day. That being the case there have been not only one but several motions on this matter and I do not think more than one such motion could be made at the same sitting. That is my humble submission to you, Mr. President."

Mr. J. D. SAMUEL :—" Mr. President, with regard to this question of the same 'sitting' I submit 'sitting' is very different from 'session.'"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That is just my point. I have been saying whether this is a 'session' or not we are in the same 'sitting' beginning with the beginning of the budget debate and we are going on straight ahead."

Mr. J. D. SAMUEL :—" Mr. President, the opinion of the hon. the Law Member is that there should be no motion for an adjournment at all. I do not think that the word 'sitting' can be used for such a purpose. The word 'session' is used in so many ways and in fact we are in 'session' for nearly two months and this is one 'sitting'. I wish only to point out, Sir, that the word 'sitting' may not be used in the same way as the word 'session.' I leave the matter entirely for your decision, Sir."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" My answer to that is very simple. If 'sitting' is regarded as synonymous with a day then it follows that there can be no two such motions at 4 o'clock on the same day, because the motion should begin at 4 p.m. and end at 6-30 p.m. Therefore it cannot be equivalent to a day. Further than that this matter has been before the public and this House from the year 1920. There have been many opportunities for discussion on this matter. It might be that there were real hardships caused to certain people who had influenced the hon. Member to raise the question. This matter nevertheless is not a matter of 'definite urgent public interest.' The matter came up in April 1920 and it was discussed in the budget which had been recently passed. Secondly, there is this rule which I have mentioned at first."

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Mr. J. D. SAMUEL :—" One word I like to say, Sir. To say that the matter is not urgent, I believe, is not correct. The bifurcation is to come into force from the 1st April 1924, viz., to-morrow. Then it is said that we had opportunities to discuss it in this Council. But I submit that neither this Council nor the previous one has had the opportunity to decide whether there should be 25 districts or 26 districts; and then the Government is embarking on a huge expenditure costing two lakhs."

Mr. E. W. LEIGH :—" I object to the motion on this ground. The proposal was put into the budget of this year and we have been discussing it and the budget has been passed by this Council. I venture to doubt whether we will be within the limits of the law and the Standing Orders if we reopen the discussion at all now."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" May I also point out that, if I remember right, the hon. Member himself has made a speech in connexion with this matter during the budget debate? "

Mr. J. D. SAMUEL :—" With regard to my speaking on it, I may mention it was not on this matter at all. Here is a matter where the Government are embarking on a large expenditure of some lakhs and this matter is at least as important a thing as the Andhra University. During the budget discussion no motion regarding this bifurcation was ever reached and in fact we have not been able to go beyond Demand XXIII, the remaining demands were put to vote for want of time. Just because it was tabled and it was not reached it cannot be said that there was an opportunity for its having been discussed."

The hon. the PRESIDENT :—" One objection to this motion for adjournment is that the matter was placed before the Council in the budget, and by the passing of the budget it has been decided to that extent, although there has been no opportunity for discussing it at length. It is true that the decision of a matter for the purpose of the budget does not preclude a Member from bringing up a resolution on the same matter in the course of the year. But for the present purpose, I think, it is relevant to consider that this matter has not only been before the public as pointed out by the hon. the Law Member for about three years but has been specifically before the House in the budget and the Council has agreed, so far as the next year is concerned, to the expenditure in the budget. I do not think we should virtually prolong the budget discussion by giving another opportunity now to discuss a matter which should properly have been brought up during the budget discussion. I rely not so much upon the definition of 'sitting' as upon the clause about a motion not dealing with a matter on which a resolution could not be moved. Of course a resolution could be moved after a certain length of time; but immediately after we have been at it we can hardly say that it is a definite matter of urgent public importance. I think it is also understood that the ground for an adjournment of the business of the House should be a matter which has arisen recently and without any other opportunity for discussing it. That seems to me to be the main test. This particular question has not arisen recently and there have been opportunities for discussing it. I do not therefore admit the motion for adjournment."

"In the arrangement of the Orders of the day, I think, there has been some mistake. No. III should have been put after No. VI."

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IV

COMMUNICATIONS TO THE COUNCIL.

The SECRETARY laid on the table proceedings * of the twenty-second meeting of the Finance Committee for 1923-24, dated 24th March 1924, and the report † of the Land Revenue Settlement Bill Committee."

V

PUBLIC ACCOUNTS COMMITTEE FOR 1924-25.

The hon. Sir CHARLES TODHUNTER :—" Sir, I beg to move that, with a view to the constitution of a Committee on Public Accounts for the year 1924-25, this Council do proceed on a date to be fixed by the hon. the President to elect seven members to be members of the said Committee."

The hon. Sir ARTHUR KNAPP :—" I beg to second the motion."

The motion was then put to the House and carried.

VI

FINANCE COMMITTEE FOR 1924-25.

The hon. Sir CHARLES TODHUNTER :—" Sir, I beg to move that, in accordance with Resolution No. 17 passed at the meeting of the Council on 1st April 1921 regarding the constitution of a Finance Committee, the Council do proceed on a date to be fixed by the hon. the President to elect six persons to be members of the Finance Committee for the year 1924-25."

The hon. Sir ARTHUR KNAPP :—" I beg to second it."

The motion was put to the House and carried.

VII

DISCUSSION ON THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR 1922-23.

The hon. Sir CHARLES TODHUNTER :—" Sir, I beg to move that—

'The report of the Public Accounts Committee on the Audit and Appropriation reports on the accounts of the Government of Madras for 1922-23 be taken into consideration'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second the motion."

Mr. S. SATYAMURTI :—" Mr. President, Sir, may I ask one question before I speak on this motion, viz., whether it is placed before the

House for information or for adoption? I am asking this in view of the last paragraph of the report which says that an opportunity will be afforded to the Legislative Council of expressing its opinion on the matters brought to its notice by the Public Accounts Committee."

The hon. the PRESIDENT :—" I think that question had better be answered first."

The hon. Sir CHARLES TODHUNTER :—" The hon. Member for the University is quite correct in pointing out that we used the word 'adoption' in the report. At that time we were proceeding on Indian precedents. Since then we have studied the precedents in the House of Commons and we find that the practice there is to make the motion as one 'that the

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[Sir Charles Todhunter]

report be taken into consideration'. In accordance with the practice of the House of the House of Commons this motion is now made."

Mr. S. SATYAMURTI :—" May I ask whether we are discussing the whole report at this stage."

The hon. the PRESIDENT :—" It is perfectly open to hon. Members to discuss the whole report."

Mr. S. SATYAMURTI :—" In view of the ruling given by you, may I say a few words on the report, Sir? My first complaint is, as I suggested in the course of the general discussion on the Budget, that we should be made in March 1924 to discuss a report of the Public Accounts Committee on the accounts for 1922-23. I do not know who is responsible for the delay. But something is wrong somewhere, and I do suggest to the hon. the Finance Member that he must make effective arrangements for a speedy submission of the report of the Public Accounts Committee, so that whatever remarks we may offer may be of some use to the Government and to the House, instead of being called upon to carry on an operation which is worse than a mere *post mortem* examination. I do think it will be possible if the Finance Committee and the hon. the Finance Member take sufficient pains for the report being placed, at least one year earlier than to-day."

The hon. the PRESIDENT :—" That would be impossible. It would not have been possible to lay the report on the table for 1922-23 on the 31st March 1923 or on the 1st April 1923. I think it was explained on the last occasion when the hon. Member raised the same question that, according to the practice in all legislative assemblies, it is not possible to lay the report on the table within six months after the end of financial year. Afterwards the Committee has to take it up. I think the hon. the Finance Member will be able to tell us when we can have this on the table."

The hon. Sir CHARLES TODHUNTER :—" I have already more than once endeavoured to convince the hon. Member that we cannot have a *post mortem* examination without a corpse. The corpse was ready in March 1924 and the committee had to sit during the budget session in order to get the report ready in time. So far from there being any undue delay, I may say on behalf of the committee that they worked under extremely high pressure and that it is highly creditable that they should have examined the report as soon as they did."

Mr. S. SATYAMURTI :—" I am not saying anything against the committee. In fact, I am in complete agreement with what has fallen from the hon. Member regarding the work of the committee. But still I wonder why it is allowed so long to die and become a corpse only in March of this year. I am merely saying this to show that if the discussions are not to be merely academical and if they are to be practical, they ought to take place in sufficient time to influence the accounts of the next year. In paragraph 4 of the report, they say that they are satisfied that, in every case save one, the action taken by Government to prevent the recurrence of these irregularities or to recover the loss due to them has been adequate. It may be true and the committee have expressed their view. The view of the committee is that in the case of one, the action taken by the Government was most inadequate. I expected the hon. Member to make some statement in answer to this remark of the committee. I expect still the hon. the Finance

* Printed as Appendix IV on pages 180-181 infra.

† Printed as Appendix V on pages 181-223 infra.

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Member to say what view the Government take on this opinion of the committee and whether they will take any action on this and, if so, what.

"To the layman it seems strange that the percentage of works started without estimates during the year 1922-23 compared with the total number of works started during the year under review under buildings and roads and irrigation works should be 31.5 and 19.8 respectively against 22.0 and 18.0 in the previous year. This habit of starting works without estimates seems to be on the increase. Then lower down the committee say :

'The Accountant-General explained that in the majority of cases the works that had been started without estimates were works falling under sections 188, 190 and 233 of the Code. He explained that such items had been included in the list of works that were started without estimates on the ground that provisions of sections 188, 190 and 233 had not been complied with, and that, if the procedure prescribed in those sections were followed, a larger number of irregularities would be eliminated. The Secretary, Public Works Department, promised to take steps to ensure that the procedure laid down in these sections is complied with in future.'

"I submit, Sir, this is a somewhat grave irregularity, that even when they want to protect themselves by certain provisions under which they can do this, they do not carry the provisions in full force."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, would it not be convenient, Sir, if the hon. Member criticises each one of these points separately and gives an opportunity to Members on this bench to answer? For instance, the first point I will answer. As for the second it is in connexion with the department of somebody else."

Mr. S. SATYAMURTI :—"Subject to your rulings, I am quite in your hands."

The hon. the PRESIDENT :—"So far two points have been mentioned, I think."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"We may take paragraph by paragraph and Members can give their remarks. Instead of each Member commenting on the whole report and each Member on the Government side replying to all the points he is responsible for, I think my suggestion will be better. It would be an easy matter if paragraphs are taken up separately."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"We know how we proceeded in regard to the general debate on the budget. The thing is this. If you are to take paragraph by paragraph and if each Member were to answer, I am quite sure we will have to discuss this matter for two days. If the Members on the Treasury Bench are prepared to sit so long, we non-officials have no objection. To my mind it appears that the adoption of a course as in the budget debate will be better. Members will express their opinion on each paragraph and each department will reply one after the other. I think that will be a convenient course."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I have no objection."

The hon. the PRESIDENT :—"The hon. Member for the University may continue."

Mr. S. SATYAMURTI :—"I was calling the attention of the Government to the failure to carry out the provisions of sections 188, 190 and 233 of the

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Code. Then my next point is one which is a somewhat important one, viz., the cases of financial irregularities which were of sufficient importance to render consideration by the Committee desirable. I am referring to paragraph 7 on page 4 of the report. The first point which I want to invite the attention of the Government to is the loss to Government due to the abnormal delay in fixing standard rents of certain residential buildings. I do not propose to read the paragraph. I have read it and I may inform the House that I am not satisfied with the explanation of the Government. I will only mention one thing :

'The building was thereupon assigned to an officer drawing Rs. 3,000 a month at a provisional rent of Rs. 225 per mensem pending the settlement of the proper rent ; and the building was first occupied in October 1918, after lying vacant for seven months.'

"I need not give other instances. Again lower down they say :

'After the lapse of over one year the Government of India were addressed by the Madras Government in February 1921 for a reduction of rent.'

"I really want to know what the Government are going and why they say that they are not able to take action for months, sometimes for even one year. Then, Sir, lower down they say :

'As regards the orders passed by the Madras Government, I am respectfully of opinion that they do not conform to rule 10 (a) (1) and (4) of the Auditor-General's rules. The occupants of the buildings were all high officials, most of them drawing a salary of Rs. 3,000 per mensem and over ; and there is no evidence to show that the market values of the houses are so low as that hitherto assessed by Government.'

"It would appear to be rather the contrary. Attention is invited to the next paragraph dealing with the sub-letting of Government Houses. I would like to know why the market rate was not charged. How does it happen that the Government which is meticulous in seeing that Government orders are carried out by its subjects is not meticulous in seeing that orders are carried out by its own servants and to this extent that they can sub-let Government Houses in spite of the rule to the contrary, and make money out of it ?"

The hon. Sir CHARLES TODHUNTER :—"May I ask the hon. Gentleman if he makes a distinction between the market rent charged by the private landlord and the standard rent arrived at under the Government rules? If that is the case, I may mention that the rent charged by the private landlord was a good deal less than the rent which the Government arrived at by the application of the standard rent."

Mr. S. SATYAMURTI :—"I do not know how the Government rules work. But the Government should get from its servants the market rate."

The hon. Sir CHARLES TODHUNTER :—"Then the hon. Gentleman does not claim that we ought to collect the standard rents which are in question ?"

Mr. S. SATYAMURTI :—"If the standard rents are higher, the Government should certainly get it. The well-to-do Government servants must pay whichever rent is higher. The report says :

'This case was examined by the Public Accounts Committee of the preceding year and has again been examined in detail. The Committee are of the opinion that there was regrettable delay on the part of the Government in fixing the rate of rent to be recovered from the occupants of the bungalows in question and in imposing the standard of rent, and that this delay has resulted in an unnecessary loss of public money.'

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"This Committee do not recommend that these officials should pay the deficit because they say that the delay is due to the Government. I quite agree that it is the fault of the Government. I would ask the hon. the Finance Member to explain to this House how this thing happened and whether the tax-payers' money was spent with any consideration whatever.

"The second point on which I want to lay a little stress is the provision of contractors' profits on materials supplied by Government. I cannot believe that the Government can be so lax in its work that when provision was made for contractors' profit at 10 per cent on the value of materials supplied, the profits were passed even in cases where materials were supplied by the department. Do you conceive it is possible that when there is a provision for the contractors' profit of 10 per cent on the value of the materials supplied by him, the profit was passed even in cases where materials were supplied by the Government? I thought the Government was wide awake. I find they are sleeping. Then, Sir, we have got the abandonment of a scheme with regard to the General Hospital. I do suggest that this Government must have some consistency of policy for some period, at least for some years together, instead of adopting something and then stopping it, and thus wasting the tax-payers' money to the extent of thousands of rupees. In page 7, details are given with regard to the irregular and unprofitable expenditure due to the mismanagement and final abandonment of a house building scheme. I make a present of this phrase 'mismanagement and final abandonment of the house building scheme' to the hon. the Finance Member. The story is told"

The hon. Sir CHARLES TODHUNTER :—"The hon. Gentleman makes me a present of a phrase which is to a great extent my own. He seems to forget that the Finance Member is the Chairman of the Committee."

Mr. S. SATYAMURTI :—"I am glad to hear that the Finance Member's conscience is wide awake and I hope his Colleagues will keep their consciences also wide awake and try to convince the House how the Government allowed this mismanagement and final abandonment of a scheme. Then with regard to expenditure on works without pre-audit of sanctions, I will read the comment of the Committee :

'In view of the serious nature of the irregularity, which relates not to one but to a number of works, the Committee desire that the explanations, which have been already called for in these cases, should be communicated together with the orders of Government and that all such cases should be reported to them in future.'

"I would suggest that some of the orders at least of the Government in these cases may be placed on the table of the House, so that we may know what action the Government have taken with regard to these irregularities.

12-30 p.m.

"Then, Sir, at the end of paragraph 11, it is stated :

'The Committee consider it desirable that the treasuries of the Presidency should be inspected annually and that the inspection of treasuries should not be curtailed in the manner indicated.'

"I should like to have a statement from the hon. the Finance Member as to what the Government propose to do in the matter."

The hon. Sir CHARLES TODHUNTER :—"If I may explain, Sir, that is a matter for the Audit department, which is under the Government of India. It is for the Government of India to employ more officers if necessary."

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Mr. S. SATYAMURTI :—"I should like to know if this Government have moved the Government of India, and what action they have taken or propose to take in the matter. Then I would invite the attention of this House and the hon. the Finance Member to the quotation of the Accountant-General in paragraph 15 at page 11, which says :

'The increased financial powers of the Legislature and its control over the Provincial budget for voted expenditure give audit of expenditure against appropriation an added importance. Prior to the reforms, the authority responsible for incurring expenditure was also finally responsible for budget grants, so that it always felt itself competent in the last report to incur expenditure in excess of grants. Under the new constitution, while the Executive Government is responsible for incurring expenditure, it is the Legislature that sanctions the necessary grants, and it can insist that the grants sanctioned are not expended for purposes other than those for which they were intended and that the expenditure under each grant does not exceed the amount sanctioned.'

"I would suggest that the power of the Legislature should be increased by every means in the power of the Finance Department, in order that the power may be exercised usefully.

"Again in paragraph 16 at page 12, it is stated :

'The Public Accounts Committee of the Legislative Council, which dealt with the Appropriation Report for 1921-22, considered that more effective steps should be taken to ensure that heads of departments watch the progress of expenditure from month to month; and a set of instructions for the guidance of the departmental officers in this matter has been drawn up and is now under the Local Government's consideration.'

"I should like to know when we may expect these orders in a proper form. At page 13, I want to refer again to the opinion of the Committee. I am very glad the hon. the Finance Member is the Chairman of the Committee and I invite the attention of his hon. Colleagues to this remark of the Committee :

'These cases relate respectively to expenditure incurred on touring by Members of Council and Ministers. The Committee are of opinion that, as far as possible, the touring of Members of Government should be restricted to the allotment voted by the Legislative Council. They were informed that it was difficult to check the progressive expenditure under these heads, owing to the fact that the railway carriages are obtained on requisition and the cost is only initiated after an interval of several months. The Committee recommend that a progressive account of expenditure under this head, based on estimates obtained from the railway administrations as to the cost of requisitions made, should be maintained in the Chief Secretariat, and that a notice should be sent to Members of Council and Ministers when the grants are approaching exhaustion.'

"I do hope, therefore, that these tour expenses will not exceed the budget provision.

"I will deal with excess grants when the matter actually comes; but in the meantime I may draw the attention of the hon. the Finance Member to the remark, on page 14, viz. :

'There is, however, still an unexplained increase of Rs. 10,000 with regard to which the Committee consider that further explanation should be called for. Meanwhile, they recommend that the excess demand be moved.'

"Before it is moved, I submit that the explanation which the Committee called for should be placed on the table of this House."

The hon. Sir CHARLES TODHUNTER :—"May I say that the explanation has been placed on the table of the House in the memorandum explaining the excess demands?"

Mr. S. SATYAMURTI :—"I do not know if that is the only explanation that was required or whether something else was called for.

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"The last point is with regard to paragraph 19—Reductions in demands made by the Legislative Council. At page 15, it is stated:

'The Committee observe with regret that, in three cases, viz., items Nos. 2, 3 and 4, the reduction made by the Legislative Council was not given effect to. The excess appears to have been met by reappropriation, whereas, in the opinion of the Committee, if excess expenditure is necessary in the case of a grant in which the Council has made a reduction, the sanction of the Legislative Council to exceed the expenditure under the reduced allotment should be specifically obtained.'

"I most earnestly commend this recommendation of the Committee to the Treasury benches, so that they may not reappropriate first from one grant to another and then come to this House for specific sanction.

"I have made a few remarks on this report, and I trust that as years go by this function of criticising the report of the Public Accounts Committee will assume increasing importance, so that not only with regard to the demands of the Government, but also in seeing that the grants made by this Council are appropriated for purposes for which they are made, the voice of the people will increasingly prevail."

Diwan Bahadur M. KRISHNAN NAYAR:—"Mr. President, Sir, I wish to make one or two observations and to elicit replies from the hon. Member of the Government concerned. At page 5 of the Report, in paragraph (b)—*Irregular sub-letting of Government residences and consequent loss*—it is stated:

'In 1922 the occupant of one of these official residences proceeded on leave out of India and was absent for a period of ten months. During the period he sublet the residence and paid to Government only the fixed rent.'

"I wish to know what the fixed rent was and what the amount was for which the building was sublet and whether the amount for which the building was sublet was larger or smaller than the fixed rent."

The hon. Sir CHARLES TODHUNTER:—"If I may answer that question, Sir, the house was sublet at the fixed rent."

Diwan Bahadur M. KRISHNAN NAYAR:—"I wish to know also whether the officer concerned obtained the previous sanction of the Government for subletting the house and, if no previous sanction was obtained, why he did not obtain such a sanction."

The hon. Sir CHARLES TODHUNTER:—"The answer to that is that the officer had obtained the previous permission, as stated in the Report. He obtained the previous sanction of the Chief Engineer."

Diwan Bahadur M. KRISHNAN NAYAR:—"Then, how is it that a long paragraph is devoted to this matter? If the Chief Engineer could grant the permission for subletting the house, then the action of the officer should not be condemned. I, therefore, do not understand why such long remarks should be made about this matter of subletting. The hon. the Finance Member may take time if required to consider the matter carefully and to give a reply."

The hon. Sir CHARLES TODHUNTER:—"If the hon. Gentleman will look at the Report, he will see that the 'long remarks' are the remarks of the Accountant-General. The Committee in a short paragraph at the top of page 6 say that 'in view of the fact that they obtained previous permission to sublet their residences,' the Committee do not consider that 'they should be compelled to pay the full normal rent for the period of the sub-lease'."

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Diwan Bahadur M. KRISHNAN NAYAR:—"Seeing that the Government have suffered a loss, there is no reason why the arrears should not be collected from the sub-tenant. Proceeding further, in paragraph 7 (2), we find that there is delay in instituting land acquisition proceedings and consequent loss to Government. It appears that there was a delay of about 3½ years in making the necessary report about the particular land acquisition and that the Revenue Inspector who was responsible for the delay has been punished by the Collector. The Report goes on to say:

'The memorandum shows that the Revenue Inspector who has been punished was not the only officer to blame, but that the Divisional Officer and the Tahsildar were also responsible for considerable periods of delay. The memorandum further shows that the Board of Revenue had called for no explanation from the Divisional Officer or the Tahsildar and had instituted no enquiry as to the fixation of responsibility. The Committee regret that the lowest-paid officer should have had to bear the whole brunt of the punishment inflicted, while his superior officers escaped from criticism and were not even called upon for an explanation.'

"I wish to know whether it is the intention of the Government to call for the explanation of the Divisional Officer and the Tahsildar either through the Revenue Board or direct, if these officers are alive and are in service, and whether it is their intention to punish the officers. It is superfluous for me to say that, as suggested in the Report itself, it was quite improper to have punished the Revenue Inspector alone leaving the superior officers, the Divisional Officer and the Tahsildar, unpunished. Then again in the same paragraph reference is made to the 'provision of contractors' profits on materials supplied by Government'. This has been adverted to by the hon. Member for the University. The Report says:

'In the rates entered in several agreements for completed items of work, provision was made for contractors' profit at 10 per cent on the value of materials supplied, but the profit was passed even in cases where materials were supplied by the department.'

"I wish to associate myself with every word that has been said by my hon. Friend for the University with reference to this paragraph. I wish to know further whether the Government or the Chief Engineer has asked the officer concerned to collect this excess amount that has been paid to the contractor. I wish also to know what is the amount that was thus paid without any check.

"Again at page 8, paragraph (6), reference is made to 'Expenditure on works without pre-audit of sanctions'. The Report says:

'All sanctions relating to certain works (both original works and repairs) require to be pre-audited and accepted by the Audit office before any expenditure is incurred against them. The estimates for several of these works were referred to the Audit office only after the works were completed, while in other cases no reference was made at all.'

"No doubt this is a technical matter. But I wish to know how it was possible for the treasury concerned to have paid the amount when the rules required that these particular things required pre-audit. The object of this pre-audit is, I understand, to make certain that the amounts are not paid for purposes for which they are not intended."

The hon. Sir ARTHUR KNAPP:—"Perhaps I may explain, Sir. So far as I have been able to ascertain the object of pre-audit is to see whether money is available and my information is that it has nothing to do with the subsidiary question to which my hon. Friend is referring."

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Diwan Bahadur M. KRISHNAN NAYAR :—" My idea of this pre-audit is— I may be wrong or my hon. Friend on the Treasury Bench may be wrong—that it is intended not merely to see whether money is available but also to secure that the money is paid only after the audit is made. I cannot understand how, in this particular instance, money was paid, where pre-audit was necessary and where pre-audit was not done. That is a point upon which I wish to have further information."

The hon. Sir ARTHUR KNAPP :—" My impression is that pre-audit is to see whether money is available. It is a point on which I obtained definite information in connexion with a recent case, and it was stated that the object of pre-audit is merely to see whether money is available under the head upon which it is proposed to be spent."

Diwan Bahadur M. KRISHNAN NAYAR :—" There is nothing particularly wrong with the item under discussion if the object of pre-audit is merely to see whether money is available. As a matter of fact the money was available under the head, and nothing substantially wrong has occurred. What then is the object of making a big paragraph like this ? . . . "

The hon. Sir CHARLES TODHUNTER :—" The object is to prevent the officer from spending money for an item for which there is no grant and then coming and saying ' I have no money '."

Diwan Bahadur M. KRISHNAN NAYAR :—" Quite so. The object of pre-audit is not merely to see whether the money is available but also to see whether the grant has been made."

The hon. Sir ARTHUR KNAPP :—" May I say that I stated that the object was to see that money was available under the head on which it was proposed to be spent ? "

Diwan Bahadur M. KRISHNAN NAYAR :—" That is exactly the point. The question is whether the money was available under the particular head for which it was sanctioned and whether it ought to have been paid."

" Then coming to page 7 of the report we find the Committee state as follows :

' In this case the object of the Government in sanctioning the original scheme was frustrated and Government funds unnecessarily expended. Orders of Government on the explanation of the Officer who was primarily responsible for this wasteful expenditure are awaited.'

Then again on page 8 of the Report it is stated :

' In view of the fact that the completed buildings have been sold further action appears to be unnecessary.'

" I do not know, Sir, how the two statements mentioned above can be reconciled. I suppose the Government will still get the explanation from the officer concerned. I doubt very much whether the officer concerned will be punished because the two statements referred to above conflict with each other."

The hon. Sir CHARLES TODHUNTER :—" May I invite the attention of the hon. Gentleman to the previous sentence on page 8 which reads :

' They regret that Government should have embarked on the scheme without the prior preparation and sanction of detailed estimates and without correct information as to the cost of the scheme.'

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Diwan Bahadur M. KRISHNAN NAYAR :—" Am I to understand that the Committee have decided that that is the final punishment of the officer concerned ? "

The hon. the PRESIDENT :—" The passage which the hon. Member, Mr. Krishnan Nayar, quoted viz. :

' Orders of Government on the explanation of the officer who was primarily responsible for this wasteful expenditure are awaited.'

is apparently a quotation from the Accountant-General's remarks."

The hon. Rao Bahadur Sir A. P. PATRO :—" I think I may first explain to the hon. Member representing the University . . . "

The hon. the PRESIDENT :—" Other hon. Members have not had an opportunity of discussing the Report."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, I would first invite the attention of the House to page 1 of the Report where reference is made to temporary embezzlement or misappropriation by the head clerk of a sub-magistrate. I am of opinion that the treatment given to him is very lenient as has already been stated by the Public Accounts Committee. From the statement contained in this Report it is clear that there is documentary evidence that the clerk misappropriated the amount. I therefore wonder why such a lenient punishment was accorded to him by his official superiors. Here it is a case of fine imposed upon some accused. The accused brought the money and paid it in court. The clerk passed the receipt but the receipt was not the usual receipt but one taken out of another book in the office. At a later stage when warrant was issued for the collection of the amount due from the accused the fraud was detected, and for this fraud the only punishment that was inflicted upon the clerk concerned was the stoppage of promotion for one year. It appears to me that this is a clear case of moral turpitude, and the punishment that has been meted out to the culprit is very lenient. In cases where crimes of moral turpitude are involved, if people are allowed to go scot free, I wonder what check can be had on such future occurrences."

" Reference has already been made to the execution of works by the Public Works Department officers without the necessary sanction. I would invite the attention of the House to the last paragraph on page 4 where it is stated thus :

' He explained that such items had been included in the list of works that were started without estimates on the ground that the provisions of sections 188, 190 and 233 had not been complied with and that if the procedure prescribed in those sections were followed, a large number of irregularities would be eliminated.'

" Here, reference was made to some of the sections of the Public Works Code whereby the officers of the Public Works Department are authorized to incur expenditure without the previous sanction. Even after examining the Secretary for the Public Works, I do not think the Committee were satisfied that the cases before them were covered by the sections referred to in the Public Works Code. We know that a sanctioning authority is necessary when the cost of the works exceed a certain amount. Unless very strict departmental control is exercised over the powers already vested in the subordinate officers as to the limits of expenditure they can incur, I think it would be better to withdraw those powers than to allow the irregularities to continue year after year."

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"Now I wish to draw the attention of the House to paragraph 6 of page 4 of the Report. In the statement given therein, the last column gives the deficit on account of residential buildings. Residential buildings, I do hope, are intended to be occupied by Government servants for their convenience, and that therefore the State ought not to be asked to incur any deficits. It is stated in the report that—

'the Committee were informed that Government have decided to pool the rents of Government residences, under the system prescribed in the Fundamental Rules and that under the pooling system the residential property of Government was expected to meet the cost of upkeep.'

"With reference to these remarks, I am not able to understand what is meant by the word 'upkeep.' Does it mean the cost of repairs to the buildings alone or does it include the interest as well?"

The hon. Sir CHARLES TODHUNTER:—"It does include interest."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The second point which I wish to raise is this: is it the idea of the Government to have one residential scheme for the whole Presidency or have different units for different areas? For instance, Government have got buildings at Waltair. I ask whether the Government consider all the buildings at Waltair as one unit and pool the rents of all the buildings and distribute the whole cost upon all residents there, or whether they take the whole Presidency as one unit and distribute the expenditure throughout the Presidency?"

The hon. Sir CHARLES TODHUNTER:—"This is a question which is under consideration, and a decision will only be arrived at after statistics have been received from the various stations."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"In this connexion I want to submit that before Government consider any provision of this sort, it is better that an opportunity is given to this House to discuss the fairness of this proposition. We know if it is a question of pooling out all the residences in the Presidency, it will work a great hardship in some areas which are not densely populated and where the cost of buildings is not very high; and the whole cost of the residences in Madras will have to be borne by the officers in the mufassal. It may be convenient for the officers in Madras to throw the burden upon the mufassal residents. I think, Sir, this question requires a fair examination. Before Government come to any conclusion, it is better that they publish all the figures and call for the opinion of the public and also the decision of the officers concerned and then arrive at any conclusion before they make up their mind one way or the other.

"The attention of the House has already been drawn to irregularities that have been committed in the matter of sub-letting and not levying rent upon some of the Government buildings in Madras.

"Regarding the contractors' profit I think it is purely a question of law. As I understand, the Government prescribed that all the contractors should get 10 per cent profit for the articles supplied, whether the articles are supplied by him or departmentally. I wish to know whether the question was referred to the Law officers of Government and whether the Law officers expressed any doubt as to the existing provision that even in cases where the materials have been supplied departmentally the contractor is to get 10 per cent. Unless we have the opinion of the Law officers there is considerable

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doubt as to this question. I do not think that anybody will be justified in saying that the public revenues should be spent in this irregular fashion and the officers responsible for such payments should be allowed to have their own way.

"I wish to draw the attention of the House to the irregular, unprofitable expenditure referred to in paragraph 5 of page 7. This refers 1 p.m. to the building schemes undertaken by the Government on account of Palianthope troubles. I wish to know whether the buildings that were purchased by the Company are still used by the Company for other purposes, or are they given for the residence of the depressed classes."

The hon. Sir CHARLES TODHUNTER:—"May I ask what buildings the hon. Member is referring to? There were no buildings purchased by the Company."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I understand that the buildings are taken away by other departments and they are not utilized for the depressed classes. Then I want to know the reason why Government change their mind often. During the days of the Palianthope troubles, if I understand correctly, they made up their mind to put in some money and give decent buildings for the depressed classes. Why should they change their mind afterwards? Is it on account of the extra cost involved or that they felt no necessity for giving the depressed classes any accommodation? It is really a case of withdrawing the generosity which they promised to them. In the matter of giving relief to the depressed classes, the public is always supporting the Government, and in this respect the loss of some money to the public exchequer should not stand in the way. I do not think that any question was raised here that the depressed classes should not be given any buildings. I am not able to understand the sudden change of policy on the part of the Government. And now I understand that Government have given away the buildings already constructed to the Salt department."

The hon. Sir CHARLES TODHUNTER:—"May I explain that the buildings have not been given away, but that they have been sold for their full value? The reason why they were not used as habitation for the depressed classes is that the price of the tenements worked a great deal higher than was expected. Therefore, fresh schemes for the depressed classes have been instituted under the auspices of Labour Commissioner."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"May I understand that the scheme for housing the depressed classes has not been abandoned and is going to be matured very soon?"

"Regarding the question of watching the works expenditure by various departments, I believe the present system is very unsatisfactory. It is a matter of common experience that as soon as the Budget allotments are sanctioned, the departments concerned put them in the allotment register, and the progress of expenditure is shown therein. It seems to me that it is the business of the Audit Department to see when bills are submitted for pre-audit that the allotment already given has not been exceeded. I want to know how the Audit department came to pass the bills that are submitted for pre-audit without any reference to the allotment register. If the allotment registers are properly maintained by the office, and if the Audit

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department check the bills submitted for pre-audit, I cannot understand how any irregularity can occur. Therefore, the only conclusion is that department does not maintain the register properly or it has not bestowed sufficient care to see that the allotment is not exceeded. The audit is not up to date and the department does not see that the bills submitted for pre-audit are not passed without due checking."

The hon. Sir CHARLES TODHUNTER:—"May I ask what bills the hon. Gentleman refers to? Is it the bills submitted for pre-audit?"

Mr. R. W. DAVIES:—"I presume what the hon. Member refers to is bills like the contingent bills which are not supposed to be audited at the time of presentation."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I do not want to submit myself to the technicalities of pre-audit. Take, for instance, the expenditure of Rs. 9,569 at page 2 of the Excess Demands. Here is an item of Rs. 9,500 and odd which is due to extra cost on account of fodder and consumption of water. This was an expenditure that was incurred in the course of the year. My question is how the allotment could be exceeded. In the case of other items, the explanation was that it was not the expenditure incurred by the department but was expenditure debited to the account of the particular department, having been incurred by the Military."

The hon. Sir CHARLES TODHUNTER:—"May I explain, Sir? These particular supplies are ordered from the Supply and Transport Department. We get the bill several months after the order is given and we find it is twice as much as what we have provided for. . . ."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I am not convinced by the hon. the Finance Member's explanation. We asked the Transport Department to supply a particular department with Rs. 10,000 worth of grass, and that is supplied."

The hon. Sir CHARLES TODHUNTER:—"We do not ask for Rs. 10,000 worth of grass; we ask for so many tons of grass. It may be Rs. 10,000 when you sanction it, but when you get the bill, it may be Rs. 15,000."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"If the bill was paid in 1922-23, under what head was the cost of the bill met? By whom was it met? If it had been met by the departmental head, what had become of the allotment register? What had become of the audit? If the amount should be exceeded, how could that bill be passed and paid during the course of the year? It has been allowed to stand over for the next year and the allotment might have been increased by reappropriation or supplemental grant."

The hon. Sir CHARLES TODHUNTER:—"May I say that it is impossible to lay down that, if an expenditure is incurred, it has got to be limited? The Supplies Departments do not send their bills till after the close of the year sometimes till months after. A number of these items in the amount for excess grants relate to charges which were brought to our notice only long after the close of the year by people like the High Commissioner and so on."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I am not able to follow the hon. the Finance Member. I shall rather prefer . . ."

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The hon. Sir ARTHUR KNAPP:—"With regard to this allotment the hon. Member might have a talk with me."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I do not object to the allotment. My question is about making use of the allotment register and closely watching the progress of expenditure. I think it more concerns the hon. the Finance Member than the hon. the Home Member though it belongs to his portfolio."

"Owing to appropriation, I find special mention was made by the Accountant-General regarding the fall in revenue under Registration and Stamps. I do not know what immediate steps Government have proposed to take to restore stamps to the natural growth of increase. As a matter of fact, whatever doubts we entertained in the past, the statement of the Accountant-General is before us, and it is clearly a case that the fall in the estimated receipts is mainly due to the extraordinary increase in the rates of stamps. I think that is a very important question and the hon. the Law Member will bestow his thought and see before the year ends that the natural growth is restored instead of restricting it by a step like this."

The hon. Sir CHARLES TODHUNTER:—"Is the hon. Gentleman suggesting that the returns from the higher rates of taxes were less than what the return would have been if the taxes had not been raised?"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"If we study the growth, my recollection is the average is no less than 3 lakhs, and if in the course of three years it has been allowed to stand, the natural growth would have been 15 lakhs. Instead of doing that, we expected to realize about 75 lakhs by introducing a 50 per cent enhancement, and the result was only 30 lakhs or so. I do not think the growth of expenditure on stamps has anything to do with non-co-operation. Suits are still going on. If really non-co-operation did stop litigation, I shall be extremely glad. If litigants do not go to court and if they are able to get their differences settled by arbitration courts, I think the Treasury Bench as well as the Opposition, will be extremely glad over it, and non-co-operation will have done a real service to the country."

Rai Bahadur T. M. NARASIMHACHARLU:—"I have got only one or two remarks to offer. A perusal of this report discloses that these highly paid and highly technical officers of the Government are committing these mistakes like our local fund subordinates. Our local fund subordinates are apt to do such things because they are low paid and they are not very technical. I fail to see how highly paid and expert Government officers commit such mistakes and blunders."

The hon. Sir CHARLES TODHUNTER:—"Is the hon. Gentleman referring to the sub-magistrate's clerk as a highly paid Government officer?"

Rai Bahadur T. M. NARASIMHACHARLU:—"I am chiefly referring to the Public Works Department. I do not draw general conclusions from a single case of misappropriation in a sub-magistrate's office. From the report we see that the greatest irregularities are committed in the Public Works Department. I was only referring to that, on a perusal of paragraph 9 of the report, we find the Accountant-General stating like that. He says 'the total amount of the cheques drawn by the Public Works disbursing officers during the year 1922-23 was 1,02,68 lakhs of which cheques to the value of

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12,99 lakhs were drawn in March 1923. The aggregate of the cheques drawn during the last three days of that month was 3.13 lakhs. If on the last three days of the month it was 3.13 lakhs, you can easily see within one or two months the total of the one crore could have been spent. That shows the very unsatisfactory state of things in the Public Works Department."

The hon. Sir CHARLES TODHUNTER:—"Will the hon. Gentleman look at the figures presented to me during the last three days by presidents of district boards? They come up to more than 3 lakhs."

Rai Bahadur T. M. NARASIMHACHARLU:—"I have already confessed that the local fund departments are committing the same blunders as the Government departments are committing. I wish that the Government departments set a better example, so that the local fund departments can follow in their footsteps. I do not say that the local fund departments are free from blame and that the Government departments alone are blame-worthy. My point is that the Public Works officers do not do their duty evenly throughout the year; they wait and wait, and when they come to the last month they hurry on with these things and commit mistakes which entail many overpayments and the difficulty of recovering them. If they only do their duty evenly throughout the year, going into every item carefully, there will not be so many errors as we find now in the public accounts. I think that the Government ought to impress upon the Public Works Department the advisability of spreading the expenditure evenly throughout the year, of scrutinizing every estimate carefully, of checking every bill presented to them before payment is made and of making payment regularly every month. If this is done, there will not be this crowding of expenditure at the end of the year. As it is, especially during the last days of the last month of the year and even during the first three days of the new year (April), they pass bills and sign cheques without closing the accounts. The Government may or may not be aware of it."

The hon. Sir CHARLES TODHUNTER:—"Perhaps, the hon. Member is referring to the practice of district boards?"

Rai Bahadur T. M. NARASIMHACHARLU:—"Well, the hon. the Finance Member may infer it. All the irregularities I have mentioned occur only in the last month's accounts, and they do it hurriedly. If the expenditure is spread evenly, some of these officers would not get their *bakshies* in a lump sum. That is the reason why they let these things accumulate and get a decent sum at the end of the month. I bring all these irregularities to the notice of the Government, so that they may ask the Public Works Department not to commit such irregularities in future."

"Another point I want to refer to is that some of these officers ought also to be liable to surcharge. Government have begun to surcharge municipal chairmen. Now, I ask, under what rule, under what privilege or prestige are the Government officers exempted from this liability?"

The hon. Sir CHARLES TODHUNTER:—"May I ask what authority the hon. Gentleman has for saying that Government officers have been exempted? I can give him several instances in which Government officers have been made to pay."

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Rai Bahadur T. M. NARASIMHACHARLU:—"There is a rule making the local boards and municipalities liable to surcharge, but is there a similar rule with regard to heads of departments?"

The hon. Sir CHARLES TODHUNTER:—"The rule to which my hon. Friend refers is the rule under which the presidents of district boards can be made to pay. With regard to Government officers, no such rule is necessary. Government can always make its officers pay."

Rai Bahadur T. M. NARASIMHACHARLU:—"The Government can always make them pay, but do they really make them pay?"

The hon. Sir CHARLES TODHUNTER:—"Yes."

Rai Bahadur T. M. NARASIMHACHARLU:—"I am very glad to see that individually, the hon. the Finance Member would make them pay, but still, is there a rule which his successors also may follow?"

The hon. Sir CHARLES TODHUNTER:—"I have already said that there is no enabling rule necessary, but that we can always stop an officer's pay. In the case of the presidents of district boards, they have no pay for us to stop."

Rai Bahadur T. M. NARASIMHACHARLU:—"If the president has no pay, he is a well-to-do man, whereas many of your officers have nothing but the pay (laughter) and therefore within a few days after the first of the month, their cash box would be empty."

The hon. Sir ARTHUR KNAPP:—"Do I understand the hon. Gentleman to suggest that we should not recover from Government officers?"

Rai Bahadur T. M. NARASIMHACHARLU:—"I say that you must make a rule that money should be recovered from the Government officers and not leave it to the discretion of the head of the department to recover it or not. I am glad that Government are making individual officers liable to surcharge. I wish that there is a rule to that effect so that the Accountant-General may make them liable to surcharge."

"Similarly, when the accounts are audited, have the Government given power to the Auditor or to the Accountant-General to say: 'Well, this man has not properly spent this money. This man has misappropriated it and therefore this department must be surcharged?' There is no such rule. That is what I am complaining about. It may be that there are instances of embezzlement and that some are made to pay out of their pockets. But is there any rule authorizing the officer who scrutinizes and checks the accounts to surcharge the officers who are in fault? These are the few points I wish to bring to the notice of the Government."

"In this connexion, I wish to refer to one other thing, viz., the boundary stones supplied by the village people. It is said that when these stones are either lost or displaced, the villagers are asked to replace them, and if they fail to do so, the work is done by the revenue officers and the cost is recovered from the villagers. I think, Sir, this works a great hardship and the result is that money is not recovered. Therefore, we have got a special paragraph at page 9 of this Report on these things. On this question the Committee's remarks are:

'The Committee requested the Accountant-General to report whether improvements had since taken place in the recovery of outstanding dues under this head.'

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"I should have thought that the Committee would have recommended to the Government that such recovery should not be made. Instead of that, the Committee whose members are hon. Members of our House, request the Accountant-General to say if proper steps have been taken to recover these little items from the villagers. The stones supplied are useless. The moment you plant them they give way to the slightest interference. Then the department people say, 'well, the stone is missing'. They put in a stone worth one pie and ask the poor man to pay six annas."

The hon. Sir CHARLES TODHUNTER :—"Does the hon. Gentleman suggest that the general tax-payer should suffer for the neglect of the individual landholder?"

Rai Bahadur T. M. NARASIMHACHARLU :—"He is himself a general tax-payer. It is from him you take the money and not only that, you want to take additional money from him. He is the general tax-payer, neither the hon. the Finance Member nor I. As such, when a boundary stone is missing or displaced, it is he that must be asked to set it right."

The hon. Sir CHARLES TODHUNTER :—"That is exactly what we do. We ask the ryot to set it right, and when he does not do it, we do it ourselves and charge him. This is exactly the policy my hon. Friend is advocating."

Rai Bahadur T. M. NARASIMHACHARLU :—"Even if a certain stone is missing, you have got the plan from which you can mark the field. The present policy of recovering the cost of boundary stones from the ryots is causing a great deal of hardship to them and the sooner it is remedied the better it will be."

Mr. K. CHIDAMBARA NADAR :—"I want an explanation to a matter mentioned at page 6 of the Report. In the last paragraph of that page it is said that Rs. 11,874 were spent on buildings intended for the use of the new General Hospital, and that after dismantling the building, only Rs. 505 were recovered. One would expect to have recovered at least one-eighth of the amount spent in the construction of the building by selling the old materials. The amount is too small. Unless there are special reasons I cannot understand why it fetched only Rs. 505."

"Then, with regard to the punishment of the Revenue Inspector in connexion with the land acquisition proceedings we find that the Divisional Officer and the Tahsildar were not asked to give any explanation. This is what happens in almost all cases of this kind. When a mistake is committed in a department, it is always the lowest subordinate that bears the whole brunt of the punishment. So, in this connexion I would request the Government to make necessary enquiries in all cases of this kind and punish all the officers concerned in the matter."

The House at this stage adjourned for lunch at 1-27 p.m.

After lunch (2-30 p.m.).

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I take it that hon. Members have said what they have got to say on this question of the Report of the Public Accounts Committee. I shall deal with only one matter which concerns my department, viz., the embezzlement of the magisterial fine of

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Rs. 101-10-0 in the Rasipur Stationary Sub-Magistrate's Court. My hon. Friend, Mr. Narasimharaju, was somewhat strong on that. The position was this. The Magistrate stated he never received the money. The peon through whom the money was alleged to have been spent stated that he never remembered to have taken any money on any particular day. The District Magistrate acted on the strong suspicion that the clerk must have received the money. But the counterfoil of the receipt was not found. The clerk was asked to explain and he said that the man who had the receipt books had gone on casual leave and therefore he took a receipt book at random and issued a receipt. This explanation was not considered satisfactory. But the clerk's general conduct was considered good. And therefore this step was taken. I may say that Government did not approve of that action and they have passed an order disapproving of the action of the Magistrate and stating that Government note the delay in the disposal of the case. Proceedings having started in 1921 and the matter having come to the actual cognizance of the Government for disposal some time in 1923, it was considered rather belated to rake up the whole thing, and therefore this step was taken. That is the only reason."

Diwan Bahadur P. KESAVA PILLAI :—"Hear, hear. That is the best reason."

The hon. Rao Bahadur Sir A. P. PATRO :—"Sir, I submit that periodical audits are held in the Divisional office. The Accountant-General audits the accounts of the Divisional office of the Executive Engineer and the audit report is submitted to the Government. That audit report is considered by the Finance Committee and by the Government. Any irregularities which the Audit department brings to the notice of the Government are fully considered, and opportunity is given to the officers concerned to submit their explanation. Wherever the explanation is considered to be unsatisfactory the procedure is either rectified or the officers are dealt with according to the rules. In any case where the explanation is found to be unsatisfactory, the salary of the officer is withheld and sometimes promotions are barred. In this way the irregularities of accounts pointed out by the Audit department in checking the accounts of the Divisional Officer are attended to by Government each time we review the report for the division."

"With regard to the objection that the works carried on without estimates are larger than in previous years, the explanation given by the Public Works Department is that there is a certain amount of misunderstanding as to the scope and usefulness of the Public Works Department Accounts Code. The Public Works Department considered that by the devolution of powers on the Superintending Engineer and the Executive Engineer they can conduct works on emergency grounds. Now we have taken up the revision of the Public Works Department Accounts Code. Two officers, one of the Accountant-General's office and the other of the Public Works Department, are appointed to revise the whole of the Public Works Code and all the rules relating thereto, so that this complicated nature of the accounts of the Public Works Department may be simplified, and larger powers may be vested in the Superintending Engineer and the Executive Engineer for the speedy execution of the works."

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"It is said that during the last month of the year usually payments are rushed through. This is true, but it is inevitable. What happens is that when the works are completed and when check-measurements are made the bills are prepared and therefore it must necessarily take some time. Therefore at the end of the official year there is a certain amount of rush for the cashing of these bills. We are also devising methods, in the revision of the Code, by which we can avoid such rush at the end of the year. Instructions have already been issued that it should not be observed as a rule that all works must be measured at the end of the year and that as far as possible works must be gradually completed and payments made as early as possible. The works must be placed in a graduated list and must be completed from time to time and payments made immediately.

"The question of leasing the Government buildings to officials has been engaging the attention of the Government for a long time. The point is whether we get a proper return for the capital invested on buildings. Hon. Members will remember that most of the buildings were purchased long ago when the rate of interest was low. But if we want to get an interest on that capital at the present rate it would work as a hardship on the occupiers of those houses and officers would not care to occupy such buildings. If we charge Rs. 300 and Rs. 400 for these buildings, they would be vacant and there would be no tenant at all."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Is there not a departmental rule that every building set apart for occupation by a particular class of officer must be occupied by him whether he wishes or not?"

The hon. Rao Bahadur Sir A. P. PATRO :—"If it is provided for a particular class of officer, then it is incumbent upon him to occupy it; otherwise it is not necessary that he should occupy it. The buildings in the city of Madras were not built or bought for any particular officers at that time; but the difficulty came on later."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Have not the Government, under the existing rules, power to allot a particular building for a public servant?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Is this a point of order or is it a point of personal explanation? The hon. Member himself was very emphatic the other day when he said that there should be no interruption in the course of a speech unless it be for personal explanation or a point of order.

"I submit, Sir, that in the case of these buildings we considered the standard rate and the rate of 10 per cent of the salary of the Government servant. Some difficulties were found in both these ways of arriving at a proper return for the capital invested. Hence the pooling system is proposed to be adopted, by which we take the capital invested in all the Government buildings in the district, pool down the rents of all the buildings and distribute them among all the buildings so as to arrive at a reasonable rate of interest on the capital invested on them. Certain rules were framed and sent to the Accountant-General. The matter is still pending. The final disposal of the pooling system is awaited. I am sure there will be some irregularities, and no one regrets this more than the Public Works Department.

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"I now come to the question of sub-letting. I do not care for the criticisms of the Public Accounts Committee. Some of them went counter to the views of the Accountant-General who has himself explained or condoned some of the observations of the Public Accounts Committee. We have issued an order with regard to the question of sub-letting, stating that no public officer should sub-let any Government building without the approval of the Government. Government sanction is essential for any sub-letting and thus this matter has been rectified.

"With regard to the unprofitable expenditure due to abandonment of the house-building scheme, hon. Members will notice that the Public Works Department came into the business in March 1923. They only completed the scheme left by other departments. Therefore with regard to this Pulian-tope building scheme the Public Works Department have no responsibility whatever. These are some of the points which were raised in connexion with the Public Works Department.

"I have already said that with regard to the question of fixing the rents of Government buildings, rules are framed and sent to the Accountant-General and the Audit department. Till the pooling system is finally disposed of, some irregularities are bound to exist, and no one regrets them more than the Public Works Department."

Mr. R. VEERIAN :—"In a case like this, involving the question of the housing of the poor, I submit, Sir, that the rent should not be calculated on a commercial basis. The buildings ought to be let to the poor people at a nominal rate. But it is a pity that the whole scheme has been abandoned altogether."

The hon. Rao Bahadur Sir A. P. PATRO :—"Yes, Sir, the housing of the poor is indeed a very important question. It is true we must not consider it as a purely commercial question. At the same time we must take into account the loan capital invested on the construction of these buildings. We cannot neglect the business aspect of the question. But with regard to the depressed classes, my hon. Friend, Mr. Paddison, is doing what he can out of the grant he has at his disposal without encroaching upon the other accounts.

"Sir, I have explained the four points raised in connexion with the 2-45 p.m. accounts of the Public Works Department and these points have been explained to the Chief Engineer before the Public Accounts Committee, and as I have said, in order to regularize the working of the various estimates and to have consistency between the Audit department and the department of Public Works, within the last few months we have appointed an expert committee which is revising and simplifying the Public Works Department Code and the rules on the subject. I am sure as a result of their endeavours much of the confusion and some of the irregularities at least, will disappear."

Mr. S. SATYAMURTI :—"Sir, two items, the provision of contractors' profits on materials supplied by Government and the regret of the Committee that the lowest-paid officer of the Government should have had to bear the whole brunt of the punishment inflicted, while the superior officers escaped criticism, these two points raised in the course of the discussion, have not been replied to."

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The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, the latter refers to acquisition proceedings with which the Public Works Department have no concern."

The hon. Sir ARTHUR KNAPP:—"Sir, I was a little doubtful as to whether there was anything in the course of the discussion we have had since this morning to which I was called upon to reply. There was a reference to the Government House expenditure but it was mainly in connexion with the question of pre-audit and I may assure my hon. Friend opposite that I am going to call for information, and as soon as I obtain the explanation as to the remaining Rs. 10,000, I will let him know what the result is.

"There was one subject with which I am indirectly connected as being personally responsible for the Labour department, and that is, page 7 of the Report where it deals with the irregular and unprofitable expenditure in connexion with a house building scheme. As regards its being unprofitable all I can say is this: it is not yet proved that there is going to be any loss at all; as has been pointed out, there are still some buildings incomplete. These buildings, I understand from my hon. Colleague, the Public Works Minister, are being completed and until they are finished, and it is established that there has been a loss, I do not think there is anything for me to explain from this point of view. As regards the view of the Public Accounts Committee that it was regrettable that the Government should embark on the scheme at all, it gives me some satisfaction to know that, when the Public Accounts Committee condemned the Government, they also condemned the Finance Committee which, on the 5th August 1921, supported the scheme themselves after full and careful consideration. I do not admit, Sir, that the scheme entirely merits the description given to it in these papers and at any rate it has yet to be proved that it has resulted in a loss to Government."

The hon. Sir CHARLES TODHUNTER:—"Sir, in speaking on this matter I am in a dual position, being a Member of Government and the President of the Committee. In reviewing the debate from the point of view of a member of the Committee in the first place, I think it must be extremely gratifying to the Committee as a whole since members of the House with very few exceptions have expressed no difference of opinion from the remarks of the Committee, but have been reading extracts from the reports under consideration and dotting the i's and crossing the t's of the remarks of the Committee. The only exceptions to that point of view, that I have noticed, have been two comparatively minor ones. The hon. Mr. Narasimhacharlu launched into an attack on the Committee on the ground that they did not criticise the whole policy of survey advances in the manner in which he would have had it criticised. The answer, Sir, is that the Public Accounts Committee have nothing to do with the policy of the Government. What they have to do is with the results of the policy as shown in the accounts, and it was no part of their function to attack the policy of survey advances. The other criticism is with reference to the unwarrantable delay we are told we have been guilty of in bringing this report before the House. As to this, I think it is desirable to give hon. Members of the House a few dates. The year closes on the 31st March; the accounts are not ready for nine months after that,

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the reason being that accounts have to be rendered by thousands of subordinate officers, collected together and consolidated; we have also to get accounts from England, from the High Commissioner; we have to get accounts by transfer from the railway department, from the military department and from other departments of the Government of India. The completion of the accounts is not a matter within the control of this Government. It is a matter for the Accounts department of the Government of India. Nor again have this Government any control over the time taken in the drafting of the Audit and Appropriation Reports, though I am bound to say that it is very creditable that the Accountant-General, when the accounts were not closed till December, succeeded in sending in the Audit Report in the same month. The Appropriation Report followed three months later, that is, in March. The Committee held meetings to deal with them on the 15th of December, and the 5th, 15th, 18th and 22nd of March, on the last of which dates it succeeded in completing the report and placing it before the House. I put it to hon. Gentlemen who are members of the legal profession that the time taken for issuing process to officers who had to give expert testimony, for examining and cross-examining the witnesses and for delivering the judgment compare creditably with any count in the Presidency. Further, to show that we are not so intolerably dilatory as we are said to be, I should like to compare the time taken here with that taken in some of the assemblies from whom we ought to take our examples. From the latest figures I can find as regards the Mother of Parliaments, it takes over one year and four months after the close of the year for the report of the Public Accounts Committee to be laid on the table and then it is, I believe, not discussed at all. The Government of India last year took one year and three months, but have since come to the conclusion that they cannot do it so quickly in future and have just issued orders indicating that the earliest convenient time for the Public Accounts Committee to meet will be in April or May of the second year following that to which the report relates and that they will not be able to place the report before the Legislative Assembly until the autumn session of the second year. Now we are presenting, and I hope, disposing of, the report of the Public Accounts Committee within 12 months, as against one year and four months in England, and one year and three months of the Government of India."

Mr. A. RANGANATHA MUDALIYAR:—"Are the reports of the Mother of Parliaments as voluminous as our own?"

The hon. Sir CHARLES TODHUNTER:—"I should say that they are considerably more voluminous. They spend much more than the Madras Government."

Rai Bahadur T. M. NARASIMHACHARLU:—"Is this report voluminous, Sir?"

The hon. Sir CHARLES TODHUNTER:—"I think it is a very satisfactory report in all respects. (laughter) To return to the report itself, Sir, since, as I have said, the criticisms levelled at it for the most part have been in the rection of enforcing the lessons given by the Committee, there is very little for me to add. It has been suggested as regards section II that the punishment inflicted upon the sub-magistrate's clerk is inadequate and with

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that observation I, with the rest of the Committee, entirely agree. On the subject of the commencement of works without estimates referred to in section III it is suggested that we should insist upon strict observation of the code rules. That is exactly what we propose to do. Under section IV it was suggested that we should take time to consider before we introduced the pooling system in respect of the rentals of the buildings all over the Presidency. That again is what we intend to do as soon as we receive the figures we have called for. I am not satisfied, however, that it is necessary, as the hon. Mr. Narasimharaju proposes, that we should submit the details of this administrative scheme for the consideration of the House. That is a matter between the Government and their officers, and it is one for the executive Government and not for the legislative body. On the subject of loss in the rentals of certain houses, it has been suggested that we should adhere to the market rents. If we had done so, there would have been no loss. The main causes of the loss were, in the one case, that the cost of the acquisition was enormously enhanced on a reference to the civil court, and in the other, that we acquired the house for purposes of a Rajkumar College and that afterwards it was turned into a residence because the Rajkumar College scheme fell through. Therefore when we insisted on levying standard rentals for these houses, they worked out to figures very much in excess of what the private landlords were charging before the acquisition. On the subject of the contractors' profit on materials supplied by Government, it is suggested that we should take legal opinion. I am afraid I cannot see of what use that would be to us. What we intend to do is not to pay these percentages in future: whatever the lawyers might say, we intend to frame our contracts so that there shall be no possibility of a claim. The hospital scheme referred to in the report has been subjected to a good deal of criticism. I myself have been to see the place and I think there is a fact which was fully not brought out in the papers before the Public Accounts Committee. I think there must have been an encroachment by the sea, because when I went and saw the place, it was obvious that it was quite impossible to go on with the building of the hospital because the sea was so close as to make it impossible to use the building."

Diwan Bahadur M. KRISHNAN NAYAR :—" May I know whether it is in Cochin ? "

The hon. Sir CHARLES TODHUNTER :—" Yes. The question of the Pulianthope buildings has been explained by my hon. Colleague, Sir Arthur Knapp. So far as the depressed classes are concerned, the Labour Commissioner has another scheme in hand."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, the hon. Member, Sir Arthur Knapp, said that he did not agree with the report of the Committee. May I ask the hon. Leader of the House what his opinion is ? "

The hon. Sir CHARLES TODHUNTER :—" My hon. Colleague did not agree that the strictures were necessary; he said that the Finance Committee had supported the scheme. The hon. Gentleman is himself a member of the Public Accounts Committee and can defend their conclusions."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" It is therefore that I am asking for the opinion of the hon. Member who has a dual character as the Leader of the House and as the President of the Committee."

The hon. Sir ARTHUR KNAPP :—" May I suggest, Sir, that consultation between Members of the Committee may take place elsewhere and not here ? " (Laughter).

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, the hon. Member for Finance said: ' My hon. Friend, Sir Arthur Knapp, has explained it.' So far as I listened to him, I think the hon. the Home Member found fault with the resolution of the Committee on that point. Therefore it would be desirable to know if the hon. the Leader of the House had anything to say in support of his hon. Colleague or is of opinion that the view of the Committee was correct."

The hon. Sir CHARLES TODHUNTER :—" As I have said, Sir, the hon. Gentleman himself is a Member of the Public Accounts Committee and I take it that he stands by the conclusions of the Committee."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I want to know what the opinion of the hon. the Leader of the House is as to whether he sticks to his opinion as the Chairman of the Committee or whether he has changed it after hearing his hon. Colleague."

The hon. Sir CHARLES TODHUNTER :—" The Leader of the House is also a Member of the Committee and has expressed his opinion. As regards the subject of March expenditure, Mr. Narasimhacharlu raised a good deal of criticism. I am afraid he has not fully examined the statement of the Accountant-General and the Committee which show that the percentage was not high and the Committee was satisfied that the expenditure was well distributed throughout the year."

Rai Bahadur T. M. NARASIMHACHARLU :—" I am not concerned with the percentage but I am concerned with the habit of rushing through the expenditure in March. In this year the sum may be less than in the previous year but that does not matter to me."

The hon. Sir CHARLES TODHUNTER :—" All that I can say is that the Committee itself is largely an elected committee of this House and the Members say that they find that the expenditure was fairly distributed."

Rai Bahadur T. M. NARASIMHACHARLU :—" I am also an elected member, Sir."

The hon. Sir CHARLES TODHUNTER :—" But the hon. Gentlemen is a nominated Member of one committee, Sir." (Laughter.)

Rai Bahadur T. M. NARASIMHACHARLU :—" Not of this committee."

The hon. Sir CHARLES TODHUNTER :—" I think, Sir, the same hon. Gentleman wished to have a rule regarding the recovery of sums from officers responsible for excess of expenditure; taking the example of the district boards. We had to pass a statutory rule in the case of the local bodies, since without such a rule we should have had no power of recovery in the case of such officers. We don't need a similar rule in the case of Government officers whose pay can be put under stoppages, but to show that they do not escape I wish to draw attention to the orders passed on the report of the

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Public Accounts Committee of last year. After laying down a series of six stringent rules regarding the procedure to be followed it is stated there: 'Should an officer infringe any of the above rules, severe disciplinary action will be taken against him. Further, if loss of Government money occurs, owing to breach of any of the rules, the amount of such loss will, as suggested by the Public Accounts Committee, be recovered from the officers concerned, I am sure that ought to satisfy the most severe Member of this House.

"Lastly, Sir, as regards the question of control of expenditure dealt with by the hon. Member, Mr. Narasimharaju, I am afraid the hon. Gentleman was not right in thinking that there are any such things as allotment registers. If he looks into the Appropriation Report, he will find an explanation of the reasons why it was not necessary before the Reforms to maintain these registers since other provisions existed. At the same time, he will find from the report of the Public Accounts Committee the fact that the Audit Department cannot be responsible for keeping the expenditure within the sanctioned grant; they cannot get out any figures earlier than two months in arrears. These figures obviously cannot include expenditure which has been accepted or even passed for payment but not actually disbursed and they afford no guide to future demands. Thus, Sir, we have not got allotment registers, and the audit reports are not sufficient to enable us to maintain the necessary control. So, after considering the matter with the

3 p.m. Public Accounts Committee last year, we suggested means to revise the system. Just when we had got our orders in draft, the Auditor-General came down here on a visit. We went with him into the whole question of collecting these figures from all quarters to see that we are not spending money too fast, and only within the last week or two received from him a revised set of proposals in great detail for regulating the control by each head of department of the expenditure of the sums allotted to him. And as soon as the Finance Department are free from the Budget pressure, they will go into the matter and get out rules for preventing over-expenditure in the manner explained.

"So much, Sir, for the criticisms which, for the most part, have been somewhat adverse, or rather have been in the direction of emphasizing every adverse remark which the Public Accounts Committee have made. There is one remark at least, on the other side, and I should like to invite the attention of the House to it, in case hon. Members have not come across it already. In paragraph 13, the Auditor-General remarks thus:

'The reduction in expenditure of over 75 lakhs in spite of the rebellion in the Agency and the aftermath of the Malabar rebellion, shows a very vivid realization of financial needs. It is noteworthy that, even in a year in which such retrenchment has been found necessary, it has still been possible for the local Government to increase by eleven lakhs the grants paid to local bodies for primary education.'

"I hope that that criticism of the year's financial working by an absolutely independent critic will be accepted for what it is worth. I beg to move, Sir, that the report be taken into consideration."

The hon. the PRESIDENT:—"I do not think that, for the present, anything further can be done with the report of the Public Accounts Committee. Rule 34 of the Legislative Council Rules says that it shall be the duty of the Committee to satisfy itself that the money voted by the Council has been

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spent within the scope of the demand granted by the Council, and that it shall be the duty of the Committee to bring to the notice of the Council—

"(i) every reappropriation from one grant to another grant;

"(ii) every reappropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council; and

"(iii) all expenditure which the Finance Department has requested should be brought to the notice of the Council.

"I think the Committee has done all this and it does not seem to me that there is any statutory provision enabling us to pass these accounts. It will be open to hon. Members to frame in future any questions or resolutions on the subject of this report, and it will also be open to them in future to propose any amendments in the Standing Orders for the purpose of more effectively dealing with this report. But it seems to me for the present, unless I hear to the contrary, that we have done with this report."

The hon. Sir CHARLES TODHUNTER:—"May I submit, Sir, that in the only instance in which I can discover that such a motion was debated in the House of Commons, the motion made was that the report of the Committee be taken into consideration, and that that motion was put and carried. If we follow such a motion up by the demand for excess grants and if that is passed, I take it that that would ratify the accounts. I may mention for your information, however, that in the United Provinces the motion was made that the report be adopted, and that that is what the Auditor-General seemed to favour. I made the motion in the form in which it stands on the paper because I thought that the more Parliamentary procedure was to take the report into consideration and then to make the demand for the excess grants, which if passed, would ratify the accounts."

The hon. the PRESIDENT:—"I think that inasmuch as the hon. the Finance Member has given notice of a motion that this report be taken into consideration, I should be justified in putting that motion to the House. I do not think that it is necessary to proceed further."

The motion that the Report of the Public Accounts Committee on the Audit and Appropriation Reports on the accounts of the Government of Madras for 1922-23 be taken into consideration, was then put to the House and carried.

VIII

DEMANDS FOR EXCESS GRANTS FOR 1922-23.

The hon. Sir CHARLES TODHUNTER:—"Sir, I beg to move—

'that an excess grant of Rs. 3,09,748 be voted by the Council to regularise the expenditure chargeable to Revenue incurred in the year 1922-23 in excess of the voted grants of that year.'

"In making this motion, I may say that I did not make such a motion last year under instructions from the Auditor-General that it was not necessary. We had originally proposed to make the motion, but he thought that it was not required. He has since desired that it should be done as

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regards this year, and therefore I make this motion. The nature of the excess over the grants is explained in a paper which has been laid on the table."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second the motion."

Sriman BISWANATH DAS Mahasayo:—"Sir, I beg to move that the demand of Rs. 3,09,748 be reduced by Rs. 100."

"Sir, I have given notice of this motion with a view to get information from the Government as to what is being done regarding the damages that were caused by the recent floods and cyclone in the district of Ganjam."

The hon. Sir CHARLES TODHUNTER:—"On a point of order, Sir; this motion relates to the accounts of the year 1922-23, but the floods and cyclone took place since then."

Sriman BISWANATH DAS Mahasayo:—"But anyway, Sir, the demand has come before this House now and I think that, while discussing this motion, I have a right to move for a reduction out of the money required, unless you rule otherwise."

The hon. the PRESIDENT:—"The hon. Member would be perfectly right in making a motion of that nature in regard to any matter pertaining to the year of which we are asked to pass the accounts, but not to any other year. The matter which the hon. Member raises does not affect the propriety of the accounts for 1922-23, or the propriety of the excess demand made in respect of that year. I hope the hon. Member sees the point."

Sriman BISWANATH DAS Mahasayo:—"I would bow to your ruling, if you rule me out of order. I just want to say that as I gave notice of this motion, I shall be glad if the Government give me the information which I ask for. I should like to know whether I may go on or not, Sir."

The hon. the PRESIDENT:—"If the hon. Member thinks that the matter is urgent, he can by arrangement with the Member of the Government concerned have it answered at question to-morrow or the day after. But for the present, I think we should go on with the business on hand."

Sriman BISWANATH DAS Mahasayo:—"Thanks."

Mr. S. SATYAMURTI:—"Sir, the hon. the Finance Member has told us that he is making this motion under rule 31. Anyhow I take it that it was under that rule. It runs:

'When money has been spent on any service for which the vote of the Council is necessary during the financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for grant.'

"For one thing, Sir, I do not know if again the hon. the Finance Member would come and tell us that another grant is necessary. I am not raising any point of order, but I am pointing out to the House the rule under which the motion is being made. I really want to know how these demands could not have been presented earlier. The actual expenditure was incurred in 1922-23, and it seems to me to be putting a strain upon the accommodating nature of this House to come and ask us under the provisions of rule 31, or to demand the sanction of the House for an excess grant for expenditure incurred in 1922-23. Apart from that, Sir, it seems

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to me that even the hon. the Finance Member must agree that an excess demand for Rs. 3 lakhs and odd for the purpose of regularizing the expenditure is too much."

The hon. the PRESIDENT:—"I am sure the hon. Member has in view the page of the report of the Public Accounts Committee in which the details of this sum of Rs. 3 lakhs and odd are given. They are on page 13. I think the hon. Member is making his speech with reference to paragraph 17 in which the Committee have reviewed the excess over the grants, and in which also the Committee have recommended that the excess grants should be moved. If so, perhaps he may mention the fact that he makes reference to that paragraph."

Mr. S. SATYAMURTI:—"I am very much obliged to you, Sir. I am making my speech on the note circulated to Members of the House by the hon. the Finance Member explaining the circumstances under which he is moving for this excess grant. Hon. Members would notice that, for example, under General Administration, the excess is as much as Rs. 1,96,144. When a grant is made of about Rs. 4 lakhs, you spend half as much again and come to us and ask for excess grant for that amount. It seems to me to be trying the patience of this House a little too much. If you are granted 4 lakhs, you spend 6 lakhs and come to us for an excess grant for the difference. There are items which are more or less important, and I do not propose to go into them all, except two. The hon. the Finance Member may kindly explain how it has happened. There is one item which might have been and ought to have been foreseen. Hon. Members will notice at page 2 of the memorandum in regard to this excess grant, mention is made of tour expenses. It is said that 'the excess was due to an expenditure of Rs. 15,747 on account of the visit of His Excellency the Governor to Simla, and of Rs. 6,038 on the maintenance of His Excellency's dining saloon'. I should submit that this expenditure might have been foreseen and provided for in the budget, and if it was not foreseen, then a supplementary grant could have been moved."

The hon. Sir CHARLES TODHUNTER:—"May I, Sir, ask the hon. Gentleman to peruse the portion of the report relating to that matter? The expenditure was foreseen; the Government of India were asked to pay; the Government of India did pay, but the amount was credited to a different head. It is simply as an account adjustment that this grant is asked for. We got the Rs. 16,000 back. But we have got to ask the Council to sanction the expenditure under the head 'General Administration—Tour expenses' because the money has been credited under another head."

Mr. S. SATYAMURTI:—"Sir, I am afraid I have not followed the hon. the Finance Member. Are we asked to make the tax-payer of Madras pay the amount to the Government of Madras?"

The hon. Sir CHARLES TODHUNTER:—"No, Sir, we are voting for the appropriation of the money paid by the Government of India. It is not a case of reappropriation from one grant to another. It is a case of appropriating money from a revenue head to an expenditure head. The Government of India gave this amount to pay for the journey to Simla, but as we had not anticipated the journey at the beginning of the year, the amount did not appear in the estimates for the expenditure, and therefore it is not

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covered by the expenditure sanctioned by the House. We are not asking the House for any new item of money, but because we got the money from the Government of India we are now appropriating it under another head."

MR. S. SATYAMURTI:—"I am satisfied on that matter. But may I ask the hon. the Finance Member to say what is meant by the statement: 'The Military Secretary was under the misapprehension that the grant was available for expenditure, and so did not apply to the Government for an allotment, etc.'?"

THE HON. SIR CHARLES TODHUNTER:—"Sir, the Military Secretary thought that the Rs. 16,000 had been credited to the head under which the expenditure was to be incurred. He did not realize that this account adjustment had to be made. When he realized that, he has asked for the sanction of the House."

3-15 p.m. MR. S. SATYAMURTI:—"I am much obliged to the hon. the Finance Member.

"Then the other point that I want to mention is about the tour expenses of the Ministers. At page 3 of this memorandum it is stated:

'The excess under items (i) and (ii) occurred under travelling allowance and arose through debits having been passed on to this Government by the Railway companies after the close of the year.'

"I take it, therefore, that the Ministers actually spent more than was sanctioned to them by this House, and I am asking whether the Ministers might not set an example by limiting their tours within the grants sanctioned by this House, and not compel the Finance Department to come for excess grants by spending more than what this House sanctioned for their tours.

"I want to raise just two more points for information, and not for criticism. About item (vii) at page 4 of the memorandum—Miscellaneous—Charges in connexion with the visit of His Royal Highness the Prince of Wales, I really want to know how it happened that no proper calculation was made for the expenses of a visit which took place in 1921-22, after the Council voted a supplementary grant of Rs. 29,839 and the Government sanctioned an additional sum of Rs. 361 by re-appropriation. I know the amount is small but I think it is a matter of some importance and I should like to know how, in spite of these two or three occasions when the original grant was made, a supplementary grant was moved and the Government sanctioned an additional sum, no proper calculations were made.

"Then, Sir, with regard to grant XXIX, item, 6, at page 5 of the memorandum, the explanation simply says:—

'The excess is the net result of excesses amounting to Rs. 62,489 under two minor heads, counterbalanced by savings amounting to Rs. 42,297 under the remaining five minor heads,' and they say:

'The actual increase was difficult to assess in the absence of reliable data, and in the result the expenditure was under-estimated by Rs. 59,154.'

"I thought, Sir, that that was a matter on which Government could more or less know exactly how much they had got to spend in each financial year and need not have to revise their estimates time after time. I should like to have some information on that matter.

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"Then, Sir, with regard to the 'Grant for Miscellaneous Adjustments' occurring at the last page of this memorandum, it is said—

'The expenditure was incurred in England during 1921-22 and 1922-23 in training probationers of the Indian Forest Service who joined duty in Madras during the latter year. No grant could be obtained from the Legislative Council as the Government of India intimated the amount only after the close of the year.'

"I am asking the hon. the Finance Member whether their hands were tied over that matter, the expenditure having been already incurred in England whether by the Secretary of State, or by the Government of India, and whether they have any power now to reject this grant and have it debited to the account of the Government of India."

THE HON. SIR CHARLES TODHUNTER:—"Mr. President, I hope I shall be able to remember all the questions in this examination paper, and I shall do my best to answer them.

"As regards the time at which these grants are moved, I should like to say that we are proceeding upon the report of the Public Accounts Committee of the Government of India. They describe this new system of watching expenditure which we are trying to introduce, and, after discussing it at some length, they make the following remarks:

'When this system is in full working order, excesses ought not to occur in any but extraordinary circumstances. But if after the accounts for the year are closed, in spite of all precautions, the total grant under any demand has been exceeded, the excess ought to be regularised by a vote of the Assembly. The excess would naturally be examined, in the first instance, by the Public Accounts Committee, and, in making a demand for an excess grant, the Government would place before the Assembly any recommendation that the Committee might desire to make.'

"That is a recommendation which was accepted by the Governor-General in Council in their resolution on the subject. So that we are proceeding upon an arrangement which has been approved by the Public Accounts Committee of the Assembly. And, as I have said, the Public Accounts Committee of the Assembly do not expect to be able to present their report to the Assembly before the autumn session of the second year succeeding to that of which the accounts are under discussion. So that in the matter of delay we are proceeding more quickly than the Assembly hope to proceed.

"Now, to come to the detailed items, I hope the hon. Gentleman will correct me if I pass over any of them. The first item to which he alluded, I think, had to do with His Excellency the Governor's visit to Simla. I think I have explained that sufficiently. His Excellency proceeded on a sudden and unexpected visit to Simla on business which we felt fully justified in asking the Government of India to pay for. So, we made a demand for Rs. 16,000 to pay for a special train, and they accepted it and paid it. But that was paid into the revenue side of our account, and under the rules we are not allowed to draw on that without the sanction of the Council. Therefore, we ought to have come up at once to the Council and said: 'We have got this Rs. 16,000 and we want your permission to pay'. But, unfortunately, the officer in charge did not realize that this procedure had to be gone through, and that though we had got the money, we still wanted the formal sanction of the Council to disburse it. Therefore, we now want to put this technical error right.

"Then the next item criticised had to do with the charges on account of the visit of His Royal Highness the Prince of Wales. Some accountant has

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made a mistake of Rs. 246. All I can say is, we have been trying our level best to keep our accounts correct, but in this case we have got this small error. I do not keep the books myself, and I cannot tell exactly how it occurred.

"The next criticism related to superannuation allowances and pensions. It was suggested that this is a matter in which we can possibly make no mistakes and must know exactly what we are going to pay. But I venture to think that the criticism suggests that we have a staff very many times the size of the staff we have. If we are going to know exactly what we are going to have to pay in pensions, we should have a complete account of the age and date of retirement of every officer in Government service. We should have to work out his pension beforehand. We should also have to know how many officers are going to retire on proportionate pensions, and what we are likely to have to pay in compassionate gratuities and so forth. We should have to have a most elaborate scheme of accounts for every officer in Government service, and I venture to think that that would cost us a great deal more than we pay now. We should also, as the Finance Secretary reminds me, have to have a more accurate estimate as to when people are going to die. As we have not got all that, we make our estimates . . ."

Mr. S. SATYAMURTI:—"May I say that if they die, we shall have no expenditure to meet?"

The hon. Sir CHARLES TODHUNTER:—"It is quite true. If a pensioner dies, we do not have to go on paying his pension, but if a pensioner died when we did not expect him to die, there might be an over-estimate of expenditure under pension. So that what we do is to take a rough and ready system, calculating as nearly as we can with respect of the conditions of the previous year, subject to any general changes that may be made.

"As regards the question of probationers for the Indian Forest Service, a question was asked as to whether we could contest a charge raised against us by the High Commissioner in respect of a service which he has conducted on our behalf. Of course, if he has charged us with something that he ought not to charge us with, we can certainly protest; but, so long as the charge is one which is really incurred in our service, we cannot object to it, and it very frequently happens that we do not get intimation of these charges until after the close of the year. Then we have, as in a case like this, to come forward and ask the Council to vote the grant. It is a very difficult matter indeed to get a proper estimate of our expenditure in England owing to the time it takes to get the estimates out. As it is, for expenditure in India we begin our budgeting in October, and we have to ask him to tell us in October what expenditure he is going to incur in the year beginning with the following April, and, not unnaturally, he does sometimes fail to estimate correctly."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I request to have one piece of information from the hon. the Finance Member? At page 3 it is stated:

'But some of the works expected to be executed during the year were not completed, particularly those at the ports of Cochin and Tuticorin . . .'

"With reference to the port of Cochin, though no doubt the information that I want does not relate to this particular year, if the hon. the Finance

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Member has no objection, I would request him to give me some information regarding the works at that port. I read the other day in some paper that the work in question has been stopped. I wish to know whether it is a fact, and, if so, why, and at what stage that work now is."

The hon. Sir CHARLES TODHUNTER:—"I am afraid, Sir, this question is quite irrelevant to the present issue. But the position of affairs is this, that the three Governments—the Madras, the Travancore and the Cochin Governments—have put down a certain sum of money each for an experiment. That experiment has been made. We are now sending the results of that experiment to England to be placed before a committee of experts to ask them to tell us what their opinion of the results secured is. Pending that, we are not proceeding with the major scheme."

Mr. J. A. SALDANHA:—"Mr. President, may I offer one remark as to the tours of the Ministers? There was a time when there were only two Members of Government who were doing hardly any touring business. I cannot remember any Member having toured round the districts. His Excellency the Governor used to go round taking notes of suggestions and representations made to the Government which were then passed on to the departments concerned by the Private Secretary to His Excellency. Now we have got several Ministers and several Members of Council, all touring. I for one personally urged upon one Minister to visit our district, but when I went back afterwards I found that there was a storm of criticism in connexion with certain visits paid to our district. Because, after all, these visits, though they resulted in some profits to themselves, were made at the cost of the tax-payers, but with very little profit to them. What I would urge is that there should be some sort of discipline, or principle, or control under which these visits of Ministers and Members of Council are regulated, so that the amount allotted for these tours may not be exceeded in any year. There should be some sort of check either at the Private Secretary's office or the Finance Member's office as to the amount already spent by each Member or Minister on tour, so that he may be in a position to obtain information as to what exactly he has already spent and what amount there is still at his disposal."

The hon. the PRESIDENT:—"I am sorry to interrupt the hon. Member, but it seems to me that any remarks of his as to the defective way in which the Public Accounts Committee did their work of controlling expenditure should have been made when we had their report under consideration. Now we are asked to sanction certain excess grants, and it does not seem to me that the remarks made by the hon. Member fit in with the terms of the motion that has been made, viz., to pass these grants to regularize the expenditure chargeable to Revenue incurred in the year 1922-23 in excess of the voted grants of that year."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"One of the items included in the excess grant is this."

The hon. the PRESIDENT:—"That is true, but it is not any kind of remark with regard to touring allowances that would be appropriate on a motion like this. For instance, if the remarks were in connexion with the circumstances under which those excess grants were made, I do not think I should have any objection to them, nor do I think the House would have any."

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The hon. Sir CHARLES TODHUNTER :—" May I submit further, Sir, that the hon. Gentleman is repeating almost verbatim the recommendation that has already been made by the Public Accounts Committee in their report ? "

3-30 p.m. Mr. J. A. SALDANHA :—" What I now want is that the Council should take this recommendation into consideration."

The hon. Sir CHARLES TODHUNTER :—" May I submit that the House has already resolved to take that into consideration ? "

The hon. the PRESIDENT :—" I think we must pass on. The question before the House is :

' That an excess grant of Rs. 3,09,748 be voted by the Council to regularise the expenditure chargeable to Revenue incurred in the year 1922-23 in excess of the voted grants of that year.'

The motion was put and carried, and the excess grant was made.

IX

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1923-24.

DEMANDS VIII—GENERAL ADMINISTRATION (RESERVED).

The hon. Sir ARTHUR KNAPP :—" Sir, I beg to move on the recommendation of His Excellency the Governor :—

' That the Government be granted an additional sum of Rs. 30,000 under the head " 22-A (c) General Administration—Tour Expenses—Carriage of goods and cost of special trains for the conveyance of heavy goods and stable between Government Houses ".'

" I may explain, Sir, that the reason for my having made this application is simply and solely that the railway administration, with the consent of the Railway Board, have raised their charges. Included in the grant which is made for His Excellency the Governor for the purpose of his journeys is a sum of Rs. 10,000 which ordinarily has hitherto proved sufficient for the journeys from Madras to Ootacamund and back. But it was decided by the Railway Board that, from the 1st of April last year, the concession rates which were hitherto been given to high officials and to Government should be withdrawn and that in future the charges to be made to them should be the same as the charges made to the public. As a result of that, it became necessary to raise the charges by 300 per cent. The figure of Rs. 30,000 represents the actual calculation made by the Military Secretary of the cost of precisely the same trains as he has hitherto been using for this purpose. From that point of view, the expenditure is absolutely inevitable, and I trust the House will recognize that and sanction the grant "

Mr. A. RANGANATHA MUDALIYAR :—" I beg to move—

' To reduce the additional sum of Rs. 30,000 (the demand for which has just been moved by the hon. the Home Member) by Rs. 100.'

" My reasons for making this motion are to invite the attention of the House to the arbitrary exercise of their powers by certain District Magistrates in the matter of granting licences for firearms."

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The hon. Sir ARTHUR KNAPP :—" On a point of order, may I enquire whether it is relevant to raise the question of refusal of licences for firearms on this motion for a supplementary grant for General Administration—Tour Expenses ? "

The hon. the PRESIDENT :—" It does seem to me to be quite irrelevant. I see that this is the case with the other motions set down on the paper. I should say that there is no objection to hon. Members discussing a question of general policy which has a bearing on the particular amount which is asked for by Government. The understanding is that on a motion for reduction by an amount, however small, if the point raised by an hon. Member is conceded by the House, the grant will be reduced by that amount. I do not see how, if the question of refusal of licences for firearms in the Molagavalli village is conceded by the House in the sense advocated by the hon. Member for Bellary, any reduction could be made from the sum of Rs. 30,000 asked for for 'Tour Expenses of His Excellency'. His Excellency does not make a tour for the purpose of granting licences for firearms. I do not see the relevancy at all. I think it is not a legitimate mode of employing the privilege of discussing a question of policy."

Mr. A. RANGANATHA MUDALIYAR :—" I thought this was a matter of General Administration, and His Excellency had something to do with the general administration of the province. Here is a case of a very arbitrary use of power which has resulted in considerable hardship to the people. I do not know why I should not take this opportunity of bringing this matter to the notice of the Council. The Council does not meet again for the next few months, the officers may go on with the exercise of their powers in their own way and there may be no one to check them at all."

The hon. the PRESIDENT :—" I do not think I can admit a motion of that kind. We must go on with the business on hand."

The demand was then put to the House and carried, and the grant was made.

The hon. Sir ARTHUR KNAPP :—" Sir, I beg to move—

' That the Government be granted an additional sum of Rs. 4,750 under the head " 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 Body Guard—Pay of officers—Voted ".'

" I may explain that this has reference to the amount required for the pay of one of His Excellency's A.D.C.'s for five months at the rate of Rs. 950 a month. The pay of the A.D.C.'s is ordinarily reckoned as non-voted on the ground that those officers either held His Majesty's Commission or were appointed by the Secretary of State. But it so happened that in October of last year His Excellency selected as A.D.C. an officer, who, though he once belonged to the Army, was not then in the active list. The Accountant-General has ruled that his pay would not come under the non-voted head and has instructed us to get the vote of the Council. The actual position, Sir, is that Rs. 4,750, which we now want, will be saved under the voted head. There is no extra expenditure, and it is merely a question of the Council

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allowing this officer to draw the money from a source where it is already available. I take it that no further explanation will be required on that point."

Mr. S. SATYAMURTI:—"On a point of order, Sir. From the hon. the Home Member's statement as well as from the note circulated to us by the hon. the Finance Member it is obvious that the money has been spent. The hon. the Home Member just now told us that the demand represents the salary of this officer for five months at Rs. 950 per mensem, i.e., for October, November, December, January and February. Now, Sir, in view of that statement of fact that this money for which the grant is now being moved has already been spent, I submit for your consideration, whether money which has been already spent does not come under rule 31, which you will kindly allow me to read:

'When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.'

"I submit, Sir, that, in the terms of that rule, the money has been spent; the Accountant-General has ruled that the vote of the Council is necessary. I submit therefore that this ought to have been placed before us as an excess grant, whereas if you will kindly turn to rule 32 under which this motion is now made by the hon. the Home Member, you will find, Sir, that the rule comes into operation only in one or two cases, either where 'the amount voted in the Budget of a grant is found to be insufficient for the purpose of the current year, or a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.' Then, it is that a supplementary grant has to be moved, whereas in this case the money has been spent in the last financial year."

The hon. the PRESIDENT:—"The current financial year. We are only on the 31st of March."

Mr. S. SATYAMURTI:—"I may say that the important consideration is whether the money has been spent, or whether the pay has been disbursed to the officer, and that this is a case where the money has been disbursed. I therefore submit on a point of order that the form in which the grant should have been placed before the House ought to be that of an excess grant and not of a supplementary grant. Otherwise, the Government can go on spending the money without the sanction of the Council and then come to us with a supplementary demand after spending the money, whereas they have to take the responsibility, if they spend the money without sanction, of coming to us for an excess grant, and taking the consequences of the decision of this House. Otherwise, this voting of grants will be reduced to a farce. This is an *ex post facto* case of money already spent, and it will be a contradiction in terms if we allow this to be moved under rule 32, because 'when money has been spent on any service for which the vote of the Council is necessary,' it should come under rule 31."

The hon. Sir ARTHUR KNAPP:—"Before you give your ruling, Sir, I may say that I have no evidence at all that the money has been drawn."

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Mr. S. SATYAMURTI:—"I take the assurance of the hon. the Home Member. If it is a case that the supplementary grant is asked for for money already spent, then I rise to a point of order. The whole thing depends on the fact whether the money has been spent."

The hon. Sir ARTHUR KNAPP:—"I am not prepared to give that assurance. On looking into the papers in my possession I can find no evidence that this money was drawn. The Accountant-General has apparently been consulted by the Military Secretary as to the way in which the money could be drawn. Whether Major Simons has drawn the money or not I cannot say, but I do say that my hon. Friend is not quite justified in assuming that the money has been drawn."

The hon. Sir CHARLES TODHUNTER:—"May I submit, Sir, that, though on a very strictly legal interpretation something might be made of the point raised by my hon. Friend, I think the intention of the rules is perfectly clear. Rule 31 relates to cases where money has been spent during any financial year in excess of the amount granted to that service for that year, that is to say, it relates to something that has happened in the year that has been closed, where the original grant granted for that service has been exceeded when the year has come to an end. Rule 32 relates to the current year. In cases like the present, an excess grant, as the hon. Gentleman proposes, would not serve the purpose at all, because the year is still current. When the year is still current, supposing we find, as in this case, that an officer who is supposed to be non-voted becomes voted and we discover that we have paid him one month's salary, are we then to come forward with two demands, one an excess grant for one month's salary already paid and the other a supplementary demand for the months remaining to be paid? I think that would be a *reductio ad absurdum*. It seems to me perfectly clear that rule 31 relates only to the grants which have been completely closed; if the year has closed, excess grants are moved to make up the difference between the actual expenditure and the total amount voted. Rule 32 relates to expenditure within a year which is current."

"I may add that one reason why these supplementary grants are moved by the hon. Members in charge of the departments and the excess grants are made on the motion of the Finance Member is that the latter's function is to explain the accounts of a year that has been completely closed, while the function of the Member of Government in moving a supplementary demand is to justify the particular demand in the year current when the demand occurs. I think that is another obvious distinction between the two cases."

The hon. the PRESIDENT:—"The excess grant will come under the Public Accounts Committee for 1923-24 the scrutiny of the results of which will not, as hon. Members will anticipate, be before us till some time in 1925. But the supplementary grant which was moved is, I think, rightly moved. The point raised whether the expenditure has already been incurred within the current year is no doubt to a certain extent pertinent. I think it is conformable with the conditions of the budgeting system all over the world that in a case like that the Council does not consider whether the amount has been incurred. It has been probably incurred. But the application is made with reference to the grant for 1923-24. In this case hon. Members of the Government have been at pains to present the supplementary demand within the year 1924-25 in order

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to be technically and literally within the year. I know, and hon. Members also know, that in other assemblies it is not the case. The budget comes on very often after the commencement of the year in respect of which it was framed. Various other conventions are laid down for the purpose of enabling the Government to incur expenditure in anticipation of the budget. I only allude to them to show that the fact of expenditure having been incurred does not debar the Government from coming up for a supplemental grant. It is of course open to the Council, if they think that the expenditure is unreasonable, to vote down the item. But the fact that it has been paid need not, I think, very much concern the House."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"May I know, Sir, what the necessity for the employment of an additional Aide-de-Camp was?"

The hon. Sir ARTHUR KNAPP:—"It is not an additional appointment, Sir. I have already explained that instead of an officer from the active list we have an officer who has retired from the army. On that ground only he comes on the votable list."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"I understood from the speech of the hon. the Home Member previously made that the strength of the Aide-de-Camps is fixed by the Secretary of State for India and this item is non-voted. There is thus a legal limit placed upon the full equipment necessary for His Excellency the Governor's requirements. Now there is a supplementary demand for the employment of an additional Aide-de-Camp. That means, while having all the benefits of the full equipment that has been provided by the Secretary of State, another supplementary demand in the shape of items that could be voted by the Council has been brought in. This means that His Excellency has incurred expenditure beyond that sanctioned by the Secretary of State."

The hon. Sir ARTHUR KNAPP:—"I am afraid, Sir, that I must have signally failed to make myself intelligible to my hon. Friend. I never said anything about this gentleman being extra, and I did not say anything about exceeding the number of Aide-de-Camps sanctioned by the Secretary of State. What I did say was that the Aide-de-Camp ordinarily is placed on the non-voted list because he is an officer appointed by His Majesty's Government or by the Secretary of State and that his pay comes under the category of non-voted items. On this occasion His Excellency selected a gentleman who had retired from the army and therefore technically could not be said, at the present moment, to be holding an appointment created by the Secretary of State. Far from incurring additional expenditure, His Excellency has succeeded in actually effecting a saving on his personal establishment."

The hon. the PRESIDENT:—"There are certain notices on the paper with reference to this motion which appear to come under the objection raised by me in connexion with a motion under the last item. Unless hon. Members have anything to say to the contrary I would not admit these motions. I feel that hon. Members have lost the opportunity of pressing certain points during the budget debate. I am very sorry for it. But it will be open to them, when an opportunity returns, to regulate their procedure by mutual arrangement in such a manner that all the points they

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consider very important should obtain time during the period allotted for the discussion of the budget. It does not seem to me possible that the difficulty can be obviated in the manner now proposed by hon. Members."

Mr. P. ANJANEYULU:—"With due respect to the ruling of the hon. the President on the subject, I believe that the opportunity taken in the motion tabled does not fall within the category covered by the ruling just given for the reason that the grant asked for, Rs. 4,750, is for General Administration—Staff and Household of the Governor—Personal Staff of His Excellency the Governor of Madras and His Excellency the Governor's Bodyguard—Pay of Officers—Voted. When I request the House to discuss the question of Andhra province it means practically the duplication or at least the carving out of a miniature administration similar to the one for which a partial grant is now being asked for. It may be a miniature Governor or Lieutenant-Governor for the Andhra province who has to be brought in. I hope, Sir, that you will be pleased to reconsider the question. The bodyguard according to ancient Hindu polity means *anga raksha*. According to the Hindu polity again really *anga raksha* of a Dharmic king is a province itself. So viewing it even from that ancient point of view I think I will be in order if I speak on this grant with reference to the formation of an Andhra province which is really the *anga raksha* of an Andhra Governor or Lieutenant-Governor."

The hon. the PRESIDENT:—"What the hon. Member actually is asking the Government to do is to form a province at the earliest possible time; while the supplementary grant is with reference to the year 1923-24. What he wishes the Government to do is something that the Government have not undertaken to do in 1924-25. The effect of this motion seems to be to mulct something from the pay of the officer for 1923-24. I do not think I shall admit this motion."

Sriman BISWANATH DAS Mahasaya:—"When I reached this motion in the budget you were pleased to rule me out of order, on the understanding that I would have the liberty of raising the question when the General Administration came on for discussion. My idea in tabling this motion subsequently is to draw attention to paragraph 246 of the Montford Report wherein a specific duty is imposed on the Provincial Government to test public opinion and the opinion of the landholders with a view to amalgamating provinces on linguistic basis. His Excellency is the head of the administration and I thought that in this connexion I could draw his attention to this report. Since you were pleased to admit the motion, I think I should be allowed to speak on it."

The hon. the PRESIDENT:—"I think the objection I have already taken applies to this as well. The hon. Member no doubt intends that the Government should be asked to do something in 1924-25 or later. I do not know how he can reasonably ask Government to cut down any portion from the demand before us."

Sriman BISWANATH DAS Mahasaya:—"I think you will agree with me when I say that we the Members of this House have a right to express our displeasure for the omission of His Excellency to ascertain the provincial opinion on this matter. As such I think I have a right to discuss this."

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The hon. the PRESIDENT :—" I think the best thing for the hon. Member, if he feels against it, would be to refrain from voting and to ask others to vote against the Grant. But I do not think I can allow discussion on that."

The hon. Sir ARTHUR KNAPP :—" With reference, Sir, to that remark, may I be allowed to point out to one practical consideration which I think deserves attention? It is quite conceivable that if my hon. Friend did bring the matter of the Andhra Province he might not be satisfied with the answers of the Government and might press his motion and carry it. Does he really mean that he wants to take away Rs. 100 from this unfortunate gentleman's pay?"

The hon. the PRESIDENT :—" I think I had better put the Demand to the House."

The Demand was then put to the House and carried and the Grant was made.

The hon. Sir ARTHUR KNAPP :—" Sir, I beg to move that—

'The Government be granted an additional sum of Rs. 7,000 under the head 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—Contingencies.'

"As is explained in the note which has been circulated to hon. Members, this represents an unexpected increase in the cost of feeding horses. The hay and other fodder is obtained from the Supply and Transport Department which revises its prices periodically, and the estimates for the year were based on the price list as it was then in force. Since then the Supply and Transport Department have raised their prices and though we have been taking the usual amount of fodder it costs more. I do not think there is any further explanation required and I hope this House will make the grant."

The hon. the PRESIDENT :—" I have the same remarks to offer as regards the notice that has been received to reduce this grant by 4 p.m. Rs. 10. Hon. Members will realize that the reduction of allotment for the feeding of horses is not the proper place to gain their object."

Mr. S. SATYAMURTI :—" I would like to ask the hon. the Home Member whether an attempt has been made to compare the prices of the fodder supplied by the Transport Department with those of the market, and whether the Government are satisfied that they are not charged higher than the market rate."

The hon. Sir ARTHUR KNAPP :—" I am glad this question has been raised. Till the actual increased Demand came up the Government had no knowledge of the details. Now that it has come to our notice I certainly propose to ascertain whether the body guards should continue to get fodder from the department. I need hardly say that if we can get it more cheaply elsewhere, Government will bring the matter to the notice of the new Governor."

The motion was put and carried and the Demand was granted,

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DEMAND XXXII—MEDICAL.

The hon. the RAJA OF PANAGAL :—" Mr. President, Sir, I beg to move that—

'the Government be granted an additional sum of Rs. 1,86,326 under XXXII. Medical.'

"This grant is necessitated by the expenditure exceeding the allotment in the last year's Budget. This excess expenditure is due mainly to short recoveries from the local boards on account of the Government medical officers lent to them. The excess expenditure would have been met by savings from retrenchment had it not been for the shortage of receipts from the local bodies. This shortage of receipts from the local bodies is the result of Government undertaking to pay the entire salaries to the medical officers of the taluk headquarters hospitals. It is also due to the financial stringency experienced by the local bodies. So this amount is necessary to meet the expenditure."

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I beg to move that—

'this grant be reduced by Rs. 100.'

"Sir, when I found that no provision had been made for promoting the indigenous systems of medicine I tabled this motion to elicit information from the Chief Minister. Now, I find that he is going to come later on for a supplemental demand for the purposes I had in view. I wish only to invite his attention, Sir, to what he said on the 12th December 1923 in reply to a question of my hon. Friend Mr. Krishna Rao. He said that his idea was to open a school of Indian medicine the staff of which should consist of a physician trained according to the western system and who had also made a special study of indigenous medicines. He was to be assisted by three lecturers. I hope, Sir, that he remembers the promise he has made to this House and that he will utilize the money he is going to ask this House to provide to carry out the promise he has made to the House."

The hon. the RAJA OF PANAGAL :—" It is proposed to spend Rs. 30,000 next year. As to how this amount is to be utilized has not yet been finally settled. There is a proposal before the Government for starting a school. Whether the Government will start the school or utilize the amount in a better way will be considered by a special committee to be appointed for the purpose. In any case the full value of the money will be utilized."

Rao Sahib U. RAMA RAO :—" Mr. President, Sir, the policy of the Government these two or three years has been to take up the management of the headquarters hospitals. Hitherto they had no control over these hospitals, and hence they have been following that policy. There is now a proposal to hand over the hospital to the Dufferin Fund. I do not know why that policy is not adhered to. There is an amount of Rs. 25,000 granted for improvement of the buildings and equipment of the Women and Children's Hospital at Vizagapatam. There is already a hospital there and I am told that it is in very good condition. We need hospitals in the different parts of the Presidency. In South Kanara there are two hospitals which are not fit for human beings to live in. The hon. the Chief Minister and His Excellency have both visited the places."

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The hon. the RAJA OF PANAGAL:—"May I point out that the hon. Member is not confining himself to the criticism on the motion before the House? He is criticising another grant."

The hon. the PRESIDENT:—"The hon. Member may make his remarks when the demand for 1924-25 is moved."

Mr. A. RANGANATHA MUDALIYAR:—"I want to request the hon. the Minister in all sincerity not to swerve even a little from the position he has already taken, though tentatively; and with that appeal I withdraw my motion."

The motion was by leave withdrawn.

Mr. S. SATYAMURTI:—"Sir, this supplementary grant of a lakh and odd is made up of several items of expenditure contained in the explanatory memorandum of the hon. the Finance Member. You have given a ruling and I bow to it. But I may point out to the House the inconvenience we are placed in when a supplementary grant is moved, not because the grant already made is insufficient for the purpose, not because any new need arises for new services, but because Government made a mistake in expecting a larger recovery from the local bodies than they were actually able to collect. This extra expenditure is either because the local bodies were too recalcitrant or because the Government were too weak to assert themselves. The result has been that we have got to vote for a net shortage in the recovery from the local bodies. I really submit, Sir,—certainly I bow to your ruling on the letter of the rule—that the spirit with regard to the supplementary demand is not that the Government should come to us and say, 'We are not able to recover the sum due to us. We find ourselves impotent. Therefore come to our aid to grant us what we suggest by way of an increase.' I submit that it is really inverting the process by which a supplementary demand has to be moved. More than that, the hon. the Minister will find that in clause 2 of these items there are at least three items for which supplementary demands could have been moved much earlier. In the case of the grant of increments to the Civil Assistant Surgeons, and in the case of the starting of a new bio-chemistry department, the Minister should have been in a position to foresee extra expenditure. Why did he not come at once? In the case of the Medical College there is no grant provided in the budget. The last point I want the hon. the Minister to answer is this. He has given us an account for Rs. 1,86,326. The Accountant-General thinks that this amount will be required. The Surgeon-General's estimate is Rs. 1,73,000. Before the Minister asks this House to vote for this amount, he ought to explain the circumstances under which there arises so much difference."

The hon. the RAJA OF PANAGAL:—"I am sorry the hon. Member for the University has misunderstood the whole position. He thought that the demand was made anew and that the Government should have anticipated them and moved the demand earlier. As a matter of fact the shortage, as I have already explained, of recoveries is due to the fact that Government made up their minds to undertake the payment of the entire pay of the medical officers of the taluk headquarter hospitals only recently. Unless this item was taken earlier the Government could not have foreseen this item of expenditure. Sir, the second point that my hon. Friend has raised is that the Government have been lenient to local boards. Local bodies like all other institutions are on account of the general rise in prices and the demand of

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higher salaries feeling the pinch of want of funds. The shortage could not have been foreseen earlier. With regard to the difference between the Surgeon-General's estimate and that of the Accountant-General, the Surgeon-General's estimate is after all an estimate. The Accountant-General is responsible for looking into the figures and giving us an exact idea of the amount required."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"While on this may I be permitted to remind the hon. the Minister that the Madras Corporation is made to pay every year Rs. 20,000 as contribution for the General Hospital?"

The hon. the RAJA OF PANAGAL:—"May I point out that the question does not arise in connexion with this demand?"

Mr. SAMI VENKATACHALAM CHETTIYAR:—"May I have your ruling, Sir?"

The hon. the PRESIDENT:—"How does the hon. Member think that this question arises?"

Mr. SAMI VENKATACHALAM CHETTIYAR:—"The hon. the Minister was referring to the non-payment of contribution by the local bodies. While certain local bodies are in arrears, the Corporation of Madras is punctual and unnecessarily punctual."

Mr. P. L. MOORE:—"In addition to what the hon. the Minister said, I may explain. The delay was caused by the Government taking time to decide what form the contributions should take. Further a word of explanation is necessary. No doubt it does seem on paper that the Government has taken a much larger time than is necessary. The reason is this. That question was left to be decided along with the general question of financial aid to local bodies. It was not until after much consideration that they were able to make up their mind as to the particular form the contributions should take. That is the reason why, I think, it has taken to the Government such a long time to settle this problem. The decision was as to the best methods by which the local bodies could be helped. It was only in that way that we were able to decide that question."

The Demand was put and carried and the Grant was made.

X

FURTHER DEMANDS FOR GRANTS FOR 1924-25.

DEMAND XXXIX—GENERAL ADMINISTRATION.

The hon. Sir CHARLES TODHUNTER:—"Sir, I beg to move for a grant not exceeding Rs. 2,280 under Demand XXXIX—General Administration.
4-15 p.m.

"This is a small provision, which was unfortunately left out of the budget, for two upper division clerks in the Law Department. They have been employed for some years past on a temporary basis. At the time when the budget was under preparation, a proposal was under consideration for placing them on a permanent basis. Unfortunately, in the budget, the temporary provision was left out and as the permanent provision had not been finally decided upon, that was left out also. Thus for the two clerks who have been in office since 1917 no pay has been provided for for the next year at all."

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MR. S. SATYAMURTI :—" May I rise to a point of order, Sir? I have read the Act and the rules carefully and I do not see any provision either in the Act or in the rules for these so-called further demands for grants being made on the last day of the financial year. If you turn to section 72 (D) of the Act, you will find the provision is

'the proposals of the Local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants.'

"Then rules have been made and under rules 28 and 29, this Council has discussed the several demands, and passed them making reductions in a few cases. I submit that, unless the hon. the Finance Member comes either under rule 31 with demands for excess grants or under rule 32 with demands for supplementary or additional grants, I fail to see what the provision of law is either in the Act or in the rules under which the hon. the Finance Member can say 'I forgot at the time of the budget to provide for this or that; please, therefore, now let me ask the Council to vote for this sum.' I submit this procedure is highly irregular and it ought to come either under the original budget proposals or under excess grants or under supplementary or additional grants. There is no provision for further demands for grants. It is an invention of the hon. the Finance Member, for which, I submit, there is no authority either in the statute or in the rules. I therefore ask for your ruling as to whether these further grants are in order."

The hon. Sir CHARLES TODHUNTER :—" Sir, I submit that this demand is strictly in accordance with the section and the rules which the hon. Member is quoting. The rule says that the Government may move demands for grants. It does not say that the demands should be moved in any particular way, and I submit that this is the only right and proper way of bringing the matter to the notice of the Council at the earliest possible date, when we find that unfortunately a small mistake has arisen. The hon. Gentleman suggests that we should come up with excess grants; that is to say, we should wait for a couple of years and allow the matter to go to the Public Accounts Committee as part of the post-mortem examination on the accounts of a year that is over. I submit it is only businesslike, it is only practical, to come forward and put these things before the Council at once for setting matters right. It is open to the hon. Members either to vote or not to vote. There is no ground for the suggestion that this is contrary to law."

MR. S. SATYAMURTI :—" On the ground of 'business,' I certainly leave the matter to the hon. the Finance Member to say what he likes. I am afraid it is your function to interpret the Act and the rules as they stand whatever business may be or may not be, and what I humbly submit to you, Mr. President, is that there is no provision in the Act for really getting this Council to amend the demand as originally moved. If you turn to the order paper, you will find that these are moved as adjuncts to a certain number of demands already passed. There is no power vested in the hon. the Finance Member or in this House to amend the grants already made except in the form of excess grants or supplementary grants. It may be that these excess grants may lead to some difficulty; but may I also point out that under the guise of this, the hon. the Finance Member or his successors may come in at the last moment with a large number of further demands and

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compel us to practically vote for them on the ground that they forgot to include them in the first instance? It is my anxiety to see that the budget is made as perfect as possible. Mistakes of course will occur, but they must be corrected in the manner provided for in the rules and not by getting behind them."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, the idea of a supplementary demand can only come in when we discover that the sum provided for is insufficient. Turning now to section 72 (d), what do we find? 'The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year.' Now that statement was partly comprised in the budget and, Mr. President, you will remember that, in allocating time for the discussion of these demands, ten days were given and a further day also was given for what may be called the process of perfection or cleaning up. We are still in the stage of the budget and demands. This is a demand which was not included in the budget. For instance take the case of hydro-electric survey. This is a demand which I should have moved already; but for certain reasons, I did not move it then and I am moving it now. At present we have not yet finished the financial business of framing the demands for the coming year. This is a portion of that process which is still going on."

MR. C. V. VENKATARAMANA AYYANGAR :—" Is this day also included in the days allotted by His Excellency?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" This day is specially allotted by the ruling of the Chair instead of the 29th."

MR. C. V. VENKATARAMANA AYYANGAR :—" My question is whether the Chair has got the power of amending His Excellency's order."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" His Excellency has definitely laid down 31st in modification of 29th."

MR. C. V. VENKATARAMANA AYYANGAR :—" I thought that we had already discussed this point. We have not been told till now of any further communication from His Excellency."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The date was mentioned not only by me, but by the Chair."

MR. S. SATYAMURTI :—" Whatever may be His Excellency's communication, under the power vested in you, Sir, under rule 29 (3), you, Sir, have put all the demands to vote on the last day at 5 o'clock. Therefore when you put all the motions at 5 o'clock that day, we thought that the allotted days were over."

The hon. the PRESIDENT :—" I do not know if there has been want of lucidity in the statements made by me and by the different hon. Members of the Government as regards the time allotted. I stated at the very beginning of this discussion, that is on the 17th, and I repeated it on the 26th, that 11 days were provided for by the Governor for the discussion and that voting of demands would take place till 27th and that the 29th would be taken for the discussion of supplementary demands. Later on, the 31st was asked for, by the hon. the Finance Member, to be substituted for the 29th and it was substituted,

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"As regards the point raised by the hon. Member for the University that these further demands are not supplementary or additional demands referred to in rule 32, I can only say that we have always acted on the understanding, and in that we are supported by the practices of Legislative Assemblies everywhere, that it is permissible to put any such demands, and the sooner they are put in, the more satisfied ought the Council be for the expedition with which the Government has acted instead of deferring them to a later date. I do not understand how the hon. Member for the University wants mistakes to be rectified. He says that when mistakes are made, they should be rectified in the manner provided by the rules. I take it that this is the way which is intended in the rules and I have no doubt that what we have done hitherto is the correct thing. Now, the hon. Member for the University wishes to upset a practice which we have followed consistently for the last three years. He is welcome to make any proposal to that effect. I only request that all such proposals should be made with some deliberation and that some time should be given to everybody concerned, to the Government as well as to myself, to consider what should be done, either by amending the standing orders or in some other way, to effect the changes desired."

The motion was put and carried and the Grant made.

DEMAND XI—GENERAL ADMINISTRATION.

The hon. Sir CHARLES TODHUNTER :—"Sir, I beg to move—

'for a grant not exceeding Rs. 6,100 for General Administration—Demand XL.'

"This demand arises under somewhat similar circumstances to those of the last demand. While the budget was actually under preparation, we received notice from the Auditor-General, who has hitherto undertaken the responsibility for the compilation of the budget, that, as a result of the recommendations of the Incheape Committee, the Government of India were going to refuse hereafter to undertake this compilation on behalf of Local Governments. We are therefore in the position that we must compile next year's budget ourselves or we shall not get it compiled at all. Therefore, we have to come before this House to ask for the staff necessary to carry on the duty of the compilation of the budget next year."

The motion was put and carried and the Grant made.

DEMAND XLI—SCIENTIFIC DEPARTMENT (HYDRO-ELECTRIC SURVEYS).

4-30 p.m. The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I beg to move—

'That Government be granted a sum not exceeding Rs. 25,000 under Demand XLI—Scientific Department (Hydro-electric Surveys).'

"This demand arises out of what I said in answer to my hon. Friend, Mr. Samuel, in connexion with hydro-electric schemes. I indicated in my speech that the Government in partial reversal of its previous policy of closing down all the hydro-electric schemes under them had, in consideration of many weighty arguments including the fact that the progressive sister State of Mysore have derived very great benefits from the starting of hydro-electric schemes in that Province and in fact are getting a large amount by way of profit on the total capital invested, embarked upon a bold hydro-electric policy. Now, Sir, we have requisitioned the services of an expert

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from Mysore in order to give us the benefit of his experience. He is touring round this Presidency and he is looking into the various likely sources where we can start these hydro-electric schemes. For the financing of these schemes, very great capital will be required, and we propose to take advantage of the Trade Facilities Act passed in England and get a loan from England if possible. At present, all that is required is a sanction for the continuance of the existing staff. The existing staff will close down on the 31st of March. We have to keep on this staff. We want to pay the expert and keep the gauging stations in order that all materials may be collected. I am sure that this scheme will receive the support of this House and the demand will be passed."

Mr. P. PEDDIRAJU :—"I beg to move—

'that the allotment of Rs. 25,000 for hydro-electric surveys be reduced by Rs. 100.'

"My object in moving this motion is simply to raise the question of Irrigation Boards."

The hon. the PRESIDENT :—"In the first place the motion has got to be admitted as the hon. Member has not given the required period of notice. On this subject the Standing Order 53, proviso (iii) as amended a year ago says :

'Provided also that in the course of discussion of demands for grants, the President shall have discretion to admit new motions of demands for grants and motions for the omission or reduction of such grants subject to such shorter period of notice as he may think fit.'

"This motion reached us only yesterday from the Finance Department but I have no objection to admit it. But there is the question of the subject of motion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"These are hydro-electric surveys. No doubt the portfolio is held by the very same individual who holds the portfolio of Irrigation. The question of Irrigation Boards is also an important one, but it seems to me that the utilisation of the services of Mr. Forbes or the spending of money on hydro-electric schemes is not cognate to the question of Irrigation Boards."

Mr. P. PEDDIRAJU :—"I know it only refers to hydro-electric schemes. I merely wanted to draw the attention of the Government to the question of Irrigation Boards and the only way of doing it is by means of a motion like this. If the hon. the Law Member has got any serious objection I do not think I need move this motion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"So far as Irrigation Boards are concerned, I shall only be too glad to consider the views of my hon. Friend and deliberate on them, but I am afraid that that subject is out of place here. If my hon. Friend sends me his views on the Irrigation Boards, I shall consider them and communicate with him on that subject."

Mr. V. C. VELLINGIRI GOUNDAR :—"May I request the hon. the Law Member to say whether this grant is for appointing an Electrical Engineer?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Not at all. If the hon. Member will look at the explanatory note he will find that the present establishment will no longer have to be disbanded because the Government came to the conclusion that the starting of hydro-electrical schemes is of the

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greatest importance and I have embarked upon this scheme with the concurrence of my hon. Colleagues. We want the services of an Assistant Engineer and a certain number of officers and clerks and we also want to provide a sum for travelling allowances. In addition to all these we have to pay for the services of Mr. Forbes."

Mr. V. C. VELLINGIRI GOUNDAR :—"I am not objecting to this allotment. On the other hand, I am in favour of voting for this motion. I know the importance of the scheme. What I wish to know is how far the investigations that have already been made, or have been entrusted to certain firms have proceeded. I am referring to the Kundah Hydro-electric scheme in Nilgiris and the Scrivani Hydro-electric scheme in Coimbatore. Other schemes of this nature were also entrusted to some firms and reports on these schemes were supplied to all hon. Members of this House some time ago. I wish to know how far these schemes have developed."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am glad that this question has been put to me. My policy is and has been that in the matter of starting hydro-electric schemes Government should own and control as many schemes as possible and, if necessary, steps should be taken to enable them to do so. However the Government cannot interfere with the concessions that have been granted to private companies already. If private companies apply for grant of rights for the starting of hydro-electric schemes we shall normally take the line that these rights ought not be increased. But certainly the rights already granted ought to be respected and if at any time the Government think that it would be to their advantage if they work in unison with these private companies I shall follow that line."

Mr. V. C. VELLINGIRI GOUNDAR :—"All that I want is that the work should be expedited. I also wish to know how much time is going to be taken by the Government for the completion of the schemes already started."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"All that I can say is that before any extensions on this matter are made, Government will be very careful to notice whether there is any necessity to grant concessions. The policy of the Government, as they have stated, is that they must themselves be in charge of hydro-electrical surveys and projects as much as possible."

Rao Bahadur C. NATESA MUDALIYAR :—"Is he going to raise loans here or is he going to entrust the raising of loans to big companies in England?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Under the Trade Facilities Act passed recently in England and the Economic Conference resolutions any company or big corporation can get any amount of money from England if a certain proportion of the expenditure is spent on relieving unemployment in England. This Government will not be able to use the Act for irrigation works. No doubt they can get here cement, bricks and all that but they cannot get electrical goods. So in regard to electrical goods we have to import them from England and if we undertake to purchase electric materials up to a certain percentage of outlay in England we shall be able to get loans under that Act."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I suppose the Government will purchase in India all the materials that are available here."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"Yes, certainly."

Rao Bahadur C. NATESA MUDALIYAR :—"Will the amount asked for suffice for four months?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not say that this amount will be sufficient. I may say that a hundred times this amount will have to be spent. I am moving this demand merely for the purpose of continuing the experiments that have been started. When Mr. Forbes gives me his report, if he says that in three or four centres we may start hydro-electric schemes, for instance one in the Northern Circars, one on the West Coast and one on the borders of the Travancore State and this Presidency, then we may explore the possibilities of starting hydro-electric schemes in those areas and go ahead with the schemes."

The motion was by leave withdrawn.

The Demand was put and carried and the Grant was made.

DEMAND XLII—MEDICAL.

The hon. the RAJA OF PANAGAL :—"I beg to move that—

'A grant not exceeding Rs. 28,000 be made under Demand XLII—Medical.'

"In doing so, I may say that the Government took over the management of Women and Children Hospital, Vizagapatam, in May 1922. The idea then was that the hospital should form part of the General Hospital at Vizagapatam and that it should supply the clinical material for the training of medical students in Vizagapatam. It was however found that there was opposition to this proposal, and the Surgeon-General accordingly recommended that the management of this hospital might be handed over to the Dufferin Fund who agreed to take it on condition that Government made a non-recurring grant of Rs. 25,000 for the improvement of the hospital buildings and equipment. The Public Works Department has executed the work, and the sum of Rs. 3,000 is required on account of pay and contingencies for running the hospital for two months. It was anticipated that the transfer could be effected before the 1st of March, but on account of negotiations with the Dufferin Fund not having been completed in time and of damages due to the buildings owing to cyclones, we have to keep the management until next May. Thus a sum of Rs. 3,000 will have to be paid from the next year's budget on account of the management of the hospital being handed over to the Dufferin's Fund Committee. As the result of this transfer, there will be an annual saving of Rs. 20,000 to the Government."

Rao Bahadur C. NATESA MUDALIYAR :—"It was said there was opposition to the proposal. Was it to the Government taking over the management of the hospital or for training of the students or was it for making this hospital part and parcel of the General Hospital? Surgeon-General Giffard, for increasing the efficiency of this hospital, was for taking over the hospitals from private management to that of Government. I presume that this is one of the hospitals that was taken over like that. I do not think there is any necessity for again handing it over to private management. I want to know whether the Countess of Dufferin Fund Committee manage any hospitals now."

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The hon. the RAJA of PANAGAL :—"They do manage and they have agreed to take over the management of this hospital."

Rao Bahadur C. NATESA MUDALIYAR :—"What are the hospitals which the Countess of Dufferin Fund Committee is managing now?"
4-45 p.m.

The hon. the RAJA of PANAGAL :—"This is the hospital that they propose to manage and there will be an annual saving of Rs. 20,000 a year thereby."

Rao Bahadur C. NATESA MUDALIYAR :—"They are not managing this hospital now."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"We know there is a medical college at Vizagapatam. The idea is that no medical student shall be allowed to step into that hospital after it is handed over to the Dufferin Fund Committee. If that be the case I wish to know what arrangements Government have made for materials to be supplied to the medical students there. The statement is made that there is a local opposition for this hospital being utilized by men-students. I wish to know in what shape the local opinion was expressed to the Government and whether the Government will be pleased to lay on the table the conditions under which this hospital is proposed to be handed over."

The hon. the RAJA of PANAGAL :—"I have already answered the question raised by my hon. Friend from Vizagapatam. There was a strong feeling against the proposal and the Surgeon-General made inquiries. I myself went to the place and inquired, and the people objected to men-students having access to the Gosha hospital. Then, as to the other question raised by my hon. Friend, I can only say that the conditions are that the Government should give them Rs. 25,000 for improvement to buildings and there is no objection to the documents being placed on the table."

"One more point, Sir. As to the arrangements for providing clinical materials to the students of the Vizagapatam school, the General Hospital has been considerably improved and the number of drugs have increased. That is the arrangement that they have made."

Rao Sahib U. RAMA RAO :—"I wish to bring to the notice of the hon. the Minister that in Mangalore there are two hospitals."

Mr. E. W. LEGH :—"On a point of order, I believe the hon. the Minister has already answered that he would place all the papers on the table. I do not think any more time need be taken up on this question."

Rao Bahadur C. NATESA MUDALIYAR :—"I do not think there was any opposition to the Government managing the hospital."

The hon. the RAJA of PANAGAL :—"The Government took the management with a view to have more clinical material available for the training of medical students. But when that could not be had, there was no use in Government continuing the management at a cost of more than Rs. 20,000 a year."

Mr. A. V. BHANOJI RAO :—"In this connexion, I may enlighten my hon. Friend that there was a local opposition to the management of this hospital by the Government because it was founded for Gosha women and children. If the hospital is to be affiliated to the General Hospital, then

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the local women will complain that it will not be a gosha hospital if men-students are allowed to go in and work there. So they thought it would be much more advantageous to have the hospital under private management. In this connexion, I may say, I understand that the Rance Sahib of Burdwan has promised a donation of 2 lakhs for this hospital. I may say that this hospital was founded by her father, the late Maharaja S. N. Gajapathi Rao. There was no local opposition on that point. They want to have a separate hospital and they are quite satisfied with the arrangement."

Rao Bahadur C. NATESA MUDALIYAR :—"There is a Gosha Hospital at Madras where male students do not receive any instruction."

Mr. P. PEDDIRAJU :—"I beg to move—

'To reduce the allotment of Rs. 28,000 for Medical by Rs. 100.'

"Sir, I only wanted to draw the attention of the hon. the Chief Minister by a notice of this motion to the necessity for investigating the causes for the spread of elephantiasis. The Government have not taken any steps to investigate and find out a remedy for this evil and I only want to know from the hon. the Chief Minister what action Government is going to take in the matter."

The hon. the RAJA of PANAGAL :—"My reply to this is, in the first place, that the question does not arise in connexion with this motion. Secondly, Sir, Government have already deputed an assistant surgeon to investigate the causes for elephantiasis."

Mr. V. MADHAVA RAJA :—"May I know whether it is proposed to take any steps in this direction in Malabar also?"

Mr. P. PEDDIRAJU :—"What I want to point out is that so far as the Godavari western delta is concerned, all the villages standing by the side of the Narasapur canal are infected with this bad disease. The hon. the Minister had visited the place and he knows the conditions very well. So I request that he will pay special attention to this and depute an officer to investigate the matter."

The motion was by leave withdrawn.

Mr. P. PEDDIRAJU :—"I beg to move—

'That the allotment of Rs. 28,000 for Medical be reduced by Re. 1.'

"Sir, I have given notice of the reduction to discuss the question of the headquarter hospital in the new Godavari west district. So far, the headquarter has not been settled. I understand that the hon. the Revenue Member has said that Masulipatam will be the headquarters of the new district, and permanent buildings are to be constructed at Nidadavole. The question is whether Government is going to have a headquarter in the new Godavari district and if so, where. On an answer to this, I shall be satisfied."

The hon. the RAJA of PANAGAL :—"The question of bifurcation has not yet been finally settled. When that is settled, the question of the headquarters of the district will have to be considered. In any case, I do not think all these questions arise on the motion before the House."

The motion was by leave withdrawn.

The Demand for Rs. 28,000 under XLII. Medical was put to the House and carried and the grant was made.

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DEMAND XLIII—AGRICULTURE.

The hon. Mr. T. N. SIVAGNANAM PILLAI:—"Mr. President, I beg to move—

'that Government be given a grant not exceeding Rs. 14,960 for expenditure on Agriculture under Demand XLII.'

"Sir, this is an addition to the Demand No. XXII and it provides for an additional cadre of upper subordinates in the Agricultural department. The Council is fully aware of the importance of demonstration work. The existing staff was found inadequate to carry on that work. There are many districts where there are no demonstrators at all, and in some the staff is very insufficient. It is therefore proposed to employ 16 additional upper subordinates during the ensuing year for carrying on the demonstration work."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I wish to know what the Government proposed to do with the lower subordinates already working. In the note, it is stated that the four northern districts and the district of Nellore are now without demonstrators, and there are only lower subordinates in charge of demonstration work there. Is it the idea that these lower subordinates, who, I understand, are temporary, are to be sent away or is the new staff to be employed in addition to this?"

Mr. F. NOYCE:—"We want men for demonstration work in places which we have not yet been able to tackle and we do not propose to send away any lower subordinates or any other member of the staff. I am speaking subject to correction. I do not think the hon. Member for Vizagapatam is correct in saying that these lower subordinates are temporary men."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I know, Sir, whether it is the intention of Government to employ one of these 16 upper subordinates in the district of Malabar? There is now in the district of Malabar no upper subordinate."

Mr. F. NOYCE:—"We shall certainly consider the hon. Member's suggestion and if it is possible it will be given effect to."

Mr. S. MUTTAYYA MUDALIYAR:—"Sir, I have given notice of a similar motion, but having had no opportunity to discuss it, I shall rest content with raising one or two questions. We are told in this explanatory note that there are 85 demonstrators in all and there is absolutely no clue given to find out where these demonstrators are working and what benefits the agricultural population of those districts have derived from their work. It is put down here 'The non-official public outside the Council have, in appreciation of the work of the department, also urged on the Government the need for the provision of more funds for the Agricultural department'. I daresay there must have been some application or some public meetings to show that the work of the Agricultural department has been appreciated, especially the work of the demonstrators. I submit we have not been placed in possession of the notes of appreciations of the work done by the department. But I, for one, am inclined to think that the working of the Agricultural department for the last seven or eight years has not practically benefited the ryots. This aspect of the question, I placed two years ago in another place and in another connexion, before the then Minister for Development. The Director of Agriculture and the demonstrator at Cuddalore partly agreed with my views. Now that this demand for

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additional demonstrators is put forward, it is necessary that we should be informed what work the demonstrators turn out in several places before we are asked to vote upon it. One other point, Sir, there are only five grades of demonstrators. What is now said is that a number of subordinates are going to be appointed. So, I wish to know on what grade these new upper subordinates will be started and what their emoluments will be. These details are not given here. On these points I ask the hon. the Minister to give us some information."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"Sir, taking the last question first, the scale given in paragraph 3 of the note is the scale for upper subordinates, i.e., first grade, Rs. 250; second grade, Rs. 225; third grade, Rs. 200; fourth grade, Rs. 120—10—170 and fifth grade, Rs. 85—5—120, and the new men will be taken up in one of the lower grades and will be promoted if they show efficiency, in course of time. As regards the work turned out by the Agricultural department, it has been published in periodical reports and reviews and all the information the hon. Member wishes to have, may be found in those reports. But if he has any special difficulty or if he wants me to get any further information, I have not the slightest objection to furnish it to him and shall also convince him, if necessary, of the advantages accruing to the country from the Agricultural department."

Rao Bahadur C. NATESA MUDALIYAR:—"My complaint is that if these 5 p.m. demonstrators are not successful, it is their fault. There are demonstrators in all districts, but I have never come across any one. What I want to say is that there is no use of giving lectures at fairs and festivals, testing soils and getting them examined by the Chemists in the Agricultural college; these demonstrations should reach every village and every hamlet."

Mr. F. NOYCE:—"Sir, perhaps I may be permitted to explain to the House exactly for what purpose agricultural demonstrators are required. In the old days, we had what used to be called demonstration farms on which agricultural methods were demonstrated to the ryots. Now, the ryot's complaint against the demonstration farms was that they were Government shows. He said, 'it is all very well. I quite realize that excellent crops can be grown. Government has any amount of money to spend and I cannot follow their methods, because they would cost me far too much.' We realized the justice of this complaint and for demonstration farms we substituted demonstration plots. These plots are usually about an acre in extent. They may be less or they may be more. Now, on one half of the plot, the ryot grows his own crops by his own old-fashioned methods. On the other half he grows improved strains under the supervision of the Agricultural department with the implements suggested by that department and manures them with the manure recommended and often provided by that department. Everything is done under his own eye and indeed by his own hand. He knows exactly how much everything costs and is able to compare the outturn of the crops grown by his methods with that grown by the Agricultural department methods. The comparison works out entirely to the advantage of the Agricultural department's methods judging by the requests we have had from all sides of this House and from the outside public to extend the work of the agricultural demonstrators. We have not been able to comply

[Mr. F. Noyce]

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with these requests to anything like the extent that we would like, and it is for this reason that we have to-day come to the Council for the grant of additional funds."

The Demand was put to the House and carried and the Grant was made.

DEMAND XLIV—CIVIL WORKS—TRANSFERRED

The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, I beg to move—

'that Government be granted a sum not exceeding Rs. 4,600 under Demand XLIV. Civil Works (Transferred).'

"This is intended to pay presidency allowance to certain officers of the Public Works Department who are working in the Madras City. As hon. Members are aware the Retrenchment Committee has gone into the whole question of allowances very thoroughly and recommended the cancellation of some allowances and classified some allowances under a particular class. These officers were not receiving allowances before they came under a particular classification made by the Retrenchment Committee. Therefore the Demand is made for giving this allowance to the officers of the Public Works Department mentioned below:—

	Per month. RS.
One Manager, Office of the Superintending Engineer, Madras Circle	50
One head clerk, Office of the Superintending Engineer, Madras Circle	25
Four head clerks, Division offices 4 × 20	80
Ten Supervisors (difference between the existing provision and the new sanction 10 × 15 Rs.)	150
Four Overseers 4 × 20	80
	—
	385

'per mensem or Rs. 4,620 for a year or Rs. 4,600 roundly.'

The hon. the PRESIDENT:—"I think Mr. Peddiraju had better make his observation on some other occasion. The centage charges have nothing to do with the present Demand. Evidently, the House has been indulgent to the hon. Member and the hon. the Minister in charge of the subject also has acceded to his previous requests. In any case, the raising of the question of centage charges is not admissible under this Demand."

Mr. P. PEDDIRAJU:—"I am not going to make any speech. I only want to ascertain from the Minister in charge whether the Government have decided this question of centage charges. That is why I wanted to move this reduction. Seeing that this is a matter which concerns the Public Works Department which collects 25 per cent from the local bodies, if the hon. the Minister has no objection I want to have this information."

The hon. Rao Bahadur Sir A. P. PATRO:—"As regards centage charges, it has nothing to do with the local allowances to be given to the Public Works Officers. However, I may say that a Government Order is being issued fixing the centage charges."

The Demand was put to the House and carried and the Grant was made.

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DEMAND XLV—MEDICAL.

The hon. the RAJA OF PANAGAL:—"I beg to move—

'That Government be granted a sum not exceeding Rs. 20,000.'

"This amount is intended to meet the expenditure in connexion with the encouragement of Ayurvedic, Unani and other systems of medicine. I am sure that if there is one demand which will meet the universal approval of this House I dare say it is this Demand." (Cheers.)

Mr. V. MADHAVA RAJA:—"In thanking the hon. the Minister for Local Self-Government for this small sum, I would request him to see that this amount is not wasted on travelling allowance to members but that it is set apart to be given to local bodies which are willing to open Ayurvedic dispensaries."

The Demand was put and carried and the Grant was made.

XI

DEMAND I—LAND REVENUE—CERTIFICATE BY HIS EXCELLENCY THE GOVERNOR.

The hon. Sir CHARLES TODHUNTER:—"I do not know, Sir, if the stoppage of the fans is due to our having calculated the amount allotted for expenditure for the purpose so nicely that the grant has run out at the closing hour on the last day of the year (laughter). But, the circumstances being what they are, I will be as hasty as I can in making one or two small statements which will finally conclude the business of the budget.

"I have been asked about the commercial accounts. In cases where these have been introduced, details of expenditure will no longer appear in the budget. But I shall lay on the table the audit reports of the commercial concerns and hon. Members who wish to raise any questions may do so with reference to them.

"I have given notice to hon. Members of certain changes we propose to make on both sides of the budget which, however, do not need the vote of this House. As a result of the action of the Assembly in voting that customs duty be paid on goods brought out on Government account, we have to provide for that. The Government of India give us an equivalent grant which necessitates entries on both the credit and the debit side of the account.

"Lastly, with reference to Standing Order 67, under which it is required that, if the local Government exercise the power conferred by section 72D (2) (a) and (b) of the Act in regard to Demands refused or reduced by the Council, the Finance Member shall, as soon as may be thereafter, lay on the table of the Council a statement showing the action taken under section 72 (D) (2) (a) with a copy of the certificate granted by the Governor, I beg to lay on the table a statement of the action taken by the Government in relation to the provision of Rs. 97,661 made in Demand I in the Schedule of Demands for the year 1924-25 under the head '22. General Administration—Secretariat and Headquarters Establishment—Board of Revenue.' The Governor considers this expenditure to be essential to the discharge of his responsibility for the administration of the Revenue Department, and the said demand relating to a Reserved subject, the Government of Madras direct that the above provision be shown in the civil estimates as if it had been assented to by the Legislative Council.

[Sir Charles Todhunter] [31st March 1924]
“I lay on the table” a copy of the order to that effect together with a copy of the certificate of the Governor.”

The House then adjourned at 5–10 p.m. to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX IV.

[Vide item IV—Communications to the Council, page 126 supra.]
Proceedings of the Twenty-second Meeting of the Finance Committee, 1923–24, dated 24th March 1924.

PRESENT:

The hon. Sir CHARLES TODHUNTER, K.C.S.I., I.C.S. (*Chairman*).
Rai Bahadur Sir K. VENKATAREDDI NAYUDU, Kt., M.L.C.
M.R.Ry. A. RANGANATHA MUDALIYAR AVARGAL, M.L.C.
Dr. P. SUBBARAYAN, M.L.C.
JANAB MUHAMMAD YAHYA ALI SAHIB Bahadur, M.L.C.
R. W. DAVIES, Esq., I.C.S., M.L.C.

A.—Schemes of new Expenditure.

1. Additional Deputy Inspector of Schools and establishment for the South Arcot district.

Cost in 1924–25	Rs.
.. .. .	2,436½

The Committee recommended the postponement of the scheme for another year.

2. Purchase of the ‘Eagle’s Nest’ bungalow as quarters for the Superintendent, Central Jail, Vizagapatam—Rs. 25,000.

The Committee recommended the scheme for acceptance.

B.—Supplementary Demands for 1923–24.

3. ‘22. General Administration—Staff and Household of His Excellency the Governor’—Increase in expenditure under ‘Contingencies’—Rs. 7,000.

The Committee recommended that a supplementary demand be moved.

4. ‘22. General Administration—Staff and Household of His Excellency the Governor’—Increase under ‘Pay of officers’—Rs. 4,750.

The Committee recommended that a supplementary demand be moved.

C.—Additional Demands for 1924–25.

5. Provision for two upper division clerks in the Law Department—Rs. 2,280.

The Committee recommended that the posts be continued on a temporary basis for one year.

6. Leave allowance—Mr. Johnston—Deputy Commissioner, Salt and Abkari Department—Rs. 13,525.

* Printed as Appendix VI on page 223 infra.

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The Committee recommended that the expenditure be met by reappropriation in 1924–25.

7. Presidency allowance—Public Works Department subordinates stationed in the Madras City—Rs. 4,600.

The Committee recommended that an additional demand be moved.

8. Additional Assistant Secretary and menial staff—Chief Secretariat—Rs. 5,830.

Mr. G. R. F. Tottenham, I.C.S., Deputy Secretary, Chief Secretariat, was present.

The Committee recommended that an additional demand be moved.

9. Manual Training Instructor—Additional demand in 1924–25—Rs. 3,000.

The Committee recommended that an additional demand be moved.

10. Bellary West Canal Investigation—Additional demand for 1924–25—Rs. 34,000.

The information given in the note being insufficient, the Committee desired that more detailed information should be placed before them.

11. Purchase of Law Reports—Drafting Section—Law Department—Rs. 2,800.

The Committee recommended that an additional demand be moved.

FORT ST. GEORGE,
25th March 1924.

C. G. TODHUNTER

APPENDIX V.

[Vide item IV—Communications to the Council, page 126 supra.]

REPORT OF THE LAND REVENUE SETTLEMENT BILL COMMITTEE.

We, the members of the committee appointed in G.O. No. 968, Revenue, dated 30th April 1921, have the honour to submit the following report.

2. The order constituting the committee recites that, in accordance with the recommendations made by the Joint Select Committee on the Government of India Bill, the Board of Revenue was requested to prepare the draft of a Bill dealing with the main principles on which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements and the other chief processes which touch the well being of the revenue payers. On receipt of the Board’s Bill the Government stated that they desired to undertake an examination of the general principles which should be embodied in it, and instead of adopting the Board’s suggestion that an officer should be placed on special duty in connexion with the Bill decided “to appoint a Committee to make recommendations as to the lines on which the Bill should be drafted.”

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3. At the outset we have to consider what should be the duration of settlement. The Joint Select Committee specifically referred to "periods of revision" and did not, it is evident, contemplate a system on which there should be no revision at all. Prominence must, however, be given in our report to a discussion of this point, for at the very beginning of our deliberations we ascertained that there is undoubtedly a strong feeling prevalent among a certain section of persons in this Presidency who have given some thought to the matter—a feeling which is shared by some of our own members—in favour of some form of a permanent settlement. At the request of the Madras Ryotwari Landholders' Association we heard a representative of that body who expounded what appear to be the views of that association at considerable length. We have also received a resolution from a meeting of ryots of the Bellary district, which is due for resettlement, urging that "hereafter resettlement should be abolished in the case of ryotwari proprietors and that permanent settlement may be introduced on the basis of the now existing rates." The meeting added a further resolution "that in any case all resettlement proposals should receive the positive sanction of the Legislature before their introduction." We make special mention of these resolutions because, as will later appear, the second resolution is in accordance with our own views, while as regards the first it is of interest in showing that if a permanent settlement is to be contemplated, the ryots of districts in which settlements have either expired or are about to expire will be likely to plead for no resettlement at all but for a permanent continuance of the rates settled thirty years ago.

4. This is a very extreme proposition to which even those of our members who are in favour of some form of permanency in settlement are not prepared to subscribe. Those of our committee who desire permanency (and we understand that this is also the view of the representative of the Madras Ryotwari Landholders' Association) agree that before settlements can be made permanent there must be a general equalization of rates throughout the Presidency. One of our members has submitted the draft of a Bill to give effect to this principle. This is enclosed as Annexure B. The majority of us are not in favour of it in its present form, but some of our non-official members submitted an alternative proposal as follows:—

"We are in favour of permanent settlement in the case of ryotwari proprietors.

"We propose that the rates of assessment may be declared in the proposed Bill to be fixed and unalterable.

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"In the case of such of the districts as are now pending resettlement the rates of assessment may be settled and such rates may be declared permanent.

"In the case of such of the districts as have been settled within the last seven years the rates now prevailing may be declared permanent.

"In the case of the other districts where the 30 years term has not expired, their resettlement may be taken up as it falls due and the rates to be settled may then be declared permanent. All resettlement proposals to be made hereafter should receive the sanction of the Legislature.

"We recommend that it should be open to the Legislature to levy such additional cess on land as they may deem fit."

5. It will be noted that both in the Bill (Annexure B) and in the memorandum noted above the proposal to give permanence to assessments is accompanied by a recommendation that it shall be open to the Legislative Council to levy, evidently for revenue purposes, such additional cess on land as they may deem fit. This recommendation the majority of the committee emphatically reject. It appears to us thoroughly unsound in principle and even if qualified, as some of us would qualify it, by a reservation that no cess should be imposed on the poorer land holders, such a qualification would, it seems to us, lead to endless difficulties in assessment of the cess and introduces a further difficulty in that it implies that cesses should be levied on the holder of the land and not on the land itself. Now it is one of the main principles of a ryotwari settlement that the assessment should be on the land and should not be determined by the wealth or poverty of the landholder. This principle should apply to cesses equally to the original assessment. The reason is obvious. A poor man may have some portions of good land in his holding while a rich man often has inferior land included in his patta. If the assessment cannot otherwise be collected, the land itself is sold in satisfaction of the demand of the State. Any provision that a pattadar holding land assessed at less than a certain figure should be exempt from payment of the proposed cess would encourage benami transactions and would introduce an element of great uncertainty into budget calculations. It would, it seems to us, be extremely difficult to ascertain accurately whether a particular individual has or has not land in his holding assessed at more than Rs. 20 or Rs. 30 or whatever the limit of exemption which might be fixed. Lands are often held in the name of relations; they are often held in more than one village, sometimes in more than one taluk; they are subject to constant partition. The system of

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exemption would almost certainly lead to uncertainty if not fraud and however equitable in theory it may be that the rich rather than the poor should contribute to any enhanced revenue which has to be raised to meet the exigencies of the State we consider that, in so far as such additional revenue must be realized by the taxation of land, it should fall on all land equally and must be raised with reference to the question whether the land and not the holder of the land can bear a higher assessment.

6. We consider the recommendation to levy cesses in addition to a permanent assessment unsound for a further reason. If strictly analysed the proposition amounts to this, that instead of a permanent settlement or a settlement for a period of years which is permanent during that period, a permanent settlement combined with cesses levied for revenue purposes ceases to be a permanent settlement in anything but name and becomes an annual settlement with nothing except the goodwill of his representatives in the Council to safeguard the ryot against excessive and unintelligible demands. Under the present system the ryot—however much he may dislike resettlement and the enhancement in his dues which generally, though not invariably, accompanies resettlement—has at any rate this satisfaction that he knows when the resettlement is concluded that he is safe for the period of the same. Under the proposed system he would be exposed every year to the constant menace of a varying demand.

7. The majority of the committee are therefore very strongly of opinion that the present system under which districts are resettled at stated intervals should continue and that during the currency of such settlement it should *not* be open to the Legislative Council to impose any cess on the land for revenue purposes. This being so we need not do more than incidentally refer to the questionable justice of any proposal which might entail the immediate resettlement of the ryotwari portion of the Presidency as a whole as a preliminary to the grant of permanency. In all existing settlements the Government have declared that the rates shall be unchanged during the currency of the settlement. There would, we think, be a general outcry if this pledge were broken and though no doubt it might be possible to grant permanency in future resettlements such a step would be most inadvisable if not accompanied by the right of the State to levy additional taxation on land in some other form. As we have said, we are of opinion that such a right should not be accorded.

8. We consider that the period of settlement should ordinarily as at present be for 30 years, but would allow the Government with the previous sanction of the Legislative Council to prescribe in exceptional cases a longer or a shorter term.

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9. We have dealt at length upon this question of the duration of settlements because we regard it as absolutely fundamental. If, as we recommend, settlements are to be revised at stated intervals the present procedure under which the *preliminaries* for the revision take place requires no very material change. There must continue to be an inquiry by a Settlement Officer and a scheme report upon which orders can be passed. The preliminary investigations may conceivably be shortened and simplified and we would recommend that in order to reduce the cost of resettlements every endeavour should be made to effect an improvement in this direction. This however will depend upon the rules framed under the Act.

10. It is at the stage of the receipt of the Scheme Report that we suggest a radical alteration in the Bill as proposed by the Board. The Board's Bill merely provides that the Local Government shall pass orders on the scheme after considering the recommendations of the Collector and the Board of Revenue and such public criticism as may have been made on it. This is the present practice but we cannot consider that it is in accordance with the spirit of the times or with the recommendation of the Joint Select Committee that the imposition of new burdens should be gradually brought more within the purview of the Legislature. Though Land Revenue continues for the present to be a reserved subject and has not been transferred to the control of the Ministers we are of opinion that the Legislative Council should have a decisive voice in determining what increase in rates should be allowed at a resettlement. We therefore recommend that the Government should, before orders are issued on a Scheme Report, lay its proposals before the Legislative Council, that it should be competent to the Legislative Council to reject, adopt or modify the proposals of the Government in such manner as it may think fit and that the Government should pass final orders on the scheme in accordance with the resolution of the Legislative Council. We have provided accordingly in the draft of the Bill which we submit—Annexure A. We go further and consider that all rules passed under the Act should also be laid before the Legislative Council for a definite period (we have proposed two months) while the Council is in session and that within such period the Council shall be competent to annul the rules or any of them or make such modifications in them as they may think fit. With these provisions we consider that the interests of the ryots of the Presidency are amply safeguarded and that their representatives in the Council may be trusted to see that they are not unduly taxed.

11. We have given our careful attention to consideration of the point whether it would be well to insert in the Bill a maximum

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of percentage increase which it should be competent to the Government to propose or the Council to vote. We are not prepared to recommend that this should be done. It is not likely that excessive enhancements will be proposed when it is known that unless the increases are reasonably moderate they are likely to be rejected or reduced by the vote of the Legislative Council. It is also unlikely that the Legislative Council, however much it may desire to increase its resources to meet the growing demands of administration, will sanction enhancements which may be felt to be oppressive by the people. We think it may safely be left to the Government to propose such increase as they consider to be justified and to the Council to finally decide the rate.

12. We consider that land whether included in village-site or not should be assessed to a different rate and on a different system according as it is used for agricultural or non-agricultural purposes. In the case of village-site lands we think that non-agricultural assessment or ground-rent, as it is usually called, should be imposed on all lands (used for non-agricultural purposes) which are at the disposal of Government at the time the Act comes into force whether or no the village has been declared a town. We do not however think that it would be equitable to render liable to assessment old village-site lands which have been assigned altogether free of assessment while in the case of such lands as have been granted since 1900 under pattas which contain the condition that the Government reserve the right to charge ground-rent should the village be declared to be a town, we think that they should continue free until that event occurs. We have not attempted to define 'town' and consider that the assessment of ground-rent should be regulated by rules under the Act.

13. We consider that at all resettlements opportunity should be taken to correct the registration of holdings and have suggested accordingly certain provisions to simplify and improve this part of the Settlement Officers' duties.

14. We do not think that the Bill as drafted by the Board sufficiently brings out the importance of the attention which should be paid to increase in the cost of the ordinary expenses of cultivation in deciding upon what increase of rates are justifiable. This should be prominently mentioned.

15. We need not burden or report with details of the various minor alterations which we have proposed to the Board's Bill. We realize that we are not in the strict sense a drafting committee and though we have had the benefit of the advice of the Advocate-General we have utilized his services as a member of the committee

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not as Advocate-General. The Bill in our opinion may well be introduced in the Legislative Council in the form in which it stands in Annexure A, but before it is introduced it will presumably be examined by the legal advisers of the Government and may, we have no doubt, during its passage through the Council undergo various changes before it is passed into law. We conceive that we have complied with our instructions if we emphasize the main principles which it should contain. The summary of our conclusions is that there should be no radical change in the present method of settlement but that no orders imposing fresh burdens on the ryots should be issued without the full concurrence and approval of the Legislative Council.

16. Before concluding, the committee wishes to place on record its deep sense of appreciation of the valuable services rendered by the Advocate-General (Mr. C. P. Ramaswami Ayyar) and the Hon'ble Mr. Lloyd in assisting the committee in drafting the Bill and in placing their vast experience and knowledge at the disposal of the committee, and to the latter in particular for the very lucid and clear report which he has drafted on behalf of the committee.

M. HABIB-UL-LAH.
 N. MACMICHAEL.
 G. T. BOAG.
 A. H. A. TODD.
 E. S. LLOYD.
 J. VENKATANARAYANA NAYUDU.
 C. P. RAMASWAMI AYYAR.
 VASUDEVA RAJA.
(Subject to a note.)
 P. SIVA RAO.
(Subject to a note.)
 T. SOMASUNDARA MUDALIYAR.
(Subject to a note.)
 S. T. SHANMUKHAM PILLAI.
(Subject to a note.)
 M. KRISHNAN NAYAR.
(Subject to a note.)
 V. K. RAMANUJA ACHARIYAR.
(Subject to a note.)
 T. N. SIVAGNANAM PILLAI.
 P. SUBBARAYAN.
(Subject to a note.)

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ANNEXURE. A

BILL No. OF 1921.

A Bill to regulate the assessment and the revision of the assessment of the land revenue in the Presidency of Madras.

WHEREAS it is expedient that the processes of assessing and of revising the assessment of the land revenue in the Presidency of Madras should be placed upon a statutory basis, It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (1) This Act may be called "The Madras Land Revenue Settlement Act."

(2) It extends to the whole of the Presidency of Madras outside the tracts in which the Madras City Land Revenue Act, XII of 1851, and the Central Provinces Land Revenue Act, XVIII of 1881, are applicable.

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or context—

(1) 'Holding' means a parcel or parcels of Government land measured as a survey field or fields or sub-divisions of a survey field held by one or more individuals under a single patta.

(2) 'Pattadar' means and includes the holder or occupier of any land not included in an estate as defined in the Madras Estates Land Act I of 1908, and not held under an inam title-deed in a Government village who is registered as the holder of Government land in the village accounts or recognized as such by the Settlement Officer.

3. (1) All Government land is liable to the payment of land revenue to the Government except such land as has been or may be partially or wholly exempted from such liability by special grant of or contract with the Government or by the provisions of any law for the time being in force or by orders of the Government,

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(2) (a) Land revenue shall be assessed with reference to the user of the land

(1) for agricultural purposes,

(2) for non-agricultural purposes.

(b) When land assessed with respect to its usage for agricultural purposes is used for non-agricultural purposes it shall forthwith become liable to a non-agricultural assessment:

Provided that the erection on land assessed for agricultural purposes of buildings required for the convenient or profitable use or occupation of such land for agricultural purposes shall not be deemed to be a user for a non-agricultural purpose.

Provided also that notwithstanding anything contained in section 3 (1) land revenue shall be assessable on all village-site lands at the disposal of the Government at the time of the coming into force of this Act with reference to their user either for agricultural or non-agricultural purposes.

(3) Pattadars are responsible to the Government for the land revenue for the time being assessed on lands held or occupied by them and all persons succeeding thereto or acquiring rights as pattadars in respect thereof shall be responsible for all arrears of revenue due at the time of such succession or acquisition.

4. (1) The Local Government may by notification appoint any person either by name or by virtue of his office to be a Settlement Officer for all or any of the purposes of this Act.

(2) Subject to the control of the Local Government, every person so appointed shall exercise and perform the powers and duties of a Settlement Officer within such local limits and for such periods of time as the Local Government may direct.

(3) The Local Government may delegate its powers under sub-sections (1) and (2) to the Board of Revenue.

CHAPTER II.

Initial Settlements.

5. The Local Government may by notification direct the settlement of the rates at which land revenue shall be paid in any tract.

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6. When a settlement has been directed under section 5, the Settlement Officer shall publish a notification inviting representations on the subject from the pattadars of the tract.

7. The Settlement Officer shall consider such representations as may be received by him in pursuance of the notification under section 6 and shall frame a scheme for the settlement of the tract.

8. Subject to such rules as may be prescribed by the Local Government in this behalf, the Settlement Officer shall base his scheme for the assessment of lands in the tract used for agricultural purposes on the following factors :—

- (a) the principal food-grains cultivated ;
- (b) the various classes and sorts of soils ;
- (c) the facilities for irrigation ;
- (d) the estimated outturn of the staple grains on the various classes and sorts of soils, as ascertained by experiment and enquiry ;
- (e) the average prices of the staple grains in the pattadars' selling months during a period of twenty non-famine years ; and
- (f) the ordinary expenses of cultivation computed on the basis of an average for the same period of years.

The Settlement Officer shall also take into consideration—

- (i) the local vicissitudes of season ;
- (ii) the value of the land as shown by leases and sale-deeds ;
- (iii) the means of communication and any unusual unhealthiness ; and
- (iv) the economic condition of the tract.

9. Subject to such rules as may be prescribed by the Local Government in this behalf, the Settlement Officer shall base his scheme for the assessment of lands used for non-agricultural purposes in the tract on non-agricultural estimated rentals.

10. (a) The acreage rate of assessment on lands used for agricultural purposes on any class or sort of soil shall not exceed one-half of the value of the net produce of an acre of such class or sort of soil, as estimated by the Settlement Officer.

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(b) The additional value which may have been imparted to the land by improvements effected at the cost of the pattadar shall not be taken into consideration in fixing the assessment thereon.

11. When the Settlement Officer has prepared a scheme as provided above, he shall submit it to the Local Government through the Collector of the district and the Board of Revenue and shall publish the scheme in such manner as may be prescribed in this behalf.

12. The Local Government after considering the recommendations of the Collector and the Board of Revenue and such public criticisms as may be invited or made on the scheme framed by the Settlement Officer, shall lay its proposals thereon before the Legislative Council. It shall be competent to the Legislative Council by its resolution to reject, adopt or modify the proposals of the Local Government in such manner as it may think fit. The Local Government shall pass final orders on the scheme in accordance with such resolution of the Legislative Council.

13. The Local Government may empower the Settlement Officer—

- (a) to effect changes in the registration of holdings at the time of settlement ;
- (b) to carry out such survey operations as may be required for the purposes of resettlement and revision of registry.

14. When the Local Government has passed orders on the scheme under section 12, the Settlement Officer shall publish a notification embodying the main principles of the settlement as finally decided by Government, and shall then proceed to introduce the settlement.

15. (1) When an order has been passed by the Local Government under section 13 (a) the Settlement Officer shall include in the notification published under section 14 a notice inviting all persons who have an interest in a holding, who may wish to question the correctness of the registration thereof, to attend either in person or by a duly constituted agent before himself or any of his duly authorized subordinates at a specified place and time for the purpose of giving information in respect of such holding and the registration thereof.

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(2) A general notification published in a village or other specified area under sub-section (1) shall be held to be a valid notice to every person having any interest in the holdings situated in such village or such specified area.

(3) The procedure of the Settlement Officer and his subordinates in introducing the settlement and in the revision of registration shall be in accordance with such rules as may be laid down by the Local Government in this behalf.

During the introduction of the settlement the Settlement Officer may order the conversion of dry land into wet and wet land into dry.

(4) The survey and demarcation incidental to a settlement or to a revision of the registration of holdings shall be conducted in accordance with the provisions of the Madras Survey and Boundaries Act IV of 1897, or in such other manner as may be laid down by rules framed by or under the orders of the Local Government, and the cost of such survey or demarcation shall be payable by the parties concerned in accordance with such orders as may be passed by the Settlement Officer and be recoverable as an arrear of land revenue.

(5) A notice showing for each field or subdivision of a field such particulars as may be specified in the rules prescribed by the Local Government in this behalf shall be issued to the pattadar concerned. The notice shall also indicate the time and place at which objections to an entry therein or omission therefrom or to any survey or demarcation made under the provisions of this Act shall be heard. The Settlement Officer shall inquire into such objections, and at any stage of the inquiry may, after directing such subdivision or survey as he may deem necessary, pass orders on such objections. The orders passed by the Settlement Officer on any objections passed under this section shall be in writing and shall contain the reasons for such order. The purport of the order shall be communicated forthwith to the pattadar if he is present and a copy thereof shall be furnished to him on his application and at his cost.

(6) The Settlement Officer shall then prepare a settlement register showing the names of the pattadars and the area and assessment of each survey field or subdivision in

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such form and with such particulars as may be prescribed by rules prescribed by the Local Government in this behalf.

The changes in registration made under the provisions of sub-sections (3) and (5) shall be incorporated in the settlement register.

16. (1) An appeal shall lie from the orders of the Settlement Officer under section 15 (5) except in the case of orders relating to registration to the Board of Revenue whose decision shall be final subject to the provisions of section 17. Any modification of the Settlement Officer's decision consequent on the decision of the appeal to the Board of Revenue or on a revision by the Local Government shall be noted in the register prepared under section 15.

(2) An appeal under sub-section (1) shall be liable to be rejected unless filed within two months from the date of the communication of the order of the Settlement Officer under section 15 (5).

Provided that the time taken to secure a copy of the order shall not be included in the period of two months allowed for appeal ;

Provided also that the Board of Revenue may admit an appeal after the expiry of the said period on its being satisfied that the appellant had good and sufficient cause for not preferring the appeal within such period.

(3) The Board of Revenue may, on application made to it in this behalf or of its own motion, direct the revision of any entry in the settlement register prepared under section 15. Such revision shall not be made so as to affect the rights of any pattadar unless and until he has been given a reasonable opportunity to appear personally or by duly-constituted agent and to put forward his contentions, if any, before the Board.

(4) Any Settlement Officer, subject to rules made by the Local Government in this behalf, may on an application made to him or of his own motion, correct any mistake or inaccuracy in any settlement register prepared under section 15 but not so as to affect any orders passed under sections 15 and 16, provided always that where such correction affects the right of a pattadar, it shall not be made until after reasonable opportunity has been given

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to him to appear personally or by duly-authorized agent and be heard in the matter.

17. It shall be competent for the Local Government to revise an order passed by the Settlement Officer or the Board of Revenue in connexion with the settlement of any land.

18. Where as the result of the settlement, the assessment on any individual holding exceeds the amount of the previous payment in respect of such holding by more than 25 per cent, such excess shall, subject to such rules as may be framed by the Local Government, be spread over a series of years so that no increase after the initial one may represent more than $12\frac{1}{2}$ per cent on the said payment.

19. The term of a settlement introduced under this Act in pursuance of the aforesaid provisions shall ordinarily be thirty years, but the Local Government may, with the previous sanction of the Legislative Council, prescribe a longer or shorter term.

CHAPTER III.

Resettlements.

20. The Local Government may by notification direct the revision of assessments which have already been settled either under this Act or otherwise.

21. (1) In preparing a scheme for the revision of assessments on land used for agricultural purposes under section 20, the Settlement Officer shall not ordinarily frame a new scheme of settlement but shall propose percentage variations of the immediately previous rates. Such variations shall, subject to such rules as the Local Government may frame in this behalf, be based upon :

(a) Increases or decreases in the recorded prices of the staple grains of the tract. For this purpose the commutation rates adopted for the staple grains at the expiring settlement shall be compared with the rates deduced for the same grains from the average of their recorded prices during 20 non-famine years immediately preceding the commencement of resettlement after making an appropriate deduction for cartage and merchants' profits. The

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Settlement Officer shall also make allowances for increased cost of living and of the ordinary expenses of cultivation,

(b) a comparison of the sale and lease values of land at the time of the settlement and resettlement respectively,

(c) improvements in the means of communication subsequent to the previous settlement,

(d) increase or decrease of population,

(e) extension or contraction of cultivation,

(f) increase or decrease in area under the more valuable crops,

(g) the economic position of holders of agricultural lands in the tract subsequent to the previous settlement, and

(h) the extent to which it has been necessary to resort to coercive measures in the collection of land revenue and the general character of recent seasons.

(2) Subject to such rules as may be prescribed by the Local Government in this behalf, the Settlement Officer shall base his scheme for the revision of assessment on land used for non-agricultural purposes on non-agricultural estimated rentals.

22. Except as otherwise provided, the provisions contained in sections 6, 7, 9, 11, 12, 13, 14, 15, 16, 17 and 19 relating to initial settlements shall be applicable *mutatis mutandis* to resettlements inclusive of the provision relating to the laying of proposals before the Legislative Council and the powers of the Legislative Council in respect thereof.

The provisions of sections 16 and 17 as to appeals to the Board of Revenue and as to the revisional powers of the Local Government shall also be applicable *mutatis mutandis* in the case of orders passed in the course of resettlements, provided however that where the resettlement takes the form of a percentage enhancement of the previous rates of assessment without a revision of the soil classification, it shall not be open to an individual pattadar to prefer any objection to the revised rates of assessment.

23. The resettlement of any tract directed under section 20 shall take effect from the year following that

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in which the previous settlement of the tract expires or from such later year as the Local Government may direct.

24. Notwithstanding anything contained in section 21, the Settlement Officer may, for special reasons to be mentioned in his scheme report, frame his proposals for re-settlement on the basis of a general re-classification of soils in the tract under resettlement. He shall then be guided by all the factors specified in section 8.

25. (1) For the purpose of a resettlement, the Settlement Officer with the sanction of the Local Government may, for special reasons, order a revision of the soil classification in the case of individual fields as well as a re-grouping of villages and the classification of irrigation sources which have been improved at the cost of the Government.

(2) An appeal shall lie to the Board of Revenue from such order of the Settlement Officer at the instance of any pattadar affected thereby and the provisions of section 16 shall apply *mutatis mutandis* to such appeal as well as the provisions of section 17 relating to the revision of orders by the Local Government.

CHAPTER IV.

Miscellaneous.

26. (a) For the purpose of any settlement, re-settlement, inquiry, survey, or other proceeding under this Act, the Settlement Officer or any of his subordinates shall have power to enter upon, inspect or demarcate any land.

(b) The Settlement Officer or the Board of Revenue to whom an appeal is preferred under sections 16, 22, 25 of this Act may, for the purpose of any inquiry, survey or other proceedings under this Act, summon and enforce the attendance of any person for giving evidence or for the production of documents or for the purpose of rendering assistance in the survey of any land in which such person has an interest, and the provisions contained in the Code of Civil Procedure in regard to the summoning and enforcing the attendance of witnesses shall apply so far as may be applicable.

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27. The correctness of any entry in a settlement register prepared under section 15 or corrected under section 16 shall not be questioned in any court of law provided that any person who is dissatisfied with an entry in or omission from a settlement register which concerns the registration of his name, may institute a suit for the declaration of his right under Chapter VI of the Specific Relief Act; provided also that in any such suit or in any appeal therefrom in which an order or decree is passed *ex parte* against the Secretary of State for India in Council, the said Secretary of State for India in Council shall not be liable in costs.

28. (1) The Local Government may, from time to time, make rules for the purpose of generally carrying out the objects of this Act—

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide:

(a) for the collection and record of any information in respect of any land which has been or is about to be settled or resettled;

(b) prescribing and limiting the powers and duties of officers conducting proceedings under this Act and regulating their procedure;

(c) for the publication of all notifications and scheme reports issued or prepared under this Act and for the issue and service of all orders, communications and notices to be issued, communicated, given or served under this Act;

(d) prescribing the procedure preliminary to the determination of the rates of assessment in tracts under settlement or resettlement;

(e) for the preparation and issue of notices in tracts under settlement or re-settlement and for the hearing of objections thereto;

(f) for the grant of increment remissions under section 18;

(g) for the grant of exemptions under section 3;

(h) for the ascertainment of any of the factors specified in section 8, including the appointment of a Committee or Committees to assist the Settlement Officer in such ascertainment;

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(i) for the ascertainment of non-agricultural estimated rentals under sections 9 and 21 ;

(j) for the preparation of a settlement register under section 15 ;

(k) for the payment of the excess assessment in pursuance of section 18 ;

(l) for regulating the procedure of the Settlement Officer and his subordinates in inquiries under section (15) (3);

(m) for the survey and demarcation of holdings under section (15) (4);

(n) for taking action under section (16) (4).

(3) 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 within such period shall be competent to annul the rules or any of them or make such modifications therein as they may think fit. The rules so modified shall then be published in the *Fort St. George Gazette* and on such publication shall have the same effect as if enacted and contained in this Act.

29. No suit or other legal proceedings shall lie against any officer of Government for anything in good faith done or purporting to be done under this Act.

30. All existing settlements made, approved and confirmed under the authority of the Local Government shall be and are hereby declared to be in force, subject to the provisions of this Act, and all appointments made, orders issued and steps taken for the purposes of any settlement or revision of assessment in progress at the time this Act comes into force shall, so far as the same are consistent with the provisions thereof, be deemed to have been respectively made, issued and taken under the said provisions.

ANNEXURE B.

THE MADRAS PERMANENT ASSESSMENT BILL.

A Bill to fix permanently the assessments leviable from lands which are now subject to resurvey and resettlement :—

1. The assessments on all lands in the Presidency subject to resurvey and resettlement shall be fixed permanently and all resurveys and resettlements shall cease.

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2. A Presidency commutation rate for the standard grains as at present recognized at settlements current on the date of this Act shall be arrived at—

(a) by working out the average prices of such grains for a period of 20 non-famine years preceding the year in which this Act comes into force, and

(b) by allowing a deduction of 15 per cent as under the present settlement system on such average prices.

3. The existing assessments on such lands shall then be revised in the proportion that the Presidency commutation rates shall bear to the rates adopted at the last settlement for such lands, provided that the total of such revised assessments shall not exceed by more than 20 per cent the present total assessments levied on such lands in the year preceding that in which this Act comes into force.

4. The assessments so revised shall be permanent subject only to the right of the Legislative Council to levy as tax an equal percentage on all land assessments as it may deem fit from time to time.

5. No claim for remission shall be entertained on account of drought, inundation, short crop or other calamity of the seasons.

6. Every landholder shall regularly pay the amount of this permanent assessment on such dates and in such instalments as may be fixed by rules approved of by the Legislative Council.

STATEMENT OF OBJECTS AND REASONS.

In respect of ryotwari lands in the Madras Presidency the public assessment of the land revenue has not been made permanent. According to the practice said to be inherited from the Oriental Governments, the assessment of the land revenue has fluctuated from time to time without any security to the ryots of the continuance of a moderate land tax. On the contrary, frequent annoyances have been instituted by Government in the shape of resurveys and resettlements. Increased revenue seems to have been the only aim of such moves, irrespective of whether there is any corresponding State necessity for the same. This sort of augmenting the revenues is opposed to well-known and accepted notions and principles of civilized responsible Governments. It is obvious that such a mode of administration must also be injurious to the permanent prosperity of the country by obstructing the progress of agricultural population and wealth and by bringing about a fruitful source of uncertainty and disquietude. This uncertainty is also one of the causes for the emigration of the rural population outside India forming as it does a sore point between the colonies and India.

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2. The recent Joint Committee of the Houses of Parliament has given its definite opinion that the land revenue collection ought to be subjected to the control of the Legislative Council. And the reasons for such a recommendation are too obvious.

3. The present resettlements are only arbitrary. The principles governing them are difficult in practice to be given effect to. So the resettlement system must be abandoned.

4. It is therefore necessary to fix once for all the Government assessments due from ryotwari holders and in arriving at a fixed assessment some of the definite principles applied at existing settlements have been adopted.

5. The advantages claimed for this Bill are—

(1) It will avoid the discontent and irritation now caused at the time of resettlements in individual districts and prevent to some extent the emigration of the rural population;

(2) The large amount of money that is now spent in maintaining the survey and settlement departments may be saved;

(3) Landholders being free from the incubus of resettlements will devote their time and resources to the improvement of their land and this will be to the interest of both the people and the Government; for the well-being of the State is wound up with the well-being of the people;

(4) It will enable Government to levy additional taxation from all lands including zamindari and inam lands; and

(5) It will be a source of political education to the people in the principles of responsible Government; for it will lead the people to take interest whenever additional taxation is proposed.

NOTE BY RAJA VENGANAD VASUDEVA RAJA AVARGAL, C.I.E.

I have the honour to acknowledge with thanks the receipt of your letter, dated 8th instant, D.O. No. 1077-E/21-1, along with a confidential copy of the report of the Land Revenue Settlement Bill Committee enclosed in the same. I regret very much my inability to attend the meeting which is to be held on the 13th instant on account of the demise of my mother which took place on Friday last, the 5th instant. I am therefore obliged to make one or two remarks on the Bill through this letter.

In section 2 of the Bill, I think, for the word 'Government land' some other suitable word has to be used as in Malabar all the lands are private jenmam and not Government lands. In the Settlement A register itself it will be found that the lands are described as private jenmam and in cases where Government possess private lands as their own in Malabar, either by escheat or by purchase,

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such lands are separately entered in these registers as Government jenmam. In order therefore to include in the scope of the Bill the lands in Malabar, the words 'Government land and private jenmam lands in Malabar' or some such phraseology will have to be used. I bring this to the notice of the Council for their consideration.

With regard to the report, I may say that I generally approve the draft as placed in my hands. With reference to permanent settlement advocated by some, the idea seems to be to put an additional cess on all agricultural incomes year after year whenever there is necessity. Some others will go even so far as to put this additional cess on the agricultural income of the zamindars also whose estates are now permanently assessed. While I would support the extension of permanent settlement if practicable, I cannot agree to the levy of any additional cess based on the agricultural income. I consider that the introduction of such a tax and the inquisitorial proceedings necessary to enforce it would be even a greater hardship than in them. I am also strongly against the idea of putting an additional land cess on the zamindars: this will be practically unsettling their permanent settlement and I believe it will amount to a revocation of the contracts solemnly entered into with them. Any attempt to do this is also likely to be challenged in Courts of Law with good reason. On the whole, I am therefore in favour of a Bill on the lines proposed. It would be well if a provision is made that the increase on each resettlement in a district on the whole should not be more than 15 per cent. With these observations I support the Bill as drafted by the Committee at its last meeting.

VASUDEVA RAJA—12-8-21.

NOTE BY M.R.RY. DIWAN BAHADUR V. K. RAMANUJA ACHARIYAR AVARGAL.

I am unable to give my assent to Chapter III of the Bill dealing with the resettlements and to the conclusion arrived at in paragraph 7 of the report. I submitted a memorandum (copy enclosed) for the consideration of the committee, objecting to resettlements altogether, and proposing permanent assessments on ryotwari lands. I understood (for I was not able to attend the first meeting) that if a workable scheme could be put forward, the committee would consider the same. I accordingly placed before the committee at its second meeting a Bill* for making the assessments permanent. The committee after much discussion rejected

* Annexure B to the report of the committee.

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the Bill in its present form. But I am glad that the non-official members and one or two officials on the committee accepted the main principle. They, however, wished to introduce certain other matters, such as the exemption of the poorer ryotwari landholders from any further cess and the imposition of the additional cess on zamindari and inam lands. These are matters of detail which might and should be left to a select committee. Otherwise the Bill had the approval of many members of the committee.

2. In paragraph 3 of the report reference is made to the strong feeling in favour of some form of permanent settlement. The magnitude of this feeling ought to be well understood. There is a very large volume of opinion in its favour, which is gathering strength every year. Now that the principle of non-co-operation has obtained a foothold in this Presidency, its application will be extended when resettlements of individual districts are taken up, while the rest of the Presidency is immured to it. When the revised rates do not command their accords of resettlement ryots will realize the advantage of joining together and then refuse to pay the tax. Non-co-operation over a large area may not be easily achieved; but within the area of a district, when the issue before the landholders is a definite one, and assumes the form of a common grievance, a non-co-operation campaign will become their resort. That this is not a mere phantom or an impossibility may be seen from what happened in the Kaira district of the Bombay Presidency. I therefore strongly recommend that the present method of periodical resettlements of individual districts should be definitely abandoned in the interests of smooth and peaceful Government.

3. If permanency in the settlement be accepted, it is necessary, as observed in paragraph 4 of the report, that there should be a general equalization of rates throughout the Presidency. For, the existing rates have been based on different commutation rates worked out with reference to varying periods of time. To equalize the rates it is necessary that the same period be taken, and a uniform commutation rate be determined. How this may be done is pointed out in sections 2 and 3 of my Bill. In paragraph 7 of the report objection is taken to this course on the ground that the pledges given by Government from time to time would be broken. I am sure that this argument is not seriously put forward in the interests of the people. It may also be observed here that pledges solemnly given have been silently ignored, when there was not even a necessity for it and when there was no corresponding benefit to the people. It will suffice to give two instances—(1) It was stated in the Dispatch of the Secretary of State and embodied in

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the Revenue Board's Standing Orders that at resettlements increases would not be allowed beyond 15 per cent on the existing revenue. This pledge was quietly withdrawn, and it remains a broken pledge. (2) When the Registration Act was passed, a pledge was given that no revenue would be raised in excess of the expenditure, and the pledge was repeated once or twice; but, as pointed out by me in the Legislative Council, this pledge was broken, and a substantial revenue is obtained from registration. I do not anticipate a general outcry as apprehended in the report, if the pledge that existing settlements would remain unchanged during the currency of the settlement be broken. For this will be accompanied by permanency of assessment, and as Government are already aware, there is a general outcry for some form of permanent settlement.

4. My Bill was opposed chiefly on the question of the exemption of the poorer landholders from any further cess. The objections to the exemption are clearly stated in paragraph 5 of the report and I fully agree in them. To exempt a landholder from the cess is to introduce the principle of taxing the person, and not the land. Though called a cess, it is really a tax on agricultural income; and in this view the Government of India may step in not alone to object to it, but also to claim the revenue realized. The tax on incomes has been recognized as an asset of the Imperial revenue, and the present exemption of agricultural income will also vanish. There is also the further objection that if exemption be given, the realization from the cess will not be an appreciable amount; for the number of ryots paying Rs. 30 and above as land revenue is only about 10 per cent of the whole number of pattadars.

5. My Bill might have closed with section 3; but I considered it necessary that the right of the State to levy a cess even on land as additional taxation—note the words—should be clearly stated at the outset, and therefore section 4 was added. To this objection is taken in paragraph 6 of the report that my proposal would substitute an annual settlement instead of a settlement for a period of years. This is clearly a misunderstanding and a misrepresentation of my position. Even if they are called annual assessments, they are not automatic as in the case of periodical settlements without regard to the necessity of the State for the additional income. The proposal for the equalization of rates, throughout the Presidency, will give the Government an immediate permanent substantial increase in its land revenue, and there may be no necessity to impose any cess for many years. But when a cess is found to be necessary to meet the State demands, the additional demand will be spread over the whole Presidency, and the burden will be only a light one. The Financial

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Member will have to make out a good case before he asks the legislature to accede to the proposed taxation. The council may well be trusted to decide this question, as well as the rate of additional cess. Out of abundant caution it may be also laid down in the Act that such additional cesses should not exceed a $6\frac{1}{4}$ per cent in the course of 20 years.

6. This power of the State to levy any tax with the consent of the representatives of the people to meet the State demands is a power inherent in every State, which has a popular legislature. This is based on the well recognized constitutional maxim 'no taxation without representation'. The necessity of a pledge from a Government alien in its character and not subject to any control by the people's representatives will then be apparent. The necessity for any such check vanishes when the Government is of the people by the people themselves through their representatives. It is this inherent right of every popular representative legislature that is sought to be brought out in express language and brought home to the people in the interests of their own political education. I am sure my countrymen will not dispute this right of any elected assembly to tax the electors to meet the country's needs. In this view and in the interests of their own political advancement I would urge upon the wider public the necessity to accept a Bill of the kind that I have promulgated. Now that the British people are earnest and serious in their endeavour to give India full self-government within the Empire, i.e., fully representative assemblies with a responsible ministry, this power may well be entrusted to such a representative body.

7. If permanent settlement in some form is not accepted, the only other safe course in the interest of ryotwari landholders is to fix a maximum limit on increases by resettlement. A limit of $12\frac{1}{2}$ per cent was proposed, but was negatived on the ground that the Legislative Council might be trusted to safeguard the interests of the landholders. I am afraid that this hope may not be realized, when the question before the council is the resettlement of individual districts. In such a case no members of the council other than the representative of that district will feel an active interest in the discussions, and they will not be able to impose an effective check upon the tendency of an Executive Government to extract as much revenue out of the resettlement as possible. Further, members of democratic bodies are often swayed by likes and dislikes, and may be disposed to place a heavier burden upon individual districts than what they can justly bear, without fully realizing the common issue involved. I object furthermore to this method of districtwar

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resettlement and enhancement, as it does not enable the Legislative Council to grasp the full issue and tends only to create divisions in the council facilitating the work of those that will exploit the council for their own purposes.

8. My firm conviction is that either permanency of assessments with power to impose additional taxation on all districts alike, when the need arises, or the imposition of a maximum limit not exceeding $12\frac{1}{2}$ per cent on resettlements is urgently necessary in the interest of ryotwari landholders. I feel strongly that the position of the ryotwari landholder will be made distinctly worse under the Bill as it stands and accepted by a majority of the committee. In conclusion I would exhort the Government to give up the periodical settlements with their automatic increases and call upon my ryotwari friends to concede to its popular elected legislature the right to levy additional taxation over and above the permanent assessment, whenever a need arises for the same, and if need be with a maximum limit.

V. K. RAMANUJA ACHARI—26-8-21.

MEMORANDUM BY MR. V. K. RAMANUJA ACHARI.

A draft Bill * has been circulated to the members of the committee for consideration. Before taking it up and improving it, it should be carefully considered whether the policy of resettlements hitherto followed should not be abandoned.

2. To understand my arguments fully it is necessary for me to state the principles upon which settlements of land revenue have been made. In the original settlements there were four principal operations. First, the lands were classified according to their fertility, facilities for irrigation, and their situation with reference to the village-site. There are eight classes, two of which are alluvial, three black soil and three red soil. Each class was divided into five sorts. The next operation was to ascertain the yield of an acre of land of each class and sort. The third operation was to value the yield by ascertaining the average price during a period of twenty years and making certain deductions. The last operation was to calculate the cost of cultivation. Then this cost was deducted from the value of the yield, and the net cost was ascertained. Half of this was taken by Government as the land tax.

3. This is the procedure followed at original settlements. In the revision of settlements the first two operations are not gone through

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afresh. Only the present value of the yield is ascertained with reference to recent prices. This is not a difficult operation. The real difficulty is in calculating the cost of cultivation. Even at the original settlements the work was not properly done. The cost was calculated for the highest class of land, and the cost for the other classes was determined by the rule-of-three. This method has always been opposed by landholders; for, it assumes that the cost of cultivation diminishes with the fertility of land, and this presumption is opposed to all experience. The cost of cultivation on the other hand rises as fertility diminishes, so that at a certain point no income can be obtained from land. Such lands are said to be on the margin of cultivation. This fact has been wholly ignored by Government.

4. In the resettlements now coming up the difficulty is still greater. The prices of labour, of cattle and of manure have so enormously increased that landholders find considerable difficulty in cultivating their lands. Figures are available to Government at the numerous agricultural farms, which they have established all over the Presidency and they have been appealed to many, many times to utilize the statistics and determine the cost of cultivation. Though they have not complied with the request, they have so far tacitly accepted the reasonableness of the demand and have omitted the calculation of the cost altogether. This was the case in the Madura resettlement.

5. It is therefore necessary in justice to landholders that the present system of resettlements should be definitely abandoned. For if the cost of cultivation cannot be ascertained, the half-net cannot be worked out, and to adopt any principle of settlement other than the half-net is injurious to the interests of landholders. This was recognized by Lord Curzon in the famous resolution of the Government of India on land revenue settlements.

6. I therefore submit that the committee should recommend the abandonment of the present principles of resettlements, and the first section of the proposed Act should say that the present system of resettlements will be abandoned.

7. I do not overlook the fact that Government may have to obtain more revenue from land. For this purpose Government may take power in the proposed Act to raise from time to time more revenue from land in the form of a percentage on the existing rates of assessment. It may be called a surcharge or by whatever name which the committee may wish to adopt. At the time of passing the budget each year the expenditure proposed for the following year will be calculated, and the revenue available will be examined.

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If the revenue falls short of the estimated expenditure, the difference may be raised from land revenue, if it be decided that no other source of taxation is available. For instance, if the estimated expenditure for the next year be a thousand lakhs and the existing revenue be eight hundred lakhs, and if the remaining two hundred lakhs should be raised only from land, then the percentage of increase on existing rates of land revenue will be $200/600$ or $33\frac{1}{3}$ per cent, assuming land revenue to be six hundred lakhs. The percentage will vary with the demands upon revenue.

8. Before this system can be adopted it will be necessary to equalize the incidence of land taxation in all districts so far as this may be possible. Differences do exist which are due to the varying fertility of the soils and the peculiarities of agricultural conditions in different districts. These differences must be put up with, but the differences which have resulted from the adoption of different rates for the valuation of the yield should be eliminated. I suggest a rough and ready method for doing this. The committee may consider it and modify it as it pleases.

9. The method is as follows:—

One uniform rate for valuing the yield should be calculated from the prices of the last twenty years, and the usual deduction should be made. This rate should be compared with the rates at which the yield was valued in different districts at the time of the original settlement or resettlements and the existing rates of assessment should be raised or lowered in proportion. The result will be to bring in a larger amount of revenue than the Government now realizes. Such portion of the increase as may appear to be reasonable may be remitted, and the resulting rates of assessment may be made permanent. This procedure should be embodied in the proposed Act.

10. The advantages claimed for this change of system are these—

(1) It will avoid the discontent and the irritation now caused at the time of resettlement in individual districts. When the revenue is raised at a uniform rate in all districts and for a year or two only, and not for a period of thirty years, landholders will understand the need for further taxation and will pay it ungrudgingly;

(2) The large amount of money that is now spent in maintaining the survey and settlement departments may be saved;

(3) It will enable Government to levy additional taxation from all lands including zamindari and inam lands; and

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(4) Landholders being free from the incubus of resettlements will devote their time and resources to the improvement of their land and this will be in the interest of both the people and the Government; for the well-being of the State is bound up with the well-being of the people.

NOTE BY M.R.Ry. T. SOMASUNDARA MUDALIYAR
AVARGAL, M.L.C.

I sign the report subject to the following note of dissent.

2. I am unable to agree that the draft Bill as finally accepted by the majority of the committee carries out the essential intentions of the Joint Select Committee on the Government of India Act. If, as is right, it is assumed that some form of permanency in assessments is in itself desirable, the committee cannot abandon the duty of providing for it by merely picking holes in the proposals placed before the committee in this behalf. I am not also prepared to adopt the view of the majority that the only alternative to the acceptance of the principle is to adopt the theory and practice of the Madras Government in its resettlements and revision in the fullest entirety in the form of a statute. In the first place, its consequence is the proposal to declare, as in section 10, that the State is entitled to fully one-half of the value of the net produce of agricultural land and also to share in the rental values of non-agricultural land. To enact this declaration on the proposed Bill would be, in my opinion, to declare once for all that land revenue is rent and that the State is the landlord of the soil as against the landholder. This is exactly what the Joint Committee specifically did not want to have decided. Whatever might be the value of the safeguards which the revision of settlement schemes by resolutions in the Legislative Council, I fear that it is bound to perpetuate a form of State landlordism, which, in the present political and economic state of the country, is bound to be mischievous and harmful.

3. The deduction of the half-net produce in the Madras Presidency has all along been much more drastic and injurious to the holders of interests in land—most of them small and poor pattadars—than in the other resettlement provinces where the half-net assets on the rentals are calculated on the rents received by the holders from their cultivators. That this rigorous rule has not been worked to the breaking point is due to the uniform practice of proving a high percentage enhancement on the half-net basis and proposing and adopting as a concession a lower percentage. The defect was long ago pointed out by the late Diwan Bahadur S. Srinivasaraghava

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Ayyangar in his 'forty years' progress' and it is more than a pity that in a Bill which is to go through a popular assembly under the new régime even this protection should not be provided for in respect of the calculation of net produce—

"There is one important item which is omitted from the estimate of expenses of cultivation framed by the Settlement Department, but which ought, properly speaking, to find a place in them, viz., *farming profits* as distinguished from *rent* properly so called. The original instructions prescribing the procedure for determining the land revenue rates, already quoted, make it clear that the right of Government is to a land revenue which 'ought to be so lightly assessed as to leave a surplus or *rent* to the occupier, whether he in fact let the land to others or retain it in his own hands.' Now, ryots are of three classes—viz., first, landowners, who do not farm their lands but lease them to farmers; second, ryots, who farm their own lands employing hired labour for performing the manual operations of cultivation; and third, peasant proprietors, who cultivate their lands themselves with the aid of the members of their families without employing hired labour. In the first case, the *rent* is the payment made by the farmer to the landowner *minus* the cultivation expenses borne by the latter and the return for such permanent improvements to the land as might have been made by him. In the second and third cases, the *rent* would be what the land would fetch annually, had the land been let to a tenant instead of being cultivated by the owner. Where the rent is not ascertainable in this way, it must be taken to be the surplus produce left after paying the cost of hired labour, other expenses of cultivation, interest on stock and farming profits, which last must at least be sufficient for the subsistence of the farmer's family, according to the standard of comfort prevailing in the class to which it belongs. In this Presidency, owing to the prevalence of peasant properties, the letting value of lands is not in the majority of cases ascertainable, and consequently the distribution of the gross produce into its three components, viz., rent, farmer's profits, and expenses of cultivation, has to be arrived at by estimating separately the several items of cost. In doing this, the settlement calculations make no special allowance for farming profits."

4. The Madras Settlement Department would not allow for even the actual wages of the pattadar and his family who work in their lands, as Diwan Bahadur V. K. Ramanuja Achariyar ascertained some years ago. So long as the temptation to raise automatically more revenues on the half-net basis is held out, whether before the Executive Government or the legislature, the provision to

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empower the latter to revise, reject or alter settlement scheme reports by resolutions in pursuance of which the Government is to pass final orders, seems to me more or less an illusory safeguard under present conditions. I am not also clear as to what is to be the exact effect of a resolution of the Legislative Council in each settlement proposal. Under the Government of India Act, all resolutions of the Council have effect only as recommendations, unless they take the form of actual Bills or enactments or of financial votes on budget estimates and I do not know how far the Madras Council can by a law make them binding, so as to eschew even the veto of the Governor which he can employ if the action of the Council took the more formal shape of a Bill.

5. I am moreover clearly of opinion that the vesting of this power of revising settlement proposals individually in the case of each district is bound to lead to a competition for preferential or prejudicial treatment according to the time and temper of the House which would easily degenerate into a scramble, and the temptation of retaliation by the representatives of aggrieved districts in the council is by no means imaginary.

6. I also think that the question of assessing the rentals of non-agricultural lands ought to be separately dealt with and ought not to be intended in the present Bill. The question as to the nature and extent of communal rights in village common lands has long been a controversial one and requires separate examination and treatment. I am not prepared to accept the view that as against the community or its local authority in each place, the rights of the Executive Government in whatever rental values may have accrued are paramount.

T. SOMASUNDARA MUDALIYAR—25-8-21.

NOTE BY M.R.RY. S. T. SHANMUGHAM PILLAI
AVARGAL, M.L.C.

The Bill in question is one drafted by the Board of Revenue, in accordance with the recommendations of the Joint Select Committee on the Government of India Bill, and is intended to embody the main principles underlying the system of periodical settlement of land revenue that obtains in the ryotwari tracts of this province. So far as is now amended by the committee, the Bill is, I think, quite complete, and I have nothing to add to the committee's report.

2. But I may be permitted to express my views on the subject of introducing a permanent settlement in lieu of the present precarious

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system of periodical settlement, which was informally discussed at the meetings of the committee, and which discussion is also referred to and is, more or less, fully dealt with in the report. I am one of the members said to be in favour of some form of permanent settlement.

3. The recently published records of the earliest correspondence (Chapter VIII, Land Revenue Policy of the Indian Government), relating to the ryotwari land revenue policy adopted in Madras, go to show clearly and unmistakably that the original founders of the ryotwari system in Madras, of whom Sir Thomas Munro, then Governor of Madras, was probably the most prominent, intended to make the land assessment fixed or permanent whether immediate or in the near future. Evidently permanency was an acknowledged or accepted principle of the ryotwari system. Though, as appears from his subsequent minutes of correspondence, Sir Thomas Munro did not use the words 'fixed' or 'permanent' in the sense of 'perpetual' and unalterable, there could be no doubt about the fact that he was determined to make the assessment permanent or standard, if not perpetual and immutable, soon after the completion of the survey of the whole province he had ordered. To quote his own words: "When completed they (district surveys) will furnish a ground work on which the land revenue of the country may, with safety, be lowered or raised according to circumstances", and on another occasion, he said "Government may in every future period raise or lower the revenue according to the necessities of the State by simply increasing or decreasing this standard by a certain rate."

4. Thus, it is clear that the principle on which the ryotwari land revenue system was originally founded was that the assessment once fixed upon the land must be permanent and cannot be altered unless the condition and circumstances of the ryots or the exigencies of the State absolutely require it to be lowered or raised, which, it is said, should be done by simply increasing or diminishing the standard assessment by a certain rate. It was, indeed, a golden principle both from the ryot's and the Government's point of view. But it has never been followed in practice. Quite different has been the policy adopted during the past half a century. Every thirty years, district after district is taken up for resettlement and, in each case, after conducting the necessary preliminary survey and settlement operations in the field, for over two or three years, through an army of officials and underlings employed for the purpose at a very heavy cost, the assessment on the holding of each individual ryot is revised generally on the basis of an average of the high prices of grains that ruled the market, during the next

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preceding 20 non-famine years, with the result that the burden of tax is increased for the next 30 years, which cannot but press heavily on the poorer ryots with little or no hope of relief or exemption from similar treatment during the next settlement. It is a noteworthy fact that the poorer ryots or rather the peasant pattadars, who form the bulk of the agricultural population and have no other means to fall back upon, cannot, in the least, benefit by the high prices in the present changed conditions of life and comfort. It is they that extremely feel the pressure of the Government demand even as the pinch of poverty during times of drought or famine. For these reasons, the policy now adopted by Government of holding a resettlement or revision of the land assessment, at stated intervals, in view to expanding and improving the general revenues of the Province, especially during a series of famine years like the present, would seem highly objectionable from the ryot's point of view, besides being quite opposed to the originally recognized principle of permanency (not perpetuity) on which the ryotwari system was founded, and none the less, to the most generous and noble principles of the British rule. There should be no revision of the assessment once fixed except on grounds of prosperity or necessities of the State.

5. The present policy of periodical revision may, I think, better be abandoned, and, once for all, a moderate assessment fixed on a sound basis and declared permanent, subject to a revision of the same for lowering or raising it at a certain rate per cent, when the prosperity or the necessities of the State may demand it. In view to enabling the Government to uniformly introduce and act up to the above principle, simultaneously in all the districts, and in one and the same year, the existing settlements may be kept on undisturbed till the thirty years' term of the latest settlement expires.

S. T. SHANMUGAM—28-8-21.

NOTE BY M.R.RY. DIWAN BAHADUR M. KRISHNAN NAYAR
AVARGAL, M.L.C.

I regret that I have the misfortune to differ in some points from some of my learned and esteemed colleagues. I shall first deal with the question of permanent settlement. I am of opinion that it is necessary, desirable and possible to introduce permanent settlement in the ryotwari tracts of this Presidency. It is stated that the Joint Select Committee specifically referred to "periods of revision" and that this shows that it did not contemplate a system

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on which there should be no revision at all. This inference does not, I think, follow from the report of the Joint Committee. In part V of its report, the Joint Committee, after considering clause 41 of the Government of India Bill, proceeds to consider many other subjects such as the treatment of Burma, the financial adjustment between the Central and Provincial Governments in India, the appointment of Standing Committees of the Legislative bodies, education and the formation in each Provincial Government of a Department of Finance. "The manner in which certain classes of taxation can be laid upon the people of India by executive action" without any *statutory* sanction is one of the topics considered by the committee in this part. Each of the subjects dealt with by the committee in part V is disposed of in a short paragraph. Paragraph 11 deals with the question of the imposition of new burdens of taxation without statutory sanction and the question of land revenue is referred to in this connexion. The topic of land revenue is not dealt with exhaustively in paragraph 11. It is only very briefly referred to therein. The point emphasized in the paragraph is that legislation should be undertaken in respect of land revenue. In these circumstances, it seems to me that an incidental reference to "periods of revision" in that paragraph does not preclude us, the members of the present committee, from considering the question of permanent settlement. Besides, the Government Order under which the present committee has been appointed is sufficiently comprehensive and enables us to "undertake an examination of the general principles which should be embodied in the Bill" and "make recommendations as to the lines on which the Bill should be drafted."

The ryotwari settlement made with the cultivators direct in this Presidency was originally intended to be permanent. Colonel Read and Sir Thomas Munro were the authors of the ryotwari settlement and their recorded opinions about the permanency of this settlement leave no doubt in the matter. Read's Proclamation in Salem in 1796 is clear on this point; and Munro's evidence given before a committee of the House of Commons in 1813 is equally positive. When first settling the Salem district in 1796, Colonel Read issued a Proclamation to the ryots in which the following rule appears:—

"The putkut nellum (or holding) being measured and valued, the assessment of every individual field in it, when at the full rate, is *fixed for ever*, that is to say, the Government is *never* to require more or receive less, nor you to pay less or more than the present rate, unless when those fields actually 'dry' shall hereafter be converted into wet at the expense of Government, when the rates will be proportionably raised, according to the

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consequent increase of the produce, and in like manner fixed for ever. But if you carry on such works at your own expense, plant topes, etc., you may depend on receiving the advantages accruing from these and from every other improvement of your lands, while you continue to pay the established rates; those constituting except in the case above mentioned, the annual demand upon them on the part of the circar *for ever*. Upon these principles you may rent out lands, which you may raise in value by tillage and manure, at rates greatly exceeding the circar rates, if there be a demand for them, while you will continue to pay the fixed rates to the circar *for ever*."

The statements made by Sir Thomas Munro before the committee of the House of Commons in 1813 are quoted below :—

Q.—"Have the goodness to explain to the committee what you understand by the ryotwari system?"

A.—"I shall state what I understand to be the principle of the ryotwari system; the details will perhaps be too extensive. The principle of the ryotwari system is to fix an assessment upon the whole land of the country. *This assessment is permanent; every ryot who is likewise a cultivating proprietor of the land which he holds is permitted to hold that land at a fixed assessment as long as he places; he holds it for ever without any additional assessment.* If he occupies any waste or additional land, he pays the assessment that is fixed upon that land and no more; his rent undergoes no alteration."

Q.—"Is the committee to understand that in respect to permanency there is no difference between the ryotwari system and the Bengal Permanent Settlement?"

A.—"*With respect to permanency, there is no difference between the two systems.* But the ryotwari leaves the Government an increasing revenue arising from the waste in proportion to its cultivation."

In the face of these clear declarations and evidence, the statement of the Board of Revenue, Madras, in their report which is enclosed in Lord Curzon's Land Revenue Resolution of 1902 that "the words 'fixity' and 'permanency' as applied to the assessment did not, when used regarding the ryotwari system, connote the idea of perpetual immutability" cannot be accepted as correct. Nor is it a valid argument to say that the right of permanency claimed was not declared or granted by any statute. Statements and declarations made solemnly and after deliberation for the acceptance and guidance of the people, by responsible officials and administrators, particularly in the early days of British rule in India, ought to be and are binding not only upon themselves but upon their successors and the Government they represent. No doubt, for about thirty years after the death of Sir Thomas Munro, which took place in 1827, the land revenue administration in this Presidency was in a hopeless confusion and the assessments in the different districts were lowered, raised and lowered again according to the judgment of revenue officers. This also does not detract from the weight and authority

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of the statements regarding the permanency of the ryotwari settlement, recorded on several occasions by Munro and others. In 1818, the Board of Revenue issued detailed instructions for the general introduction of ryotwari as ordered by the Home Government. One of the distinguishing characteristics of the system, they said, was "that the assessment was a permanent maximum rent fixed on each field." The Madras ryot, said the administration report of 1855-56, "cannot be ejected by the Government so long as he pays the fixed assessment. . . . The ryot under the system is virtually a proprietor on a simple and perfect title and has all the benefits of a perpetual lease." "A Madras ryot," said the Board of Revenue in 1857, "is able to retain his land perpetually without any increase of assessment." In the same year the Government expressed themselves thus: "The proprietary right of a ryot is perfect and as long as he pays the fixed assessment on his land he can be ousted by no one; there is no principle of ryotwari settlement more fixed or better known than this, and the Government deny that any right can be more strong." Again, the Government of Madras wrote to the Government of India in 1862: "There can be no question that one fundamental principle of the ryotwari system is that the Government demand on the land is fixed for ever. . . . It is thus abundantly clear that the distinguishing feature of ryotwari is the limitation in perpetuity of the demand of the State on the land." There can thus be no doubt as to the original intention regarding the ryotwari settlement.

Proposals for the formal introduction of the permanent settlement in this Presidency as well as in other parts of India were also under consideration for almost twenty-three years from 1860. In 1861 Lord Canning's Government circulated proposals to extend the permanent settlement into all parts of India, for opinion to the Governments of the different Provinces. The Madras Government replied in its letter No. 241, dated 6th February 1862. In this remarkable letter the Government after carefully reviewing the previous history of the ryotwari settlement in this Presidency supported "the old ryotwari principle of a permanent money assessment that is to say, an assessment based on a certain portion of the crop, and converted into a money payment at a fair commutation rate fixed once and for ever." The Governments of the Central Provinces and Bengal were also in favour of extending the permanent settlement. The Lieutenant-Governor of the North-West Provinces too was in favour of it, but only with due caution and reservations. He stated in a minute recorded by him that the limitation of the Government demand in perpetuity would lead to the investment of capital in land, the increase in the wealth of the agricultural classes

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and the augmentation of the prosperity of the country and the strength of the community, that it would be politically wise, that it would be received by the people with the highest satisfaction and that it would produce, if anything could, feelings of attachment to the Government and of confidence in its desire to promote the best interests of the country. On the 5th July 1862 Sir John (afterwards Lord) Lawrence recorded his opinion entirely in favour of permanent settlement. He said that it was very desirable that facilities should exist for the gradual growth of a middle class in India, connected with the land. It was necessary to give the intelligent, the thrifty and the enterprising among the people, the opportunity of improving their condition, and this, according to him, could be best done by limiting the public demand on land. "When such men" said he, "acquire property and are in a thriving state, they are almost certain to be well affected to the Government, and will use their influence which will generally be considerable, in its favour. Feelings of race and religion have great influence on the people of India; but love for their lands has still greater." On the 9th July 1862, Sir Charles Wood, afterwards Lord Halifax, the first Secretary of State for India under the Crown wrote a memorable dispatch in which he entirely approved of the proposal of a permanent settlement of the land revenue of India. After a careful review of all the circumstances, Sir Charles Wood said "Her Majesty's Government are of opinion that the advantages which may reasonably be expected to accrue not only to those immediately connected with the land, but to the community generally, are sufficiently great to justify them in incurring the risk of some prospective loss of land revenue in order to attain them and that a settlement in perpetuity in all districts in which the conditions absolutely required as preliminary to such a measure are, or may hereafter be, fulfilled, is a measure dictated by sound policy, and calculated to accelerate the development of the resources of India, and to ensure, in the highest degree, the welfare and contentment of all classes of Her Majesty's subjects in that country". On the 8th June 1864, the Viceroy in Council submitted, in reference to the above despatch of the Secretary of State, an account of the steps taken in furtherance of the object in view. On the 24th March 1865, the Secretary of State replied to the Viceroy and laid down certain rules for the introduction of the permanent settlement. On the 23rd March 1867, the then Secretary of State for India, Sir Stafford Northcote, re-affirmed the decision of Her Majesty's Government to introduce a permanent settlement. Her Majesty's Government, he wrote, were prepared to sacrifice the prospect of an increase in land revenue "in consideration of the great

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importance of connecting the interests of the proprietors of the land with the stability of the British Government." But as time rolled on, the desire to make the sacrifice gradually began to diminish and the objections to permanent settlement which had been foreseen and disregarded in the earlier years began to acquire greater weight. At length in his dispatch No. 24, dated 28th March 1883, the Secretary of State formally rejected the recommendation for the introduction of permanent settlement, made by Viceroy Canning and Lord Lawrence and accepted by Sir Charles Wood and Sir Stafford Northcote. Thirty-eight years have now elapsed since the date of this last dispatch and the angle of vision of the Home Government has again changed. Larger powers in the Government of this country have been granted to the people by the reforms, and land revenue is likely to become a transferred subject before long. The present time seems to me to be quite opportune for pressing upon the Government of India and the Secretary of State the need for reconsidering and reversing the policy laid down in 1883. Before closing this part of my note, I wish also to refer to the opinions of the late Diwan Bahadur S. Srinivasa Raghava Ayyangar, one of the ablest and most cautious officials this Presidency has had and of the Madras Ryotwari Landholders' Association, on this question. In his "Memorandum on the progress of the Madras Presidency during the last forty years of British Administration" written in 1892, Srinivasa Raghava Ayyangar, after carefully considering all the arguments *pro* and *con* in regard to the question of permanent settlement, says, "the advantages of a permanent settlement of land revenue are so great that I am inclined to think that it should be introduced, wherever practicable". In addition to sending a representative to place its views before us as stated in the report of this committee, the Madras Ryotwari Landholders' Association has, at its recent conference in Madras, passed a resolution urging the need for enactment of a law introducing permanent settlement.

Before actually introducing permanent settlement, it is necessary to equalize, as far as possible, rates throughout the Presidency. This may be done in several ways. The method that I would propose is the one mentioned in the memorandum submitted by some of us to the committee. According to this method, in such of the districts as are now pending settlement, the rates may be settled and such rates may be declared permanent. In the case of such of the districts as have been settled within the last seven years, the rates now prevailing may be made permanent. The period of seven years mentioned herein may be altered, say, to five or ten years. In the other districts where the thirty years' term has not expired, resettlement may be taken up as it falls due and the rates to be settled

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may then be declared permanent. If the principle of permanent settlement be adopted, the question of equalization of rates can be solved without much difficulty.

It is stated in more than one passage quoted above that, for the purpose of securing the advantages which may reasonably be expected from the introduction of permanent settlement, the risk of some prospective loss of land revenue may be justifiably incurred. The loss of revenue caused by permanent settlement can be made good by the imposition, with the sanction of the Legislative Council, of a temporary cess on a graduated scale on land assessments, when the needs of administration demand it and when other sources of income are not available. In levying this cess, it is necessary to make a distinction between smaller and larger landholders and impose the cess only on the latter. A minimum land assessment of Rs. 50 or so may be fixed and all those landholders who pay more than this minimum may be made to pay cess on a graduated scale. This will afford relief to the smaller landholders who form the bulk of the pattadars in this Presidency. According to the report of the Board of Revenue for fasli 1328, out of a total of 4,222,771 pattadars in this Presidency, as many as 4,030,202 pay Rs. 50 and less as annual assessment. The proportion of their number is thus very large. The lot of these smaller proprietors of land is really hard. They depend solely upon land for their subsistence. They find that while all non-agricultural incomes below Rs. 2,000 are exempted from taxation altogether, they have to pay revenue on lands which do not yield anything like Rs. 2,000. The comparison does not make them happy. The levy of a cess on a graduated scale on land assessments above a fixed minimum will also enable those who now enjoy the fruits of permanent settlement to contribute to the resources of Government, for benefits which they share with others.

The proposal to levy a cess on land assessment and make a distinction between smaller and larger landholders is regarded by some of my esteemed colleagues as unsound in principle. It is stated that one of the main principles of a ryotwari settlement is that the assessment should be on the land and should not be determined by the wealth or poverty of the landholder. I am sorry that I cannot agree with my colleagues. I see nothing wrong in principle either in levying a cess on assessments or taking into consideration both the land and the landholder in determining the amount of the cess. The idea of levying a cess on a graduated scale and making a distinction between smaller and larger landholders has the support of the present Secretary of State for India. In an interesting

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and thoughtful lecture which Mr. Montagu delivered on the land problem in India and England just before the outbreak of the recent war, he is reported to have said—

You will notice that each individual liable for revenue has to pay the proportion demanded in his locality according to the nature of his holding; if this should happen to amount, say, to one-fifth of the net profits of cultivation, the big man pays 20 rupees out of 100, and the small pays one rupee out of five. We are getting accustomed to recognize that the hardship in the latter case is a good deal greater than in the former. Allowances are made, it is true, for the small man in India, but it is done at the discretion of the revenue officers, and not on any uniform principle and one is tempted to wonder whether it would be possible to apply a graduated scale of assessment instead. There is, of course, the theoretical objection that such a measure would promptly label land revenue as a tax. But I cannot help thinking that the Government of India's record shows that it is strong enough to look this difficulty boldly in the face and pass it by.

It is then stated that a provision that a pattadar holding land assessed at less than a certain figure should be exempt from payment of the proposed cess, would encourage benami transactions and would introduce an element of uncertainty into budget calculations. This danger is not a real one. In the first place, if the desire to evade payment of tax is likely to encourage benami transactions, it must exist in cases of income-tax also. But the levy and collection of income-tax are not hampered by the existence or consideration of benami transactions. Secondly, benami transactions, from their very nature, involve considerable risk to the real owners or beneficiaries and are not likely to be freely resorted to for the doubtful benefit of evading the payment of a small cess. Benamidars often disown the real proprietors and claim the properties for themselves. A third objection to the levy of a cess in addition to permanent assessment is that a permanent settlement combined with cesses for revenue purposes ceases to be a permanent settlement in anything but name and becomes an annual settlement with nothing except the goodwill of his representatives in the Council to safeguard the ryot against excessive and unintelligible demands. With reference to this objection, it has first to be stated that the cess proposed is neither a permanent nor an annual one. It is a temporary one to be levied only when the needs of administration require it and when other sources of revenue are not available. Secondly, the ryots' representatives in the Council may be trusted to see that the levy of the cess is not sanctioned unless it becomes absolutely necessary. Then again, when these representatives sanction the levy, the ryots cannot be said to have a real grievance.

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Differing from my colleagues, referred to above, I also think that it is necessary to insert in the Bill a maximum of percentage increase which it should be competent to the Government to propose or the Council to vote. Unreasonably large enhancements are sometimes made and such enhancements work great hardship on the people. For instance, in the last Malabar Settlement, the assessment was raised 85 per cent at Palghat, 55 per cent at Calicut, 84 per cent at Kurumbranad and 105 per cent at Walluvanad. It should not be possible hereafter to effect such high enhancements at one bound. My learned colleagues think that excessive enhancements are not likely to be proposed when it is known that unless the increases are reasonably moderate they are likely to be rejected or reduced by the vote of Legislative Council. If so, there can be no objection to inserting in the Bill a provision to the effect that such enhancements should not be proposed. It is then stated that the Legislative Council is not likely to sanction enhancements which may be felt to be oppressive by the people. This protection, I am afraid, cannot always be depended upon. In the usual course of business, questions relating to the enhancement of settlement rates in each district will come separately for consideration before the Legislative Council, and the opinions of the representatives of the district concerned who alone are expected to know the detailed conditions of the district and who are not likely to be more than three or four in number may not be able to influence the vote of the Council as a whole. Thus, the safeguard that is afforded by the vote of the Council in respect of questions that affect the whole of the Presidency like the levy of cess on assessments on land permanently settled to revenue, cannot be expected to exist always in respect of questions like resettlement, which affect only a single district at a time. In 1883, the Government of India itself, laying stress on the uneasiness created by the uncertainty regarding the amount of enhancement of assessment at periodical resettlements, stated that a maximum limit of increase was necessary. The Government of Madras concurred in this view. Again in 1911, the Government of India expressed the opinion that it was desirable to fix a limit expressed in terms of a percentage increase on the existing assessment, beyond which the enhancement should not, except for specific reasons and after specific sanction, be allowed. No effect has been given to these suggestions and opinions till now. I think that a clear case has been made out for fixing a maximum limit of enhancement. I would fix that limit at $12\frac{1}{2}$ per cent on the existing assessment.

Before I conclude, I wish to say one word regarding the meaning of the expression 'Government land' used in sections 2 and

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3 of the draft Bill, with reference to its application to lands in the district of Malabar. The Government claim to be the owner of lands in other districts, though the claim is not always admitted. In Malabar, however, the Government have admittedly no ownership in land. Lands in Malabar belong to private owners. The Government, no doubt, like other private owners may own property in Malabar by right of purchase. They may also own property by exercise of rights peculiar to the Crown. For instance, in virtue of the right of escheat, the Government become the owner of lands of private persons dying heirless and intestate. The Government are also the proprietors of beds of tidal and navigable rivers. They may also get lands by acquisition under the provisions of the Land Acquisition Act. Except in such cases, the Government have no proprietary right in lands in Malabar. For revenue purposes, no doubt, lands in Malabar are treated as 'ryotwari lands', but they are not 'ryotwari lands' in the sense in which that expression is understood in other districts.

M. KRISHNAN NAYAR—28-8-21.

NOTE BY M.R.Ry. P. SIVA RAO GARU, M.L.O.

I have the honour to send the following dissenting minute to the report of the Land Revenue Bill Committee :—

(1) I am in favour of permanent settlement in the case of ryotwari proprietors. The zamindar tracts which form nearly one-third of the total extent of the lands in the Presidency is permanently settled and the same system should be extended to the ryotwari tracts as well.

(2) Before settlements could be declared permanent, there must be a general equalization of rates throughout the Presidency.

(3) The legislature should have the power to levy an additional tax or surcharge on assessments on all lands including zamindari, under whatever title held whenever and so long as the exigencies of the State may render such levy necessary except in the case of small proprietors not paying more than Rs. 30 assessment.

(4) I may, however, note in this connexion that the recommendation made by the committee that all settlement or resettlement proposals should hereafter receive the positive sanction of the Legislative Council marks a distinct advance upon the present system under which the Executive Government is solely competent to do so. This proposal of the committee goes even beyond the recommendation of the joint committee of both the Houses inasmuch as the latter

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required only the embodiment of the principles of resettlements in a Statute. This is, in my opinion, a powerful safeguard against reckless enhancements.

(5) If the proposal in favour of permanent settlements is not carried out, I would fix $12\frac{1}{2}$ per cent of the existing rate as the maximum increase to be made in any particular settlement.

(6) I would also propose that there should be no revision of assessments except on the ground of rise of prices or on account of improvements in irrigation works carried out at the expense of Government.

P. SIVA RAO—29-8-21.

NOTE BY DR. P. SUBBARAYAN, M.L.C.

I regret that I am unable to assent to the conclusions arrived at by the committee. I have signed the report merely as a token of having been a member of the committee.

The committee was appointed to carry out the recommendations of the Joint Committee of the Houses of Parliament to put on a statutory basis the collection of land revenue. I admit that the Bill as passed by the committee is a great improvement on the existing state of affairs as it has given the final authority in revising rates of assessment to the Legislative Council. But what the people want is not merely a legislative enactment embodying the exact method of settlement and resettlement but a thorough change in principle. In short, the people of this Presidency want permanent settlement of land revenue in some form or other as was evidenced by the representative of the Ryotwari Landholders' Association who appeared before us. This has been the demand of most of the leading publicists. Diwan Bahadur Srinivasa Raghava Ayyangar in his book 'Forty years' progress in the Madras Presidency' (a person who could certainly not be accused of radicalism) says "The advantages of a permanent settlement of land revenue are so great that I am inclined to think that it should be introduced wherever practicable."

There is no doubt that assessment on land in this Presidency from a small tenant farmer's point of view has reached a limit beyond which it would be hard on him to raise it. This does not mean that I am in favour of the idea that the Government should lose the right of raising more revenue from land to recoup its exchequer. But I do contend that the time has come for the Government to give up the right of getting any more revenue from persons who are getting almost, I may say, a living wage from the land, I mean the small tenant farmer. So I contend that the land

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revenue ought to be permanently settled after levelling up the rates in all parts of the Presidency. The Government after such settlement should not have the right to get any further revenue from land as land, but when necessity arises may levy a tax on all agricultural income of over Rs. 1,000 a year. Such a tax may be made a Provincial tax.

It may be mentioned here that though the Government of this province derive more than half its revenue from the rural population, they have not used it to advance the conditions of the rural population, as much as they ought to have. Although I do not deny that there has been progress all round, I do contend that the urban population and the *wealthier* and the educated classes have derived far more benefit proportionately to the taxes they pay. So I think before the Government tries to raise more taxes from land they ought to try and tap other sources of taxation, which would affect the urban population, and the wealthier classes, in order to finance an ever-increasing expenditure of a progressive administration.

I do not in this note deal with the question of permanently settled estates in this Presidency as that was not placed specifically before the committee.

P. SUBBARAYAN—1-9-21.

APPENDIX VI.

[Vide item XI, page 179 supra.]

Certificate by his Excellency the Governor under 72 D (2) (a) of the Government of India Act—Demand I. Land Revenue.

Under section 72 (D) (2) (a) of the Government of India Act, I certify that the provision of Rs. 97,661 made in Demand I in the Schedule of Demands for the year 1924-25 under the head "22. General Administration—Secretariat and Headquarters Establishment—Board of Revenue" is essential to the discharge of my responsibility for the administration of the Revenue Department.

WILLINGDON,
Governor of Madras.

His Excellency the Governor having certified, under proviso (a) to section 72 (D) (2) of the Government of India Act, in relation to the provision of Rs. 97,661 made in Demand I in the Schedule of Demands for the year 1924-25 under the head "22. General Administration—Secretariat and Headquarters Establishment—Board of Revenue" that this expenditure is essential to the discharge of his responsibility for the administration of the Revenue Department, the said demand relating to a Reserved subject, the Government of Madras direct that the above provision be shown in the civil estimates under the above head as if it had been assented to by the Legislative Council.

R. W. DAVIES,
Secretary to the Govt. of Madras, Finance Dept.

THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 1st April 1924.

The House met at 11 o'clock, the hon. the President (Diwan Bahadur L. D. SWAMIKANNU PILLAI, C.I.E., I.S.O.) in the chair.

I

QUESTIONS AND ANSWERS.

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

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

(2) The questions and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, 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.]

Depressed Classes.

Sinking wells for the depressed classes.

833 Q.—Mr. R. VEERIAN : Will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state what is the amount of grant paid to the different local boards and municipalities within the Trichinopoly and Tanjore districts during the past three years by the Government for sinking wells for the depressed classes in different cheris ?

A.—No grant has been disbursed for the construction of wells for depressed classes in Trichinopoly district during the last three years.

As regards Tanjore district, the grants noted below have been made :—

- (1) President, Taluk Board, Mayavaram, Rs. 1,600 for ten well works.
- (2) President, Taluk Board, Nannilam, Rs. 1,500 for five well works.
- (3) President, Taluk Board, Negapatam, Rs. 959-7-0 for five well works.

Mr. R. VEERIAN :—“ Sir, with reference to the answer that no grant has been disbursed for the construction of wells for depressed classes in Trichinopoly district, may I know the reason why no grant has been disbursed ? Is it because that there was no necessity ? ”

The hon. the RAJA OF PANAGAL :—“ Mr. President, a grant has been made ; but I do not know and cannot say offhand whether any special grant was made to Trichinopoly.”

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Mr. S. SATYAMURTI :—" May I know why no grant has been made for the construction of wells in the Trichinopoly district? Is it because there was no request from them or that there was no necessity for wells? "

The hon. the RAJA OF PANAGAL :—" I want notice of the question, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Are these grants distributed through the Local Self-Government Department or through the Commissioner of Labour? "

The hon. the RAJA OF PANAGAL :—" Through the Commissioner of Labour."

Mr. G. F. PADDISON :—" There has been some grant from the Labour Department for the construction of wells in Trichinopoly district. But I cannot say offhand what the figures were."

Mr. R. VEERIAN :—" Is it not a fact that they are suffering for want of water? "

Mr. G. F. PADDISON :—" The Labour staff is now working in the delta portion of the Trichinopoly district. They will move on to the uplands and to the drier portions. They are meant for providing wells in villages where there are no wells. But they have not come across villages without wells. I myself have visited some of them and they have already got water-supply. The drier taluks will be attended to and wells will be dug there."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Is it the present policy of the Government that though applications for construction of wells in particular areas are made by the depressed classes, the grant will not be made until an officer of the Labour Department is in a position to inspect and report to the Commissioner? "

The hon. the RAJA OF PANAGAL :—" Where there is an officer, it must be recommended by the officer; where there is no officer the question will be considered on its merits."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" So, the fact that there is no officer in a particular district will not bar that district from getting grants for the construction of wells? "

The hon. the RAJA OF PANAGAL :—" No, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Then, may I draw the attention of the hon. the Minister to the fact that, in the Nellore district a petition was sent for the construction of wells for the depressed classes, the information called for by the Commissioner of Labour was furnished, and after all the reply of the Government was that the question of extending the operation of the Labour department was under consideration, and no grant was made."

The hon. the RAJA OF PANAGAL :—" Making of grants depends upon the funds available."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I therefore take it that the fact that a separate officer has not been appointed for a district will not debar that district from receiving any grant? "

The hon. the RAJA OF PANAGAL :—" I do not think so, Sir."

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Rao Sahib P. V. GOPALAN :—" Is the appointment of the Labour Commissioner only for certain districts or for the whole Presidency? "

The hon. the RAJA OF PANAGAL :—" The Commissioner is appointed for the whole of the Presidency. But there are officers under the Commissioner in certain districts."

Rao Sahib P. V. GOPALAN :—" Is the Commissioner of Labour to look after the depressed classes alone or also the backward classes? "

The hon. Sir ARTHUR KNAPP :—" He is to look after labour generally as well as the depressed classes. Incidentally he looks after the backward classes also."

Rao Sahib P. V. GOPALAN :—" If any application is made to the Assistant Commissioner of Labour for a district instead of to the Labour Commissioner, will that be considered? "

The hon. Sir ARTHUR KNAPP :—" Any application that falls within the scope of his duties will be considered."

Depressed classes in the Chingleput district.

834 Q.—Mr. L. C. GURUSWAMI: Will the hon. the Home Member be pleased to state—

(a) the number of persons belonging to the depressed classes in the Chingleput district;

(b) how many of them belong to the Arundhateya (Madigas, Chucklers or leather-workers) community; and

(c) what facilities have been offered to them till now in the way of assigning sites for houses and lands for cultivation and in the way of their education, etc.?

A.—(a) & (b) The attention of the hon. Member is drawn to Part II of the Census Report for Madras. The Government have no additional information.

(c) The attention of the hon. Member is drawn to the annual reports of the Commissioner of Labour which are placed on the Editors' Table.

European Education.

Amount of fees for Indian boys in European schools.

835 Q.—Mr. M. RATNASWAMI: Will the hon. the Home Member be pleased to state—

(i) whether he is aware of the high rates of fees, e.g., Rs. 5 a month, in the infant standard charged to Indian boys attending European schools;

(ii) whether managers of European schools are given an absolute discretion in this matter; and

(iii) what the justification for this discrimination is?

A.—(i) Relatively high fees are charged in the infant standard both for Indians and Europeans in a few schools in this Presidency. Indians generally pay the same fees as Europeans although in a few cases they are charged rates varying from one and one-third to twice the European rate.

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(ii) Yes.

(iii) The fees charged in many schools vary with the income of the parents; children of richer parents pay more than the children of poorer parents. More time and attention from the teachers is required in the infant classes to Indian pupils than to European pupils in view of the fact that the knowledge of English of Indian pupils is sometimes nil and in practically all cases much inferior to the knowledge of English of European pupils.

Mr. M. RATNASWAMI:—"Is the hon. Member in charge of European education aware that the fees charged for Indian boys amount to as much as five times the fees levied from the European and Anglo-Indian boys?"

The hon. Sir ARTHUR KNAPP:—"I was not aware, Sir, till now of the details of this question. I may say that, on receipt of this question, I have been making inquiries on the whole subject."

Mr. S. SATYAMURTI:—"May I also know, Sir,—the hon. the Home Member may investigate the matter, if he has not already done so—the number of schools in which the same fees are charged to both Indian and European pupils although the fees are very high, and the number of schools in which the Indian boys are charged higher rates than the European boys?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I have no information on the point. I shall ascertain it in connexion with my further enquiries."

Mr. S. SATYAMURTI:—"With reference to the answer to clause (2) of the question, may I know whether the discretion is provided for in Grant-in-Aid Code in the case of European schools?"

The hon. Sir ARTHUR KNAPP:—"I am not aware there is any provision to the contrary. I think that is the position."

Mr. S. SATYAMURTI:—"With regard to the opinion of the Government given by the hon. the Home Member that since there is no such provision to the contrary the managers can make this discrimination, may I know whether they can make discrimination between pupils and pupils on account of the race to which they belong?"

The hon. Sir ARTHUR KNAPP:—"They can make discrimination under the rules. But the opinion that I have formed, in anticipation of the results of the enquiry, is that it is most undesirable to make such discrimination."

Mr. S. SATYAMURTI:—"May I ask the hon. the Home Member to state the extra hours which teachers in charge of the European schools work, and the extra amount of work they turn out in respect of the Indian pupils whose knowledge of English is nil or poor, compared with the European boys? I am anxious that we should understand exactly the extra amount of work for which the extra fees are charged."

The hon. Sir ARTHUR KNAPP:—"I shall remember the point in making further enquiries."

Mr. S. SATYAMURTI:—"I am very glad to hear it."

Rao Sahib P. V. GOPALAN:—"Will the hon. the Home Member be pleased to give the percentage of Indian students admitted into the European schools?"

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The hon. Sir ARTHUR KNAPP:—"The managers may admit up to 33 per cent."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know the actual number of each of the two communities?"

The hon. Sir ARTHUR KNAPP:—"I have not got the figures. But it is left to the discretion of the managers."

Mr. T. ADINARAYANA CHETTIYAR:—"Will the Government consider the desirability of charging the same rate for both Indian and European boys?"

The hon. Sir ARTHUR KNAPP:—"The Government are not charging the rates."

Rao Sahib P. V. GOPALAN:—"Is the hon. the Home Member aware that in some cases where extra fees are charged, some special classes are held into which the Indian boys are admitted?"

The hon. Sir ARTHUR KNAPP:—"I am not aware, Sir."

Forests.

Prohibition of the removal of dry leaves from the forests of South Kanara.

836 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Home Member be pleased to state—

(a) whether the Government have received a copy of the resolution passed at a public meeting of the ryots and tenants of Bindoor, Edathoor, Shiroor, Puduvari, Thegerda, Bijoor, Uppanda, Karagal, Nandanavana, Kumbadakona, Kirimanjeswari and Heranjalu villages held at Bindoor in South Kanara on the 25th January 1924 regarding the prohibition of the removal of dry leaves from the forests;

(b) if the answer to (a) is in the affirmative, what action the Government have taken or intend taking on those resolutions;

(c) whether it is a fact that the ryots and tenants of those villages enjoyed the privilege of collecting and bringing dry leaves from the reserved forest for agricultural purposes from time immemorial;

(d) whether it is a fact that the Forest department has withdrawn this privilege recently to the detriment of the ryots;

(e) whether it is a fact that the tenants and ryots of those villages depend entirely on dry leaves for their manure;

(f) whether it is a fact that these dry leaves are washed away into the sea during heavy monsoon and are of no use to anybody; and

(g) whether the resolution in the Madras Legislative Council to the effect that reserved forests within one mile of cultivated lands should be thrown open to the use of the ryots has been given effect to by the Government in the South Kanara district?

4.—(a) Yes; on the 17th March with a petition.

(b) The Government have transferred the petition to the Chief Conservator of Forests for disposal.

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(e) to (f) The facts are that until some eighteen months ago, the removal of dry leaves from the reserves near the coast in the Kundapur taluk was permitted only on payment. In August 1922, the Chief Conservator issued orders that the removal not only of dry leaves from all trees but also of green leaves of trees of unclassified species should be permitted from all such reserves free of charge as an experimental measure on condition that, if the privilege were abused, it would be withdrawn. It appears that his orders were misunderstood and that payment for the removal of leaves has still been enforced in some cases. He is now again issuing definite orders that the removal of leaves from the reserves in question should be permitted free of charge.

(g) The hon. Member's attention is invited to G.O. No. 30, Development, dated 6th January 1922, which has been placed on Editors' Table.

Kodachalli reserve, Madakasira taluk, Anantapur district.

837 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Home Member be pleased to state—

(1) whether Kodachalli reserve of Madakasira taluk, Anantapur district, was handed over to a panchayat for three years at a rate of Rs. 415 annually;

(2) whether the panchayat suffered serious loss in the transaction and so the Government had to take it back;

(3) whether the net gain from that reserve did not exceed Rs. 100 a year when it was under Government management;

(4) whether the eight hamlets of the village of Kodihalli are within a furlong from the reserve, if not what is the nearest distance of the villages from the limits of the reserve;

(5) whether it is a fact that there is no valuable growth in the said reserve;

(6) whether the reserve abuts patta lands on all sides, if not, what is the nearest distance of patta lands from the limits of the reserve;

(7) whether it is proposed to disafforest the reserve; and

(8) whether for the last four years complaints have been made about the hardships of the ryots of the locality and what has been done for their relief?

A.—(1) Yes. The period was about $2\frac{1}{2}$ years, i.e., from 30th November 1919 to 30th June 1922.

(2) The panchayat incurred loss on account of mismanagement and was therefore dissolved.

(3) The Government have no information on this point as separate figures regarding the working of this reserve are not available.

(4) to (6) The Government have no information.

(7) No.

(8) The Government have not received any complaints in the matter, but the question of restoring the reserve to panchayat management is under the consideration of the Forest Panchayat Officer.

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Mr. G. RAMESWARA RAO:—"Sir, with regard to clauses 4, 5 and 6, is the Government aware that I myself forwarded one of the petitions to Mr. Tireman who was then a member of this Council?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I am not aware, Sir."

Mr. G. RAMESWARA RAO:—"If the Government is not aware of it, will they please look into the matter and satisfy themselves that what is implied in clauses 4, 5 and 6 is copied from the memorial, and will the Government please find out the figures?"

The hon. Sir ARTHUR KNAPP:—"I do not understand what the hon. Member wants me to do. I gather that he has given some information; and he wishes us to repeat it here in answer to his question."

Mr. G. RAMESWARA RAO:—"The answer to clauses 4 to 6 is, that the information is not available. I have forwarded a statement to the Government. Will the Government investigate the truth and try to disafforest the reserve and take the reserve limits more than a mile away from the village and from the cultivable area?"

The hon. Sir ARTHUR KNAPP:—"I do not think that any purpose will be served by repeating the answer. It may be that the hon. Member has put in a statement, the truth of which he does not vouch for."

Mr. G. RAMESWARA RAO:—"I am sure I am speaking the truth, Sir. But Government ignores the information."

The hon. Sir ARTHUR KNAPP:—"Is the hon. Member asking for information whether he is right or not?"

Mr. G. RAMESWARA RAO:—"I want the Government to verify and find out whether the information is true or not; and if the information is true, to try to remedy the matter, to find out the real distance from the village and from the cultivated area and to make suitable arrangements. That was what I suggested."

The hon. Sir ARTHUR KNAPP:—"My hon. Friend is not quite certain of his information. I do not, therefore, see any reason why I should add to the answer given to clauses 4, 5 and 6. I have already said that the whole question of Forest Panchayats is now under consideration, and I have no doubt that the matter dealt with in clauses 4 to 6 will incidentally come up for consideration."

Mr. G. RAMESWARA RAO:—"Far from saying that I am not sure about the information, I suggest that Government must remove the limits of the forest reserve to a distance of one mile."

The hon. Sir ARTHUR KNAPP:—"My hon. Friend wants to make a recommendation. There are other ways of doing it than by means of a question."

Government Houses.

Expenditure on the household of His Excellency the Governor.

838 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) the allowances, in addition to salary received by His Excellency the Governor

(i) during the past year; and

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- (ii) in the year 1913-14 ;
 (b) the total amount spent by the Government
 (i) during the past year ; and
 (ii) during the year 1913-14, on the personal and household staff of His Excellency the Governor, including personal secretaries, aides-de-camp, servants, their allowances and outfit, in Madras and Ootacamund ;
 (c) the total amount spent by the Government on His Excellency the Governor's tours during the last five years ; and
 (d) the amounts spent by the Government in repairing, fitting out and refurnishing the Government Houses at Madras, Guindy and Ootacamund during the past five years ?

A.—(a) By the word 'allowances', the hon. Member apparently refers to lump allotments placed at the disposal of His Excellency the Governor for his household expenditure and not subject to audit. Such allowances are the contract grant and the sumptuary grant. The expenditure under these heads in 1913-14 and 1922-23 was—

	1913-14.	1922-23.	Remarks.
	RS.	RS.	
Contract grant	1,19,290	95,000	Prior to 1914 the sumptuary grant was part of the contract grant and after that year it was separated from it.
Sumptuary grant		23,600	

(b)—

Year.	Expenditure.	Remarks.
	RS.	
1913-14.	67,966	The increase in 1922-23 was due to the fact that prior to 1921-22 the expenditure on account of the Military Secretary to His Excellency the Governor, the Aides-de-Camp (excluding Honorary Indian Aide-de-Camp) and the Bodyguard, was met by the Military Department, but on the introduction of the Reforms the charges were transferred to Provincial funds. The actual expenditure on their account in 1922-23 amounted to Rs. 4,02,387, including a book debit of Rs. 1,61,461, being the value of the stores and animals of the Bodyguard.
1922-23.	5,51,870	

Note.—The figures do not include the pay, allowances, etc., of domestic servants as they are met out of the contract grant for which details are not available.

(c)—

Year.	Expenditure.	Remarks.
	RS.	
1918-19.	36,627	
1919-20.	84,862	
1920-21.	1,04,050	The increase in 1920-21 was due to the expenditure of Rs. 26,439 on alterations to, and supply of new furniture for, State saloons.
1921-22.	1,91,106	Included a special item of Rs. 91,892 being the cost debited in that year on account of the construction of a cooking and dining saloon for His Excellency the Governor.
1922-23.	1,21,968	Included the following special items :— Rupees 15,613 being the balance of the cost of the dining and cooking saloon debited in 1922-23. Rupees 15,747, cost of His Excellency's journey to Simla for which the Government of India gave a special grant from the Central Revenues.

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(d)—

Year.	Furniture.	Remarks.
	RS.	
1918-19.	37,470	The increase in 1919-20 is explained as follows :—
1919-20.	1,30,620	
1920-21.	75,883	(1) Inauguration grant for furniture and carpets which became available to His Excellency Lord Willingdon on his assumption of charge
1921-22.	54,817	(2) Unspent balance on 1st April 1919 which under the rules did not lapse and was carried forward for 1919-20
1922-23.	33,105	(3) Maintenance grant
		81,900
		55,033
		20,020
		1,56,953

Of the total amount, only Rs. 1,30,620 was actually spent and the balance of Rs. 26,333 which under the rules did not lapse was carried forward for expenditure in 1920-21.

Information in regard to repairs and fittings has been called for, but has not yet been received.

Mr. S. SATYAMURTI :—" Sir, with regard to the answer to clause (a) of the question, may I ask the hon. the Home Member whether these grants are fixed grants or varying grants ? "

The hon. Sir ARTHUR KNAPP :—" They are fixed grants. "

Mr. S. SATYAMURTI :—" Fixed by whom ? "

The hon. Sir ARTHUR KNAPP :—" By the Secretary of State. "

Mr. S. SATYAMURTI :—" Sir, are they fixed once for all or do they change from time to time ? "

The hon. Sir ARTHUR KNAPP :—" There have been temporary increases, Sir, owing to the general rise in prices during the war but, as my hon. Friend will see, from the figures for 1913-14 and 1922-23, there has been no actual increase in the total. "

Mr. S. SATYAMURTI :—" May I know, Sir, when were the grants last fixed by the Secretary of State ? "

The hon. Sir ARTHUR KNAPP :—" Some six or seven years ago ; I am not quite certain. "

Mr. S. SATYAMURTI :—" May I know, Sir, whether the Secretary of State in fixing the grants consults the Local Government as to the state of its finances ? "

The hon. Sir ARTHUR KNAPP :—" It was some six or seven years ago, and I am not sure whether he consulted the Local Government. Whether he will do so if there is to be a change in the grants in the future, I do not know. "

Mr. S. SATYAMURTI :—" Does he propose to make any change ? "

The hon. Sir ARTHUR KNAPP :—" Not that I am aware of, Sir. "

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Mr. S. SATYAMURTI :—" With regard to the answer to (c) relating to His Excellency's tours, may I ask the hon. the Home Member whether the increase of expenditure proceeded on the initiative of His Excellency the Governor? "

The hon. Sir ARTHUR KNAPP :—" That refers only to the tour of His Excellency the Governor to Simla."

Mr. S. SATYAMURTI :—" No, Sir. I am talking of the increase of expenditure in regard to alterations to and supply of new furniture for State saloons, and the cost of the construction of a cooking and dining saloon for His Excellency the Governor. I want to know with reference to these two items, whether the initiative for the extra expenditure proceeded from His Excellency the Governor."

The hon. Sir ARTHUR KNAPP :—" Sir, I do not think there is any reason why I should explain from whom the initiative came. The fact remains that the expenditure of this money was undertaken on application to and the recommendation of the Madras Government."

Mr. S. SATYAMURTI :—" May I take it, therefore, Sir, that the Madras Government takes the responsibility for this extra expenditure? "

The hon. Sir ARTHUR KNAPP :—" Yes, Sir."

Mr. S. SATYAMURTI :—" Sir, with reference to the answer to (d) of the question, I wish to know—I am unacquainted with very costly furniture, Sir—but I want to know what happens to this furniture bought year after year—whether there is any room in the Government House for all this furniture being piled up and for gentlemen to get in and come out."

The hon. Sir ARTHUR KNAPP :—" Yes, Sir, I think there is ample space in spite of this furniture. As I have pointed out the other day, this apparently large amount represents a charge of $7\frac{1}{2}$ per cent for repairs and renewals and depreciation of the existing stock of furniture. It so happens that a part of this $7\frac{1}{2}$ per cent is saved and then utilized for petty repairs and it does not, as I understand, represent any large additions to the actual articles of furniture."

Mr. S. SATYAMURTI :—" May I know if there is any provision made for the checking of this furniture, any accounts are kept, any register of stock maintained for verification, and whether any particular value is placed upon them by valuers from time to time? "

The hon. Sir ARTHUR KNAPP :—" I do not think there is any question of valuing the furniture again, Sir, but so far as regards my hon. Friend's question whether the furniture is still there or whether the officer in charge has made away with it, I do not think it is worth while to answer."

Mr. S. SATYAMURTI :—" Sir, I am really sorry for the interpretation of the hon. the Home Member which my question did not bear. I did not suggest that the officer in charge has made away with the furniture, but there are ways of furniture disappearing without the officer making away with them, unless the servants are very much more honest than the ones that we meet across in other places. I want to know, Sir, whether any stock register is maintained, so that we can be sure whether the taxpayers' money has been spent on the existing furniture."

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The hon. Sir ARTHUR KNAPP :—" Naturally, there are stock registers with the officer in charge and the Military Secretary is responsible for the maintenance of the furniture."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, are we to understand that the normal repairing charges come to only $2\frac{1}{2}$ per cent and the remaining percentage is provided for with a view to enable the incoming Governor to purchase new furniture? "

The hon. Sir ARTHUR KNAPP :—" In order to make this thing plain I may point out, Sir, that the inauguration grant of $7\frac{1}{2}$ per cent applies to both the carpet and the furniture. Probably the more expensive part of the item is represented by carpets. They wear out and they are probably entirely replaced out of this inauguration grant which, as I have pointed out, represents savings from the annual depreciation allowances. The old carpets are disposed of. In the case of furniture, the $2\frac{1}{2}$ per cent which we spend annually represents petty repairs, polishing, carpentry work, etc. The 5 per cent represents, as a rule, new covers, brocades, silks and so on for renewing the furniture. Seven and a half per cent is, I think, a fair allowance for depreciation and repairs and $2\frac{1}{2}$ per cent out of that is being found sufficient for the petty repairs which are carried on once in five years."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I ask the hon. the Home Member whether the furniture and the household stock are subjected to general audit? "

The hon. Sir ARTHUR KNAPP :—" May I ask, Sir, by whom the general audit is to be made? "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" By the Government, by the Auditor-General."

The hon. Sir ARTHUR KNAPP :—" I do not understand what my hon. Friend's suggestion is. Audit of furniture seems to be a misnomer."

Sriman SASIBHUSANA RATH Mahasaya :—" Is the furniture in the Government House subject to the same check as furniture elsewhere in other Government departments? "

The hon. Sir ARTHUR KNAPP :—" I am not aware of the control in every Government department but the furniture in this case is handed over to the charge of the Military Secretary and brought in the stock registers and we have no reason to suppose anything has gone wrong."

Mr. A. RANGANATHA MUDALIYAR :—" The hon. the Home Member said, Sir, that the articles are disposed of. Is it by public auction or privately? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I must have notice of the question."

Mr. S. SATYAMURTI :—" With reference to the answer in the penultimate paragraph regarding the unspent balance which under the rules did not lapse and was carried forward, may I know what the rules are? "

The hon. Sir ARTHUR KNAPP :—" The rule referred to, Sir, is the exemption from the ordinary provision that the sum provided in one year if not spent in the year reverts to Government. In the case of this furniture, the rule does not apply to the allotment and therefore any sum unspent is left over with the Military Secretary for expenditure in the following year."

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Mr. S. SATYAMURTI :—" By whom was the rule made? "

The hon. Sir ARTHUR KNAPP :—" By the Secretary of State."

Mr. S. SATYAMURTI :—" In spending the money provided for furniture, is there any direction that Indian carpets and Indian furniture should be bought, if available? "

The hon. Sir ARTHUR KNAPP :—" None that I am aware of, Sir."

Mr. S. SATYAMURTI :—" Who spends this money and on whose behalf? "

The hon. Sir ARTHUR KNAPP :—" At the discretion of His Excellency the Governor."

Mr. S. SATYAMURTI :—" Sir, in regard to the last clause of the answer, may I ask the hon. the Home Member when he expects to get information in regard to repairs and fittings? "

The hon. Sir ARTHUR KNAPP :—" I cannot say exactly, Sir. Requisition has been sent to Public Works Department which is in charge of repairs and fittings and what I last heard of the matter is that the reply had not been received. Probably it may be received in a few weeks."

Mr. S. SATYAMURTI :—" When the answer is received, will the hon. Member be pleased to lay it on the table of the House? "

The hon. Sir ARTHUR KNAPP :—" Yes."

Laccadives.

Annual inspection of Laccadive and Amindivi islands.

839 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state—

(1) what the annual revenue of the Amindivi and Laccadive islands was during the three years ending with 31st March 1923;

(2) how many times the Collectors or Assistant Collectors of the Malabar and South Kanara districts visited those islands during the last three years ending with 29th February 1924;

(3) the object of those visits every year;

(4) whether there is sufficient justification for these costly visits by the higher officials; and

(5) whether the object of those visits cannot be achieved by deputing Provincial Civil Service officials to do the inspection in country craft, which ply constantly between the west coast and these islands?

A.—(1) *South Kanara islands*—

	RS.	A.	P.
1920-21 ...	35,599	13	1
1921-22 ...	56,067	6	4
1922-23 ...	43,465	4	0

Malabar islands—

Receipts from coir in 1922-23 are Rs. 54,224-14-10.

Receipts from other items in 1922-23 and figures for the years 1920-21 and 1921-22 are not available.

(2) Twice.

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(3) For administrative purposes and for hearing civil and criminal cases and appeals—vide G.Os. No. 2549, Revenue, dated 26th October 1920, No. 1321, Revenue, dated 19th July 1922 and No. 1063, Revenue, dated 14th July 1923, placed on Editors' Table.

(4) Yes.

(5) It is not possible to conduct the inspections in the country craft which ply between the islands and the mainland. The time occupied in so doing would render the inspection very expensive and these boats would not provide for the journeys from island to island.

Rao Sahib U. RAMA RAO :—" Sir, with reference to the answer to clause (2) of the question, may I know the cost of the two visits? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I must have notice of the question."

Indian Bar Committee.

The report of the Indian Bar Committee.

840 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether the Madras Government have received a copy of the report of the Indian Bar Committee, and if so, when;

(b) whether the report is being considered by the Government and whether the High Court is being consulted in the matter; and

(c) whether the Government of Madras have expressed or propose to express their views on the report?

A.—(a) Yes, on the 23rd February last.

(b) & (c) The Government are awaiting the expression of the views of the Government of India in the matter.

Mr. S. SATYAMURTI :—" Sir, has the attention of the hon. the Law Member been invited to a consultation in the hon. the Chief Justice's room on the recommendations of the Indian Bar Committee? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Yes, Sir. The High Court has certain inherent powers in regard to admitting advocates and attorneys and I believe the High Court, in consultation with certain leading members of the Bar, is now trying to carry out the recommendations of the Indian Bar Committee in so far as it lies within their power."

Mr. S. SATYAMURTI :—" Will the hon. the Law Member consider the desirability of carrying out the recommendations of this Committee after the views of the Government of India and of the Indian Legislative Assembly are known and also after the views of this Government are communicated to the High Court? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Neither the Government of India nor this Government have any jurisdiction to interfere with the power of the High Court to admit advocates and attorneys."

Mr. S. SATYAMURTI :—" I am afraid I am not understood. I did not suggest any interference, but only asked the hon. Member to consider the desirability of asking the High Court to defer taking action till the views are communicated."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"The High Court has not asked our permission before the conference was held. I do not think any useful purpose will be served in acting on the report in the newspapers and asking them to postpone action. It is open to the High Court to defer taking any final action until they got the views of this Government and the Government of India."

Irrigation.

Irrigation of lands under the Dusi channel in the Ganjam district

841 Q.—Sriman SASIBHUSHANA RATH Mahasayo : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether any permanent arrangements have been made to facilitate the flow of river water along the Dusi channel, Chicacole division, Ganjam district;

(b) if not, what arrangements are annually being made to irrigate the lands under its ayacut and at what cost;

(c) what portion of such cost is annually being borne by the ryots for the last five years;

(d) the area irrigable under the said Dusi channel;

(e) whether the water rate chargeable on lands under the Dusi channel has been fixed with due regard to the difficulty of the flow of water from the river;

(f) the difference in rates chargeable on lands under the Dusi channel and on other lands in the neighbourhood irrigated by river water;

(g) whether it is a fact that *korambu* cess to the extent of Rs. 1-4-0 per acre was charged on lands under the Dusi channel last year and that it is the highest on record in the Ganjam district; and

(h) whether the Government propose to bear the entire, if not, a major portion of the cost hereafter?

A.—(a) Permanent arrangements have been proposed to improve the supply, but it has been found necessary to postpone the work until the Irrigation Bill has been passed.

(b) Every year *korambu* work in the river is done at a cost of Rs. 3,500 to Rs. 4,000 on an average at the head of both the Dusi and Wadada channels.

(c) The cost of the work is generally borne by the ryots.

(d) Two thousand and two hundred and fifty acres.

(e) The differential water-rate system is in force in the district. Under this system the water-rate is based on the difference between wet and dry assessment. In fixing the wet assessment the classification of the source is taken into account.

(f) No such comparison can be effected as the rates vary with reference to the classification of the soil and the classification of the irrigation sources.

(g) The rate is approximately correct. Government have no information if it is the highest rate on record in the Ganjam district.

(h) The question is under consideration.

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Settlement regarding the waters of Cauvery

842 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) whether the dispute between this Government and the Government of Mysore regarding the waters of Cauvery has been settled;

(b) if it has been settled, whether the Government have any idea of publishing the terms of settlement before they are ratified by the Government;

(c) who the final authority that has to ratify the terms on behalf of this Government is;

(d) if the terms are not to be published at once, whether the Government will be pleased to publish a summary of the important terms at least; and

(e) whether the terms in any way restrict the powers of the Government regarding the use of the Cauvery water for irrigation purposes (1) in Coimbatore district and (2) other districts?

A.—The hon. Member is referred to the answer to question No. 812.

Cauvery as a source of irrigation in the Coimbatore district.

843 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) whether the Government have taken any steps to ascertain the possibility of using some water of the Cauvery river for irrigation purposes in Coimbatore district in view of what was said by the hon. the Law Member in the debate on the Resolution about the irrigation schemes in Coimbatore district; and

(b) if so, whether any report has been received, and if so, to what effect?

A.—(a) Irrigation works in Coimbatore are receiving close attention and, as the hon. Member was informed during the recent discussion of the Budget, an irrigation project on the Lower Bhavani river is being prepared.

(b) A special report is not considered necessary in view of the fact that practical steps are being taken to extend irrigation.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, with reference to the answer to this question, what it states is about irrigation works in general in the district. The question has specific reference to the possibility of using the water of the Cauvery for irrigation purposes in the Coimbatore district. When in January last, I moved a resolution about irrigation schemes in the Coimbatore district, the hon. the Law Member was pleased to say that he would consider the question of using the water of the Cauvery at the Mettur reservoir for purposes of irrigation in the Coimbatore district and my specific question now is whether any steps have been taken in the direction, especially as some moramba irrigation work lower down may suffer on account of this reservoir."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That question can only be adequately answered after we receive intimation from the Government of India as to how our estimates fare in their hands. We have sent

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estimates for the Mettur reservoir and if they agree to the estimate, to the extent of the capacity that we have put forward—we have really estimated for more than the last project—we will then be in a position to give a definite reply. The answer to the question will therefore very much depend upon the permission given by the Government of India to the estimates.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May we then take it, Sir, that if the Government of India sanction the estimate, there is every possibility and probability of the Coimbatore district getting a channel from the Cauvery ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I do not want to pledge myself, but I will consider the matter.”

Mr. V. C. VELLINGIRI GOUNDER :—“ Will the hon. Member be pleased to consider the Upper Bhavani project in preference to the Lower Bhavani project, because it is hoped to confer larger benefit upon the district of Coimbatore ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The hon. Member for Coimbatore has done me the honour of discussing the matter with me outside this House. I realize there is a great deal in what he says. There is however one thing which ought to be borne in mind. The Lower Bhavani project has been already considered and to a certain extent, I may say, we are in a fair way of doing something with it. If now we start with the Upper Bhavani project, there will be considerable delay in regard to the project on hand. But the circumstance referred to by the hon. Member will be borne in mind before I finally resolve to take action one way or the other.”

Mr. V. C. VELLINGIRI GOUNDER :—“ May I know, Sir, whether the Upper Bhavani project has already been investigated and is ready for execution, whether the estimates are ready ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It has been started, Sir. The hon. Member knows that the preparation of estimates was over in 1910 or 1912. But, like many other projects, it requires complete overhauling and revision under the present conditions and that will be a matter of considerable delay.”

Mr. V. C. VELLINGIRI GOUNDER :—“ Are the rates only to be revised or even the plans and the survey begun again ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ There are also some engineering problems.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Will that in any way affect the water-supply of Coimbatore ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ That is what I referred to when I spoke of engineering problems. We do not want to go against existing rights, or to disturb vested interests. If vested interests have to be disturbed, compensation would have to be provided for. The question is one of *quid pro quo*. If the Upper Bhavani project really would cost a great deal by way of paying a large amount of compensation, then it is a matter for careful consideration whether we could go on with it.

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After the conversation that I had with the hon. Member, I have made up my mind to investigate into the possibility of the case. That is all I can say at present.”

Dam across the Cauvery at Mettur.

844 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the 11-30 a.m. hon. the Law Member be pleased to state—

(a) whether it has been once for all settled that the dam across the Cauvery should be put at Mettur ;

(b) whether there was a proposal at any time to put the dam at Chettipatti above Kaveripuram ;

(c) whether all arguments have been considered for and against the two schemes ; and if so, what they are ;

(d) whether it is a fact that if the dam is put at Mettur several villages and several valuable lands will have to be acquired at great cost as they are likely to be submerged and that such a costly acquisition will not be necessary, if the dam is put at Chettipatti ;

(e) if the matter has been decided once for all that the dam should be put at Mettur, whether the Government will be pleased to give a summary of the reasons that have led them to come to that decision ; and

(f) what the probable cost of acquisition is if the dam is to be constructed in Mettur and at Chettipatti respectively ?

A.—(a) Yes.

(b) & (c) The preliminary investigations made before the Mettur site was finally determined upon, indicated that the Chettipatti site would not be suitable for the capacity of reservoir that was required.

(d) Yes.

(e) Surveys were made by the Superintending Engineer on special duty and the selected sites were examined by the Chief Engineer and also by the Assistant Superintendent, Geological Survey of India. It was found that the Mettur site was the best, both geologically and from an engineering point of view.

(f) No project for a dam at Chettipatti was drawn up and estimated for.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As regards the answer given to clause (f), what I wanted was what the probable cost of acquisition would be if the dam is constructed in Mettur and at Chettipatti respectively. The answer is that no project for a dam at Chettipatti was drawn up and estimated for. But certainly there must have been some estimate prepared for the Mettur scheme. It may be interesting to have an idea of the cost of that scheme at least so far as acquisition of site is concerned.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ When the papers relating to Mettur are placed on the table, that would form one of the items of information.”

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Income from the Periakulam tank in the Vijayanarayanam village, Tinnevely district.

845 Q.—Mr. P. N. MARTHANDAM PILLAI : Will the hon. the Law Member be pleased to state—

(1) the annual income to the Government from the wet lands—including water-rates—in the Periakulam tank in the Vijayanarayanam village in the Tinnevely district;

(2) the amount spent on the repairs on the said tank for the last twenty years;

(3) whether it is a fact that petitions to the Collector and the Executive Engineer of the district for the repair of the tank have been of no avail for the last many years; and

(4) whether there is any rule or regulation which provides that a definite proportion of the income from irrigation works should be spent for their upkeep?

A.—(1) Information of this area separately is not available.

(2) The information is not available.

(3) Government have no information.

(4) No.

Information under (1) and (2) will be called for and furnished.

Mr. P. N. MARTHANDAM PILLAI :—“ May I ask the hon. Member whether he would take the necessary action in the light of the information which has been furnished and which will be furnished to him hereafter? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I have already stated what I had to say on this matter during the budget debate when this tank was the focus of very intense discussion.”

Project of constructing a dam across the Vaniyar river.

846 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(a) whether he has received a memorial from the ryots of Uttankarai taluk in the Salem district praying for the revival of the long-abandoned project of constructing a dam near Mullikadu across the Vaniyar river by connecting the two hillocks, Pottamadugu and Seethakkal Karadu;

(b) whether the project referred to above is reported to be one likely to benefit a large portion of Uttankarai taluk; and

(c) whether there is any likelihood of the scheme being taken up in the near future?

A.—(a) Yes.

(b) & (c) The scheme referred to was expected to irrigate 3,000 acres in the Uttankarai taluk, but it was dropped on engineering grounds.

Mr. T. ADINARAYANA CHETTIYAR :—“ Will the hon. the Law Member kindly give some details of the ‘engineering grounds’ referred to in the answer to clauses (b) and (c)? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Not now, I am afraid, Sir. But if the hon. Member writes to me, asking me for the information, I would certainly give him a précis of what really happened.”

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Famine.

Test-works in the Bellary and Anantapur districts.

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

(a) the daily rate of wages which coolies, man, woman and child, on each test-work in the Bellary and Anantapur districts were able to earn from week to week; and

(b) the percentage of outturn of work with reference to the task set for the coolies for earning the full wages?

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

(b) A statement of outturn of work turned out by the coolies at the Kolar test-work is laid on the table.* Similar information for the test-works in the Gooty taluk is not available with Government.

Seasonal conditions of Bellary, Anantapur and Kurnool districts.

848 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to lay on the table the reports received from the Collectors of Bellary, Anantapur and Kurnool regarding the seasonal conditions prevailing in those districts and a statement detailing the steps so far taken to alleviate distress?

A.—The Government do not think it will be in the public interest to publish the original reports of the Collector.

The hon. Member is referred to the answer to question No. 585 which contains information as to the steps taken to relieve distress in the Bellary district.

Kurnool district.

In two villages of the Pattikonda taluk, collection of current year's revenue has been postponed.

Anantapur district.

The Gooty taluk has been declared a famine area. A test-work has been opened in the Madakasira taluk. The situation in the Tadpatri taluk is being closely watched and a test-work will be opened there if found necessary.

Advances under the Loans Acts are being made on a liberal scale, the total amount allotted to the district up to date being Rupees 2,65,000. Special establishments are working in the district for the speedy disposal of applications for loans.

The suspended kists of the previous two faslis in the Gooty taluk have been remitted, and the collection of the current year's revenue has been postponed to next fasli in 126 villages of the Gooty taluk, all the ryotwari villages of the Madakasira taluk, 67 villages of the Tadpatri taluk and 18 villages of the Kalyandrug taluk. Free grazing in forest reserves is being allowed.

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Mr. A. RANGANATHA MUDALIYAR :—"Sir, may I ask the hon. the Revenue Member whom we are all glad to see here to-day once again (hear, hear) whether the reports of the Collector are of a confidential character?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I do not think, Sir, that they may be regarded in any sense as technically confidential, but from what I am able to see from the answer which has been given here the Government do not consider that any public interest would be served by publishing the original reports of the Collector. But if my hon. Friend is anxious to read any of the reports and if he would kindly draw my attention to them, I shall be glad to show them to him."

Rao Bahadur C. VENKATARANGA REDDI :—"May I know, Sir, whether those reports were not hitherto published?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am not aware, Sir, of any occasion when they were published."

Mr. S. SATYAMURTI :—"May I know with reference to the answer given here that the Government do not think it will be in the public interest to publish these reports—I want to know from the hon. the Revenue Member—what the public interest is which will be injured by the publication of the reports of a Collector on the seasonal conditions prevailing in a certain district?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I always regard the publication of communications to be in the public interest only if they are intended for the consumption of the public. But if the reports are intended merely for the purpose of informing the Government and the Government only, of certain facts, the Government can regard that such publication is neither necessary nor desirable."

Mr. A. RANGANATHA MUDALIYAR :—"May I know if the Government are aware that there is demand for labour in Pattikonda and Tadpatri taluks?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am afraid I have no definite information on that matter now. But, however, I will inquire."

Rao Bahadur C. VENKATARANGA REDDI :—"In the answer given here, information about the steps taken in parts of Kurnool and Anantapur districts, is given. May I know what would be done in respect of other parts where the seasonal conditions are equally bad?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"We are awaiting the recommendations of the Collectors in regard to other tracts. If they are received in time and if there is a justification for granting similar relief, I may assure my hon. Friend that that relief will be granted."

Mr. A. RANGANATHA MUDALIYAR :—"May I know if the Government are aware that in the Pattikonda taluk, the president of the district board has just now on hand a work in which he is paying coolies at famine rates, and that the number of these coolies has already come up to 500?"

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am not aware of it, Sir."

Mr. G. RAMESWARA RAO :—"May I request the hon. the Revenue Member to expedite the decisions regarding the suspension of assessment in the Kalyandrug and Anantapur taluks, as I understand the Collector has sent up reports regarding that matter?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I do not remember having read any such reports, but if they have been received, I shall certainly give them my most careful consideration."

Mr. A. RANGANATHA MUDALIYAR :—"May I know whether it is not a fact that the hon. Member for Kurnool has submitted a statement on the conditions in his district to which reference was made a little while ago?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am able to assure my hon. Friend that one such report has been received and is under consideration."

Test-work at Ragulapad.

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

- (1) when the test-work at Ragulapad was started and the period during which it was in progress; and
- (2) when it was closed and the reasons for closing it?

A.—The test-work at Ragulapad was started on 20th January 1924. As it attracted only a small number of workers most of whom came from villages close by the inference being that the distress was not acute or widespread, the work was closed on 11th February 1924.

Revenue Establishment.

Memorials from the Revenue subordinates of North Arcot.

850 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Board of Revenue has received any memorials from the Revenue subordinates of North Arcot pointing out the anomaly and injustice consequent on the retention of the distinction as regards both pay and prospects in the grade of Revenue Inspectors as of Upper and Lower divisions although the work expected to be done by these two classes is identically the same;

(b) whether a policy of wholesale reversion of long-standing and experienced Revenue Inspectors as ordinary clerks is being followed to the detriment of a large class of subordinates;

(c) whether the attention of the Government has been drawn to the present scale of fixed travelling allowance of Rs. 22½ in these days of high cart-hire; and

(d) whether the Government are considering the question of revising the scale of pay, allowances and starting salary on the lines of recommendations of the Marjoribanks Committee?

[1st April 1924]

- A.—(a) & (b) The Government have no information.
 (c) Yes.
 (d) No.

Mr. T. ADINARAYANA CHETTIYAR :—"With reference to the answer to clauses (a) and (b), may I request the hon. Member to call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"That is a matter, Sir, which is entirely within the disposal of the Board of Revenue, and if I should now make up my mind to call for the information in respect of North Arcot district only, I am afraid I shall have to do so in respect of the rest of the province and I am not quite sure whether any useful purpose would be served by so doing. If there is really a grievance in this matter and if the Board of Revenue does not pay that attention or consideration which it deserves I am sure the Government will be moved in due course."

Mr. T. ADINARAYANA CHETTIYAR :—"Has the hon. Member ascertained whether there is no such grievance in other districts?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"So far as Government are aware, there is no such grievance. However, when they passed final orders on that question, they gave that matter their most careful attention."

Mr. T. ADINARAYANA CHETTIYAR :—"Then, may I take it that the grievance is confined to one district, and that is North Arcot? And even if it is so, is not one district worth saving although that district happens to be North Arcot?"

Public Health.

Prevention of plague at Ranipet.

851 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that plague is prevailing in Ranipet;
 (b) what steps have been taken by the union board, district health officer and the District Collector to prevent the spread of the disease;
 (c) whether any bonus is paid to the labouring classes when they undergo inoculation against plague infection; and
 (d) whether any magic lantern lectures have ever been delivered about the prevention of the disease in different centres?

- A.—(a) Yes.
 (b), (c) & (d) A copy of the report received from the Director of Public Health giving the details regarding the steps taken to suppress plague at Ranipet is placed on the table.*

Mr. R. VEERIAN :—"With reference to the answer given to clauses (b), (c) and (d), may I know the reason for not providing sheds, I mean health camps, for the persons who were asked to vacate their houses?"

The hon. the RAJA OF PANAGAL :—"The Collector is in charge of the operations and he has to provide for these sheds, if he thinks that the provision is necessary. And, in fact, there was no compulsory evacuation."

* Printed as Appendix on page 254 infra.

[1st April 1924]

Mr. T. ADINARAYANA CHETTIYAR :—"With regard to the answer to this question, is the hon. Member aware that there is a feeling in Ranipet that the ill-health of the town is due mainly to the existence in the midst of residences of Parry & Co.'s manure works which emit very foul smell throughout the area at all times?"

The hon. the RAJA OF PANAGAL :—"The Government are not aware of any such complaint."

Mr. T. ADINARAYANA CHETTIYAR :—"Will the hon. Member be pleased to ascertain whether it is a fact?"

The hon. the RAJA OF PANAGAL :—"It is not known, Sir, that plague is the result of any such smell of manure works as is referred to."

Mr. T. ADINARAYANA CHETTIYAR :—"The hon. the Minister for Local Self-Government went to Wallajahpet recently and he was told that, excepting the manager of the manure works, almost everyone employed in the works has got some disease or other. I think the percentage was also given as 98.5 or so."

The hon. the RAJA OF PANAGAL :—"Yes. That is the case not only in the North Arcot district but in several other districts. It has nothing to do with manure works."

Mr. T. ADINARAYANA CHETTIYAR :—"There is a feeling there that the ill-health is due to the manure works, and I would appeal to the hon. the Minister to investigate the matter."

The hon. the RAJA OF PANAGAL :—"Sir, in this case, the popular opinion may be one way, but the expert opinion may be in a different way. The Government have paid attention to the expert opinion but not to the popular opinion."

Mr. R. VEERIAN :—"Sir, I see from the reply that a sum of Rs. 20 was spent at four annas per head. May I therefore take it that 970 persons were very rich and that only 80 persons were very poor?"

The hon. the RAJA OF PANAGAL :—"This bonus is given only in the case of labouring classes, and the figure given in the answer indicates that only 160 people from out of the labouring classes wanted the bonus."

Mr. R. VEERIAN :—"May I know if the 970 persons refused to receive the bonus?"

The hon. the RAJA OF PANAGAL :—"Probably they did not care to receive any. They volunteered themselves to be inoculated, and they were inoculated."

Mr. R. VEERIAN :—"Is there any record for showing facts about the bonus, etc.?"

Religious and Charitable Endowments.

The Madras Hindu Religious Endowments Bill.

852 Q.—Mr. S. MUTTAYYA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state whether the Local Government or the hon. the Minister for Local Self-Government has any cognizance of or any concern with the Religious Endowments Bill since the message of His Excellency the Governor conveyed to the Council on the 10th December 1923 and whether either of them proposes to take any action in connexion therewith?

[1st April 1924]

4.—With regard to the first part of the question, both the Local Government and the Minister for Local Self-Government had, during the period referred to, cognizance of and concern with the Madras Hindu Religious Endowments Bill. As regards the second part of the question, neither of them proposed to take any action. The action that had to be taken was that of His Excellency, and he has taken it in the message which was read in Council on the 17th instant.

Mr. S. MUTTAYYA MUDALIYAR :—“With regard to the first part of my question, ‘whether the Local Government or the hon. the Minister for Local Self-Government *has* any cognizance of, etc.’ the answer is ‘both the Local Government and the Minister for Local Self-Government *had*, during the period referred to, cognizance of and concern with the Madras Hindu Religious Endowments Bill’. The answer given is in the past tense. But what I am asking is whether they *had* cognizance in the past or whether they have still cognizance.”

The hon. the RAJA OF PANAGAL :—“Yes, Sir. They have cognizance even now, cognizance in the sense that there is a Bill passed by the Legislative Council, that after the passing of the Bill there have been some memorials sent to the Government and that some deputations waited upon His Excellency the Governor and the Minister in charge, and that the Bill has been considered by the Governor, and that he thought that certain portions should be referred back to the Council. To this extent they are aware of the Bill. In that sense they have cognizance of it.”

Mr. S. MUTTAYYA MUDALIYAR :—“I am asking whether they have cognizance of or concern with it since the 10th December 1923. All the things which the hon. the Minister stated refer to what took place before the 10th December 1923.”

The hon. the RAJA OF PANAGAL :—“Yes. They have cognizance of it. They are aware that parts of the Bill have been referred to this Council.”

Mr. S. MUTTAYYA MUDALIYAR :—“So, may I take it that the word ‘had’ is a mistake, and that it ought to be ‘has’?”

The hon. the RAJA OF PANAGAL :—“It is not a mistake, Sir. He asked whether during a particular period they had cognizance, and the answer has been given in the affirmative.”

Mr. S. MUTTAYYA MUDALIYAR :—“May I know what action the Government or the Minister for Local Self-Government has taken since the 10th December 1923?”

The hon. the RAJA OF PANAGAL :—“No action. The message has been sent to this Council by His Excellency the Governor, and the Minister is awaiting the result.”

Mr. S. SATYAMURTI :—“With regard to the question of concern, the answer is not clear. May I ask what is the concern of the hon. the Minister for Local Self-Government with regard to this Bill, since the message of His Excellency was conveyed to this Council?”

The hon. the RAJA OF PANAGAL :—“The concern is to wait and see (laughter) what will happen.”

[1st April 1924]

Mr. S. SATYAMURTI :—“May I take it from the hon. the Minister that his only concern is to wait and see what happens?”

The hon. the RAJA OF PANAGAL :—“Yes.”

Mr. C. RAMALINGA REDDI :—“May I ask the hon. the Minister for Local Self-Government whether this partial return of the Bill by His Excellency was not made in consultation with him or on his advice?”

The hon. the RAJA OF PANAGAL :—“His Excellency mentioned it to me, and I had no objection to it.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“May I know whether the individual amendments that were drafted have been shown to him and approved of by him?”

The hon. the RAJA OF PANAGAL :—“They were shown to me.”

Mr. S. SATYAMURTI :—“With regard to the action arising out of the recent message of His Excellency, may I ask the hon. the Minister for Local Self-Government, I am only repeating a question which I put some time ago, who is going to be in charge of those amendments when they come before the House?”

The hon. the RAJA OF PANAGAL :—“I do not know what he means by saying ‘who is to be in charge’. A message has been sent, and the hon. the President read that message to the Council, and the Council has to consider the amendments that were sent with the message and vote on the merits of those amendments.”

Mr. S. SATYAMURTI :—“You know, Sir, that unless somebody from his place in the House gets up and says ‘I move that the following amendments be considered’, the amendments cannot come up before the House. I am therefore asking the hon. the Minister for Local Self-Government who is to place these amendments before the House, initiate discussion, hear the points urged, answer the arguments, and urge the reasons for which the amendments should be accepted. Standing Order 51 says that when a Bill which has been passed has been returned by the Governor to the Council for reconsideration, the point or points referred for reconsideration shall be put before the Council by the President. But I take it that it will be only after a discussion has been raised, and the matter discussed. I am asking who is going to initiate the discussion, note the points raised, and answer the points if they can be answered.”

The hon. the RAJA OF PANAGAL :—“The hon. Member may wait and see.”
(Laughter.)

Mr. C. V. VENKATARAMANA AYYANGAR :—“May I know if the hon. the Minister had any part in the message that has been communicated to us to-day from His Excellency the Governor in connexion with the Religious Endowments Bill?”

Mr. S. SATYAMURTI :—“May I take it, therefore, that the hon. the Minister for Local Self-Government has not yet made up his mind, or does not know, who is going to be in charge of these amendments?”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Will the hon. the Minister be pleased to tell us as to whether he had any part in the message that has been sent to us to-day?”

[1st April 1924]

The hon. the PRESIDENT :—"I have not yet announced the message. When it has been announced, it will be time enough to ask questions."

Tours.

Amount of stationery used by the hon. the Minister for Education and his tour expenses.

853 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Education be pleased to state—

(1) the number of embossed Government letter-papers, envelopes and the cost of service stamps used by the hon. the Minister for Education in each of the months of August, September and October 1923 as also for the same period of the previous year; and

(2) how many days in each of the months of August, September and October 1923 the hon. the Minister for Education toured officially in the Ganjam district and the total cost of such tours?

A.—(1) The information is not available.

(2) One trip was undertaken to Ganjam in each of the months of August, September and October 1923. The number of days taken for touring in the district varied from three to eight days. The total cost of these tours amounted to Rupees 1,157-12-3.

Sriman BISWANATH DAS Mahasayo :—"With regard to the first part of the question, the answer is: 'The information is not available'. Am I to understand that the hon. the Minister for Education is not maintaining a despatch register so as to know the cost of the service stamps used by him?"

The hon. Rao Bahadur Sir A. P. PATRO :—"No."

Sriman BISWANATH DAS Mahasayo :—"I am very sorry to hear that reply, because I never knew that the Government is not even maintaining a despatch register. With regard to the second part of the question, I should like to know the public work that was discharged by the hon. the Minister for Education during the three trips he took to the Ganjam district in the three successive months of August, September and October 1923?"

Mr. S. SATYAMURTI :—"With regard to the answer to the first part of the question, may I know whether there is any account kept of the service stamps used by the hon. the Minister, or whether there is no account kept?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The department is maintaining the account."

Mr. S. SATYAMURTI :—"May I know if by 'the department' he means that all the stamps used by him are accounted for separately, or only that a consolidated list is kept of all the service stamps used by the department?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The department keeps an account of the stamps supplied."

Mr. S. SATYAMURTI :—"May I know what was the nature of the public work which took the hon. the Minister successively for three months to the Ganjam district?"

The hon. Rao Bahadur Sir A. P. PATRO :—"It was already answered twice, Sir."

[1st April 1924]

Mr. C. RAMALINGA REDDI :—"May I ask the hon. the Finance Member whether it is not usual for the Members of Government to keep an account of the service stamps they use?"

The hon. Sir CHARLES TODHUNTER :—"It is not usual for Members of Government to keep accounts with their own hands. When letters are written at headquarters, they are issued through the Central Issue Branch which keeps an account of the stamps. When a Member goes on tour, so far as I am aware, the practice is for his tour clerk to take a small advance of stamps from the Central Issue Branch and to account for it on his return."

Mr. C. RAMALINGA REDDI :—"I do not mean to say that they are keeping the accounts in their own hands. I know that their time is far too precious to be spent in that direction. What I meant was whether in their offices a despatch register is kept and proper account also maintained of the service stamps which are used by them."

The hon. Sir CHARLES TODHUNTER :—"Speaking without notice, Sir, my impression is that the practice is, as I have said, that the Central Issue Branch deals with all the issues when we are at headquarters. When we go on tour, our respective personal clerks take a small advance of stamps which they account for to the Central Issue Branch on their return."

Sriman SASIBHUSHANA RATH Mahasayo :—"Is there no way to know which of the Members and Ministers used what amount of postage and stationery on their own account?"

The hon. Sir CHARLES TODHUNTER :—"No, Sir; we do not keep accounts with that particularity. Quite a number of letters are issued every day, and I do not think we could keep ledgers showing which particular Member of the Government is responsible for which particular letter."

Mr. SAMI VENKATACHALAM CHETTIYAR :—"Does the hon. the Minister for Education recollect any instance or instances in which he used service stamps while addressing the electors?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I decline to answer that."

Mr. S. SATYAMURTI :—"May I know why he declines to answer that?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Because it is an impertinent question."

Mr. S. SATYAMURTI :—"May I know, Sir, whether a question as to whether he used service stamps for electioneering work is an impertinent question?"

Mr. SAMI VENKATACHALAM CHETTIYAR :—"May I have a ruling, Sir, as to whether my question is an impertinent question, and whether you are going to allow that kind of remark?"

The hon. the PRESIDENT :—"It is very well known that when 'pertinence' and 'impertinence' are contrasted in a House like this, they are used in an etymological sense. I do not think that anybody resents it."

Mr. C. RAMALINGA REDDI :—"Then, would we be in order to say that an answer has been impertinent?"

[1st April 1924]

The hon. the PRESIDENT :—"It has been said before and may be said again."

Mr. SAMI VENKATACHALAM CHETTIYAR :—"Does he use 'impertinent' as contrary to 'pertinent'?"

Mr. C. RAMALINGA REDDI :—"Of course."

Mr. S. SATYAMURTI :—"In view of the hon. the Minister's statement that he answered this question, viz., as to the public work which took him to Ganjam in August, September and October 1923 just on the eve of the elections, twice, I do not remember having listened to the answer, Sir, and, therefore, may I ask him to say when he answered, so that I may look up to those answers and satisfy myself?"

The hon. Rao Bahadur Sir A. P. PATRO :—"It was answered last week. It was answered again at the last sitting of the Council."

Mr. J. A. SALDANHA :—"May I know whether the hon. the Ministers, before going to tours or trips at Government cost, ask the permission of His Excellency the Governor, or of any other authority for such tours and trips?" (Laughter.)

Mr. SAMI VENKATACHALAM CHETTIYAR :—"May I know from the hon. the Law Member what have been the election expenses of the hon. Sir A. P. Patro?"

The hon. the PRESIDENT :—"It is not a supplementary question to this particular question."

1st April 1924]

APPENDIX I.

[Vide answer to question No. 847 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 1st April 1924, page 243 supra.]

Statement showing the percentage of task turned out by each gang on the Kolar test work from 7th to 24th January 1924.

Gang number.	January 1924.															
	7th.	8th.	9th.	10th.	12th.	13th.	14th.	15th.	16th.	17th.	19th.	20th.	21st.	22nd.	23rd.	24th.
1	90	Full	Full	Full	70	Full	90	50	90	90	90	Full	90	Full	90	Full
2	80	Full	Full	Full	80	Full	70	80	90	80	Full	80	50	80	80	80
3	80	Full	Full	Full	90	Full	70	80	90	90	Full	80	70	Full	Full	Full
4	70	Full	Full	Full	Full	Full	90	60	90	70	Full	80	60	90	90	90
5	80	Full	Full	Full	Full	Full	90	60	80	70	70	60	50	90	70	90
6	80	Full	Full	Full	Full	Full	90	30	80	70	70	60	60	90	90	90
7	..	..	..	..	Full	Full	90	30	80	70	70	60	60	90	90	90
8	..	..	..	..	Full	Full	90	30	80	70	70	60	60	90	90	90
9	..	..	..	..	80	80	Full	40	30	80	80	40	70	80	80	70
10	..	..	..	..	90	80	Full	40	30	60	80	40	50	70	80	60
11	..	..	..	..	..	..	..	..	..	..	..	20	40	60	70	60
12	..	..	..	..	..	..	..	..	..	..	..	..	..	60	70	50
13	..	..	..	..	..	..	..	..	..	..	..	..	..	60	70	60
14	..	..	..	..	..	..	..	..	..	..	..	..	..	60	70	60
15	..	..	..	..	..	..	..	..	..	..	..	..	..	60	70	60
16	..	..	..	..	..	..	..	..	..	..	..	..	..	60	70	60
17	..	..	..	..	..	..	..	..	..	..	..	..	..	90	80	..

24th January 1924.—Ten per cent deduction was made in the wages for gangs Nos. 6 and 8 to 15 as the size of metal was not to the standard fixed. 11th and 18th are rest days.

[1st April 1924]

APPENDIX II.

[Vide answer to question No. 851 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 1st April 1924, page 246 supra.]

Copy of the report from the Director of Public Health, Madras.

I have the honour to furnish below the information required by Government.

(1) On receipt of a report from the Revenue Divisional Officer, Ranipet, in the last week of January 1924 about the occurrence of rat-falls in the town, the Collector of North Arcot asked the District Health Officer to proceed to the place and take necessary action. He also addressed the Revenue Divisional Officer, Ranipet, to take steps for the evacuation of infected houses, and the President, Union Board, Ranipet, to arrange for rat-destruction operation on a large scale. The District Health Officer at once secured the services of a Sub-Assistant Surgeon solely for inoculation duty and of an additional Sanitary Inspector for Plague duty. Inoculation was vigorously pushed on, and up till now 1,050 persons out of a total population of about 4,000 in Ranipet town were inoculated. The success of the inoculation campaign was greatly due to the influence and co-operation of the Union Board President. Disinfection was also attended to. The Director of Public Health deputed one of his Assistants to inspect the town and investigate into the outbreak of plague there on 3rd February 1924 and the remedial measures suggested by him were communicated to the local authorities for immediate adoption. Some people evacuated the infected houses voluntarily, but no compulsory evacuation order was enforced. Rat-killing operations are also being carried on.

(2) A bonus of four annas per head was paid to poor people to induce them to get inoculated, and so far Rs. 20 has been spent on this account.

(3) A great deal of propaganda has also been done in the way of lectures and discourses to the people and by broadcast distribution of leaflets and exhibition of appropriate posters in suitable places. Magic lantern lectures were delivered at Ranipet.

II

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL.

The hon. the PRESIDENT :—" I have received the following Message from His Excellency the Governor regarding the Madras Hindu Religious Endowments Bill. Copies have already been circulated among hon. Members, and it will be included in to-morrow's agenda. As hon. Members will be interested to know the contents of the Message, I have had it circulated among them now :—

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR OF MADRAS TO
THE MADRAS LEGISLATIVE COUNCIL UNDER STANDING
ORDER NO. 69.

The Madras Hindu Religious Endowments Bill.

His Excellency the Governor has perused the amendments, notice whereof has been given, in respect of the Madras Hindu Religious Endowments Bill. He considers that it is due to the Legislative Council to point out that after due deliberation and consideration of the various representations received from persons and Associations interested in Religious Endowments, he came to the conclusion that the Legislative Council should consider the amendments which are adverted to in his Message dated 17th March 1924.

[1st April 1924]

[The President]

2. In deciding upon such a course, His Excellency the Governor was influenced by two considerations—

(a) His extreme unwillingness to interfere with the will of Legislative Council expressed by a large majority at the third reading of the Bill;

(b) His desire at the same time to give due weight to the representations which urged a reconsideration of the Bill in so far as it affected the jurisdiction of courts.

3. His Excellency desires to point out the inexpediency of going back on the decision of the Council excepting to the minimum extent. He trusts that the Council will realize this aspect of the matter, and regrets that he is unable to allow discussion on any further amendments save those which are indicated in the Message.

4. His Excellency feels that he cannot assent to any further modifications in the Bill except in the manner and to the extent suggested in that Message and trusts that he will have the advantage of the Legislative Council's deliberations in regard to these points "

WILLINGDON—31-3-24."

Mr. C. RAMALINGA REDDI :—" Mr. President, may I have your permission to ask you, with reference to what is contained in paragraphs 3 and 4 of this Message, whether it is not within your jurisdiction to rule amendments out of order, or whether His Excellency the Governor has any jurisdiction in the matter of allowing or of disallowing amendments proposed ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, as will be seen from a perusal of the Act, His Excellency the Governor has sent to this Council a Bill with a Message containing certain amendments that he has recommended. It is, of course, within the purview of this Council to debate any other amendments subject to the ruling that may emanate from you, Sir. But, I take it, that the construction to be placed on this Message of His Excellency the Governor is that he finds himself unable to accept any amendment 'excepting to the minimum extent' which is indicated in that Message. And, assuming for a moment that any other amendments to these amendments are permissible—it is a matter which will be debated upon in due course—and, assuming further that this Council deliberates upon those amendments to the amendments, then His Excellency regrets his inability to incorporate them along with the amendments which he has put forward, or to accept the Bill as so amended by the House. That, I take it, is the construction that should be put on the Message."

Mr. C. RAMALINGA REDDI :—" I am very thankful indeed to the hon. the Law Member for the interpretation which he has put on clause 3, if all that is meant to be conveyed to this House here is that this is a kind of ultimatum from His Excellency the Governor, and that if we introduce any changes, or if we refuse to incorporate the changes which he has been gracious enough to propose, he would treat that as sufficient ground for withholding his assent to the Bill. But the purport of clause 3 is quite different and it does not seem to me, speaking as a layman, to bear the interpretation put on it. 'Regrets that he is unable to allow discussion on any further amendments': that was what I was referring to as probably infringing on your power."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I take it that he merely meant 'useful discussion'."

The hon. the PRESIDENT :—" I allowed the hon. the Law Member to speak for the same reason that I allowed the hon. Member from Chittoor to make a remark, because I did not think it right to contradict point-blank eminent legal authorities. But I must say that the question does not arise now. I have only read a message to the Council. It does not mean that it is placed

[The President]

[1st April 1924]

on the agenda for the purpose of discussion. The matter will come on in due course, we all hope, to-morrow, and then it will be time enough to raise any further question, and it will be my duty to settle any point of order that may be raised."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"On a point of personal explanation, Sir, it was far from my intention to infringe on the rules of debate which do not allow discussion except on matters included within the agenda. It was my purpose only to point out that the message does not bear any interpretation serving to cast any doubt upon your privileges—your undoubted privileges—as President, or upon the intentions of His Excellency the Governor in giving this Message."

The hon. the PRESIDENT :—"I am sure the hon. Member's speech has served a useful purpose. But all the same I do not intend to continue the discussion."

III

ELECTION TO THE PUBLIC ACCOUNTS COMMITTEE AND THE FINANCE COMMITTEE.

The hon. the PRESIDENT :—"I have to announce to the House that the following hon. Members have been nominated as candidates for election to the Public Accounts Committee and the Finance Committee :—

Public Accounts Committee.

Rao Sahib P. V. Gopalan.
Mr. Abbas Ali Khan Sahib.
" C. Nicholson.
" V. Madhava Raja.
Rao Bahadur O. Tanikaohala Chettiyyar.
Mr. J. D. Samuel.
" W. Vijayaraghava Mudaliyar.
" R. Srinivasa Ayyangar.
" A. Chidambara Nadar.
Sriman Biswanath Das Mahasayo
Mr. S. Muttayya Mudaliyar
" K. Uppi Sahib.
" J. A. Saldanha.

Finance Committee.

Mr. C. Ramalinga Reddi.
Rao Bahadur A. S. Krishna Rao Pantulu.
Mr. Yahya Ali Sahib.
" C. V. Venkataramana Ayyangar.
Sir K. Venkatarreddi Nayudu.
Sriman Sasibhushana Rath Mahasayo.
Mr. P. N. Marthandam Pillai.
" R. Srinivasan.
" A. Ramaswami Mudaliyar.
" B. Mahabala Hegde.
" Muhammad Moosa Sait.
" M. R. Seturatnam Ayyar.
" L. C. Guruswami.
" V. Madhava Raja."

The following Members withdrew their candidature during the course of the above announcement :—

Public Accounts Committee.

Mr. R. Srinivasa Ayyangar.
" S. Muttayya Mudaliyar.
" K. Uppi Sahib.
" J. A. Saldanha.

Finance Committee.

Mr. C. Ramalinga Reddi.
Sriman Sasibhushana Rath Mahasayo.
Mr. Muhammad Moosa Sait.

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The hon. the PRESIDENT :—"As the number of candidates exceeds the number of vacancies in both cases, election by means of the single transferable vote will have to be held. Under Regulation II (5), I appoint 5 p.m. to-morrow, i.e., 2nd April, as the time for the holding of the election, and the ballot box will be closed at 5-30 p.m. Voting papers containing the names of the candidates can be had from the Secretary from 3 to 5 p.m."

IV

ALLOTMENT OF TIME FOR NON-OFFICIAL BUSINESS.

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, before we proceed to the next item on the agenda paper, I wish to rise to a point of order. I understood that this day was set apart mainly for non-official business. If my impression is right, non-official business must have precedence over other business to-day, and if there is any time left over after the transaction of non-official business, other business may be proceeded with."

"I have special reasons for raising this point of order. I find on the paper that there is one non-official Resolution relating to the *Swarajya*. The next item in the agenda is

'Business left over from the list of business for 31st March 1924.'

in which are included two Government Bills, the Children's Bill and the Pilferage Bill. If after the Resolution on the *Swarajya*, those two Government measures are to be taken up for consideration, I do not know how long the discussion on those Bills will go on, and whether any time will be left over to-day for the transaction of other non-official business. I understand that to-morrow is devoted to official business, the consideration of the Hindu Religious Endowments Bill. You know that I am very much interested in my Malabar Tenancy Bill. This Bill has been hanging fire for the last so many months, and I may even say for a year almost; so that, if non-official business be not taken up to-day, and if I do not get an opportunity for asking the leave of the Council for introducing that Bill, the tenants of Malabar will be very seriously handicapped. ('Hear, hear.') It is with the object of enabling me to bring that Bill before the House that I rise to this point of order, and I request that you will be pleased to give a ruling on this point in my favour. If that is not possible, I request that time may be allowed to me for moving my Bill to-morrow before the consideration of the Religious Endowments Bill is taken up."

"I may reiterate that my sole object in rising to this point of order is to get an opportunity for bringing the Malabar Tenancy Bill before the Council. It will not take much time as it is only the first reading—at the most it will take about 20 or 25 minutes."

The hon. the PRESIDENT :—"I am sure the House is anxious that the hon. Member should be given time to ask for leave to introduce his Malabar Tenancy Bill. But the state of things is this: this is not a day allotted by His Excellency for non-official business. But we are taking advantage of the general provision that on a day appointed for official business, after that business is over, any time left over may be utilized for non-official business. According to the announcement which I made the other day, the arrangement of Government business which I received from the Government was to the effect that the Children's Bill and the Pilferage Bill were to be taken on

[The President]

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Friday the 28th March if there was time, that if there was no time then they should be taken up on the 1st of April, and that after those Bills are over private business should be done. I therefore cannot give precedence to the hon. Member's motion for leave to introduce his Bill to-day. But I share with him his anxiety that his motion should be reached as early as possible and should be got through."

Diwan Bahadur M. KRISHNAN NAYAR:—"Thank you, Sir, for the statement. May I then make this further request? Will it be possible for you to intervene on my behalf and request His Excellency to allot at least half a day for the transaction of non-official business, if there is no time left over for non-official business to-day? If this opportunity is given to move my Bill, it will be a very great relief to a large number of Malabar tenants, and I may say, to thousands and thousands of voters in Malabar." (Laughter.)

The hon. Sir CHARLES TODHUNTER:—"May I say on behalf of the Government that we never wished to crowd the hon. Gentleman out? As you said, Sir, it was put down for the 28th of March. We on this side of the House did not anticipate that every day we should have a full and crowded hour of questioning. Nor did we anticipate that such an immense interest would be shown in the Audit and Appropriation Report, that it would take up a full day to discuss that. It is only by reason of the interest shown by the Council in the various questions put and in the accounts that have been submitted for their consideration that the hon. Gentleman is suffering as he does. Now, if we can meet the convenience of the House by standing aside and allowing this Bill to come forward, we shall be only too glad to do so."

V

CONDUCT OF THE SWARAJYA.

The hon. the President having called on Mr. P. C. Ethirajulu Nayudu to move his motion relating to the conduct of the *Swarajya*, Mr. C. RAMALINGA REDDI got up and said:—"May I rise to a point of order about this item on the agenda?"

The hon. the PRESIDENT:—"Perhaps the hon. Member has not noticed that I have called upon the hon. Member, Mr. Ethirajulu Nayudu. If he would confine himself to the point of order he wishes to raise, he will be entitled to speak."

Mr. C. RAMALINGA REDDI:—"I am only rising to a point of order as to how this item came to be allowed, seeing that the resolutions and motions of which notice had been given and which had been balloted for are not being given precedence."

The hon. the PRESIDENT:—"I have admitted this motion because, though the Act, Rules and Standing Orders have not provided for such matters, it is undeniable that the House has a right to express an opinion as to its position and privileges. Such a motion cannot be brought within the ballot because it is not a recommendation to the Government. It is a matter concerning the House and it is not a motion for an address to the Governor. Under these circumstances, I allowed this motion."

Mr. C. RAMALINGA REDDI:—"May I remind you, Sir, with due submission, that in the ruling you gave with reference to the provision of

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special facilities for the discussion of the Censure Motion of the hon. Gentleman, Mr. Sami Venkatachalam Chetti, and with reference to which you will also remember a deputation waited on you, you laid down that even censure motions of that kind—which of course cannot be in the nature of a recommendation to Government or resolutions in the technical sense—and addresses would have to go to the ballot and take their chance. I beg to submit with all due deference that while a representative motion sought to be moved on behalf of the Opposition was disallowed on that ground, this has been admitted."

The hon. the PRESIDENT:—"I would be perfectly willing to answer the hon. Member's question. But I have already answered the question why the former motion was disallowed, and I have stated the reasons therefor in open Council. I do not think I can be called upon further to account for admitting the present motion."

Mr. S. SATYAMURTI:—"May I rise to another point of order? Under Standing Order No. 54, sub-clause (a) of the proviso, any subject in the form of a resolution

'shall be clearly and precisely expressed and shall raise a definite issue.'

"I will take the distinction which you just now made between motions and resolutions, and will not rely on the point of the form of the resolution, viz., as to whether it should be a recommendation or otherwise. But, if you read the Standing Order through, you will find that any question, such as my hon. Friend now proposes, can be put by you before this House only when it satisfies these conditions, namely, that

'it shall be clearly and precisely expressed and shall raise a definite issue.'

"If you actually look at the wording of the resolution, you will find it says

'that this House views with strong disapproval the action of the *Swarajya* in impugning the impartiality of its President.'

"There is no reference to the articles in the paper. There is no reference to the dates on which these articles appeared, nor any reference to the subject-matter. And I do submit that it will be a handicap to this House that it should be called upon to review the general conduct of the *Swarajya* without any specific reference to the subject-matter or the articles in that paper. Therefore I submit it offends the proviso in Standing Order No. 54. The motion is not clearly and precisely expressed and it does not raise a definite issue."

The hon. the PRESIDENT:—"Why does the hon. Member quote Standing Order No. 54? This is not a resolution."

Mr. S. SATYAMURTI:—"Even with regard to motions—you will kindly turn to Standing Order 29, which has reference to motions—you will find that

'A matter requiring the decision of the Council is brought forward by means of a question put by the President on a motion proposed by a member.'

"I submit, Sir, that Mr. Ethirajulu Nayudu wants you to put a question to this House by means of his motion, and I also submit that it is somewhat of a handicap to this House not to have a specific issue precisely and clearly

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expressed before them. Without that, it is impossible for us really to vote on a motion regarding the general conduct of a newspaper. That is the point I submit for your consideration."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Although this is not a Resolution but only a motion, I am perfectly willing to accept the contention that what is understood under Standing Order 54 is that the matter of a Resolution shall be clearly and precisely expressed and raise a definite issue. The point appears to be that the issue which is presented for the decision of the House shall be definitely expressed. It is conceded, Mr. President, that the articles or effusions in respect of which the decision of this House is called for have been printed and circulated to hon. Members . . . "

Mr. S. SATYAMURTI :—" No, Sir; at any rate, I have not got that."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Nor have I got it, Sir."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" A copy of the letter from the Secretary, Madras Legislative Council, to the Editor, *Swarajya*, dated the 12th March, is before the House. That gives in quotation marks the substance of what has been termed the offending article."

Mr. S. SATYAMURTI :—" It does not give a substantial portion of the article objected to, but here and there it gives a few words."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There are the particular sentences objected to, and if hon. Members are interested in seeing the other side of the shield it is open to them to go through the whole literature. What is before the House is the motion of the hon. Mr. Ethirajulu Nayudu who says that these sentences are such that they impugn the impartiality of the Chair. He has not complained of the other sentences. It is quite open to hon. Members to say that there are other portions that whittle down the effect of these sentences. I do think that this is hardly a matter for raising a point of order on. All that I am concerned with is that the material portion is here, and there is no question of any ambiguity about the article or indefiniteness of the issue."

Mr. A. RAMASWAMI MUDALIYAR :—" May I be permitted to add that the hon. Member, Mr. Ethirajulu Nayudu, had the article in question read out when he last referred to that in this Council? The Council is therefore perfectly aware of the date, and the substance of the article in question."

Mr. C. RAMALINGA REDDI :—" May I point out, Sir, that judging from the Resolution as it has been placed before us there is absolutely nothing from which to infer which particular portion exactly is the matter in issue. We have to take the terms of the motion as they are, to judge of the action of the *Swarajya* in impugning the impartiality of the President. We do not know which article or articles are referred to. My contention is that it should have been made quite specific in order to put the House in as judicial a frame of mind as possible and the entire series of articles which was the basis of this motion should have been circulated to us."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, I regret to have to intervene more than once in this matter. As it is a question of great importance, I hope you will allow me to speak a few more words. I realize the extreme anxiety of hon. Members that nothing should be done

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[Mr. C. P. Ramaswami Ayyar]

by this House except on most certain and definite grounds. I am reminded of the rules of English Criminal pleading in the old days by which a person was acquitted in a criminal offence because in the indictment the word 'lamb' was used instead of the word 'goat'. It is not that I am minimising the importance of the meticulous objection, if I may use that much used expression, but it is rather this: if, as a matter of fact, the *Swarajya* has been specialising in the matter of impugning the impartiality of the Chair it may be all right. As, however, I see from what has been interjected by the hon. Member for the University that there are only one or two articles in which that procedure has been pursued, it cannot be said that the motion is on some untraceable or obscure passage. It is not a matter on which we shall have to grope in the dark, for we are all aware of what is meant by this Resolution and there is no obscurity about it. Let us proceed and come to a conclusion whether the *Swarajya* is right or wrong."

Mr. C. RAMALINGA REDDI :—" May I plead as strongly as I can that we are not aware of the substance of the charges that are made against the paper on which the hon. the Law Member appears to have already pre-judged?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, it is not a question of pre-judging at all. I am a member of this House and I am entitled to have my own views."

Mr. C. RAMALINGA REDDI :—" I do not deny the right to the hon. the Law Member of holding his own views and expressing them. I am now concerned only with the form in which the motion is made. Our contention is based on the Standing Order referred to by my hon. Friend, the Member for the University; we are asked to pronounce judgment without the offence being made specific and without the entire data connected with it being placed before us. This is a formal objection and we request you to give a ruling on this matter."

The hon. the PRESIDENT :—" I have already stated that the Standing Order referred to a resolution while the matter on hand is a motion. When the time comes, when the question is put to the House, if hon. Members are desirous of it, I can ask the hon. the Mover to lay down a formula as has been frequently done on certain recent occasions. At present I do not consider that any Standing Order is infringed by wording the motion in the manner in which it is worded on the paper. I think that the matter under consideration has formed the subject of discussion in this House at least three times before now, and the hon. Member, Mr. Ethirajulu Nayudu, has always been referring to the same article or the same series of articles. We had better allow him to make his motion and tell us what he has to say on the matter."

Rao Bahadur P. O. ETHIRAJULU NAYUDU :—" Mr. President, having thus got a line-clear to move the resolution of which I have given due notice, I move—

'That this House views with strong disapproval the action of the *Swarajya* in impugning the impartiality of its President.'

"It is in no light view I rise to move the resolution of which due notice has been given. You are aware, Sir, that at the time when certain caustic comments were made in the *Swarajya*, I had the honour of bringing them to

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your notice and requesting you to take suitable steps to see that the dignity of this House was not lowered by unfair, coarse or vulgar comments on its President. In response to that appeal, the editor of this organ was called on to apologise within a week, and it appears from newspaper reports that the reply that has been sent to your Secretary, far from expressing any regret, actually aggravates the offence and adds insult to injury. I may bring it to the notice of this House that from the time you succeeded Sir P. Rajagopalachariar as President, there has been a persistent, systematic attempt at vilifying and ridiculing your position as President by this journal, whose claim to any excellence is that it outshines every other organ in its vulgarity. It may be, Sir, that there were motives behind this attempt. It may be that certain disappointed hearts were instigating from behind the screens. I do not care to go into the motives, but I feel that every section of this House should join wholeheartedly in condemning such vulgar criticism of one who commands the confidence and respect of the whole House, of all sections and all parties.

"The *Swarajya* has been notoriously hostile to a section of this House, but we have never been perturbed, and, I may say, we have always held that we were pursuing the right course and acting in the best interests of our country. We welcome such criticisms. We treat them with the contempt they deserve, and for aught we care many more vile phrases may be heaped on our heads, but it will not worry us in the least. But when it comes to an abuse of the dignity of this House, we feel the offender should be taught a lesson. To refer to the President as a Compiler of Panchangams and of local Bradshaws, to speak of the President's office as a wing of the Secretariat, to indulge in a deliberate misstatement that the President draws a salary of Rs. 3,000, when every one knows it is only Rs. 2,000, may all be in keeping with the high ethical standards of this journal.

"A great deal is said of the liberty of the Press. I yield to none in my desire to safeguard such liberty, but I maintain with emphasis that such liberty should not degenerate into licence, and that the new democracy that we are trying to usher in should not be strangled at its very birth by the setting up of the autocracy of the Press. The Press should know its limits, and should keep to its standard of etiquette. Otherwise, it should be taught its proper place by this democratic assembly. We do not care for criticisms of parties; but we refuse to tolerate the vapourings of hair-brained youths, penning forth their vitriolic fervour from their safe seats in office.

"This is not a question of party quarrel. Everybody here admits that the President is above all parties and has conducted himself in such a way that all sections of the House readily acknowledge that he has done his duty without fear or favour. When he is subjected to such virulent criticism, it is our duty to support his authority and uphold his dignity. We shall no doubt be unscrupulously attacked, but we must face such attacks with perfect equanimity. I feel sure that if we do so, the Press—I mean the saner section of it—will be the first to acknowledge that we have done our duty. Let us not be cowed down by threats. I ask my hon. Colleagues to support this motion unanimously. I ask you, Sir, to take immediate steps to see that till an apology is forthcoming the *Swarajya* is not given the privilege of a seat in the Reporters' gallery in the House, and I ask the hon. the Law

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Member to co-operate with us and see that till that time the privileges of the Editors' Table are denied to this organ. This is not a resolution in support of the Government or of the Ministers or of the party. It is a resolution to vindicate the position and the privileges of the Chair and of this House, and I have every right to expect all sections, Swarajists, United Nationalists, Ministerialists and Government benches to wholeheartedly support this motion."

Mr. A. V. BHANOJI RAO :—"Sir, I beg to second the motion."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I beg to move that—
'this Council do pass to the next subject on the agenda.'

"I do not at this moment want to say anything about the merits or demerits of this question. One important subject we have to deal with is this: whether whenever similar occasions arise in the future we should spend the time of this House in discussing them and then say we have no power to punish the party concerned. The hon. the Law Member told us the other day that the Act as it now stands has absolutely no power to deal with such offences, if this is an offence at all. The hon. the Mover of this motion has said that all that we can do for the present is to disallow the representative of the *Swarajya* from the Reporters' gallery of the House. He wanted in addition that instead of our being a part of the Secretariat, as has been alleged by the *Swarajya*, the Secretariat should be a part of our establishment and deny the *Swarajya* the privileges of the Editors' Table. We will make it clear that we have nothing to do with the Secretariat and the Secretariat has nothing to do with us."

Mr. M. RATNASWAMI :—"Are we to understand that we have no jurisdiction over the Secretariat?" (Laughter.)

Mr. C. V. VENKATARAMANA AYYANGAR :—"Certainly we have by way of recommendations in the form of resolutions or by way of cutting down their demands for grants. If we have no power to control their actions, the only course open to us is to apply and pray. Besides praying, the only other way in which we can deal with this question is to prevent its reporter from coming to the press gallery. All that I can say is that this will not prevent the paper from getting the reports from other newspapers or other reporters. We should also consider the possibility of severe criticisms against the individual members, against the President and against the House as a whole in various newspapers. Are we going to spend our limited time in bringing resolution after resolution with the result that the press gallery may become more or less empty excepting probably for the representatives of one or two journals? I will therefore say that the effect of enforcing this resolution will be absolutely nothing. It would have been better for the hon. the Law Member to have moved in the matter and secured a change in the law at the earliest possible moment. Without doing that, if we are to proceed with this, we are certainly following the wrong path.

"Then, Sir, one chief reason why this motion should not be introduced at this stage is this. In view of the appeal that has been made for a unanimous motion in this matter, I ask one pertinent question, whether the hon. Mover or anybody else ever troubled himself to consult the views of anybody sitting on this side of the House. The hon. Member did not want to consult any one of us, but he wants us to obey him whenever he wants. In such

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serious matters, I think it is the duty of the Members of Government as well as those who are with them to ascertain the views of the Opposition from its leaders.

"One other point I wish to raise and it is this. It is a question of order. This is, I take it, something like a defamation. It is a well-known law that when we deal with defamations the particular sentence or paragraph which offends should be put into the charge together with the whole article of which it forms a part. It has been said that the *Swarajya* is well-known to everybody. At Coimbatore I see every day a copy of the *Swarajya* and many other papers. But when I come here I do not get them and I am in the dark. The hon. the Law Member said that only one or two articles were involved. He spoke as if it was immaterial whether it was one or two. Evidently, when I read the correspondence of which copies have been given to us I thought the fault lay in the correspondence. To me it appeared as if the fault lay in the reply of the *Swarajya* editor, where he refuses to apologise. I thought the whole of the articles would be placed before the table. The hon. the Law Member said whether it was one article or two it did not matter. The point is very important. We are having the whole question discussed without our consent. The matter is, as it were, sprung on the House as a surprise. When the hon. Mover first referred to the question, and when you, Sir, said that the matter might be brought in writing, the hon. the Law Member said that we had no power to deal with such matters. I thought that the matter would probably be taken up when the law was amended. We thought that at the present moment the matter would be dropped. All on a sudden we rub our eyes to see that the matter is brought up at 24 hours' notice. It is desirable in the circumstances in which the Resolution has been brought forward, in the circumstances in which it has been left so vague and in the circumstance that no definite action is suggested, not to press this matter, and not to cry down those who speak against this motion. It was moved as a party motion without the consent of the Opposition. It was seconded by another party man and supported by a third party man. I appeal once more to the hon. Mover not to press this matter further and request that hon. Members may pass over this subject and not discuss this undesirable question."

Sriman BISWANATH DAS Mahasaya:—"Sir, I have great pleasure in seconding this motion for going on to the next item on the agenda. Sir, the hon. Member from Guntur has appealed to our sense of the dignity of the House. I believe, Sir, the dignity of the House is as much a concern of the Opposition as of the Ministerialists. I would ask him to think, whether in moving this motion, he has consulted the Members and Leaders of the Opposition, so as to arrive at a unanimous conclusion regarding a very important point which concerns the dignity of the Chair. Then, Sir, we have washed too much of dirty linen on the floor of this House and therefore I would request him not to press this matter further."

MR. SAMI VENKATACHALAM CHETTIYAR:—"Sir, I shall for the present confine my remarks to the amendment of Mr. C. V. Venkataramana Ayyangar. The passing of the motion to proceed with the next item on the agenda seems to be the most appropriate course that this Council can adopt under the existing circumstances. As one who is the ultimate cause for this unhappy question I must first of all state that I have no complaint against

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the ruling of the Chair on the censure motion. But, Sir, there are what are called the liberty of the press and the privileges of this House, and at this stage of transition, when neither the privileges of this House nor the liberty of the press has been properly defined, I for one would absolutely have no objection to the laying down of certain rules which may be placed before the House for acceptance. Before doing that, it seems exceedingly unwise that we should, by the mere virtue of a majority, of a commanding majority of this House, go on imposing restrictions, which, when enforced, would be absolutely of no effect upon persons upon whom they are sought to be enforced.

"One other objection that I would adduce in addition to the argument of Mr. Venkataramana Ayyangar is that from the correspondence that has transpired between the Secretary of the Council and the editor of the *Swarajya* the matter seems to me to be *sub-judice*. You, Sir, seem to have already taken some disciplinary action and it will be unwise for this Council to interfere with the exercise of your privilege in a manner which you may in the discharge of your duties deem fit. This is as an additional reason why this subject ought not to be discussed now. In case this motion is defeated and the original motion is allowed to be discussed, hon. Members of this House will be placed in a very difficult position, and then let it not be misunderstood that they wanted to support a paper which has impugned the impartiality of anybody, much less one which has impugned the impartiality of the President. With these remarks I would appeal to hon. Members to pass on to the next item on the agenda."

MR. A. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I must own to a feeling of embarrassment on having to speak on this motion. I may assure hon. Members opposite that it was not to our taste, that it was not to our inclination to have been the author of this resolution. No hon. Member on this side of the House would have been more reluctant than my hon. Friend, Mr. Ethirajulu Nayudu himself, to urge this House to consider what action should be taken on the offending articles of the *Swarajya*. May I point out that it would have been very much more appropriate for an hon. Member opposite to have moved his little finger to vindicate the dignity of the President and the prestige of this House. I cannot conceive for a moment the extreme embarrassment with which I and others who sit with me are under in having to deal with this matter. You, Sir, are aware and hon. Members of the House are aware, that on matters political we on this side of the House do not see eye to eye with the *Swarajya* or its editorial staff. We are therefore handicapped by the fact that it is quite possible that any attempt on our part in respect of this question may be impugned. Whether we thought so in bringing forward this Resolution or not it might be suggested by one section of this House or another that we had ulterior motives and that it was not due to an anxiety to vindicate the dignity of the House or that of its chair but rather to an ulterior motive of paying off old political scores. If in spite of that we put forward this motion perfectly fairly and frankly, if we have gone against our own hearts and consciences, if in spite of all embarrassment we have thought that public policy and the vindication of the honour of this House require that we should table this motion, it is not our fault. Hon. Members opposite speaking on this motion said that we should have consulted them.

[Mr. A. Ramaswami Mudaliyar] [1st April 1924]

"Sir, you know during the course of the proceedings during the last six months how very much more active and virile hon. Members opposite were than we; and may I not take the

privilege to suggest that hon. Members who take such a keen interest in the proceedings of this House, Members who are seen to rise very much oftener than myself, should have thought of this question of the privilege of the House and the privilege of its President before others thought of them? Is it not open for me to suggest that it is curious, nay, more than curious, surprising that hon. Members opposite whose eloquence is unrivalled, whose powers of perspective are inestimable, whose attention to the debate and privileges of this House is great, that they should not have taken some steps, that they should not have devoted some attention to this subject and drawn the attention of this House and of you, Sir, to the undoubted mischief of the *Swarajya*?

"I am not here referring to the merits of the question. I am not going to speak on that aspect at present. I have my own views on it, and I indicated them the other day during the course of the debate on the budget. Hon. Member after hon. Member said that this ought not to be made a party motion. I say in all humility that it is not our fault; it is not a crime which can be attributed to us. It is our misfortune that we are so constituted that party politics and party factions are running so high in this Presidency that even on a matter of this kind, where there ought to be unanimity and where there ought not to be any divergence of opinion, where there ought not to be the question of Brahman, or non-Brahman, Swarajist or Nationalist or Ministerialist, where we are to act as men, as Members of the Legislative Council, as men imbued with the instinct for the preservation of the dignity of this House, hon. Members opposite should still think that this motion ought not to come from this side of the House or that side. You will not take action; you sit silent with folded hands; and if one of us after weeks of delay brings this matter to the notice of the President, you say 'it is a party motion; you ought not to have brought it'. We are aware, as I said, of the terrible handicap under which we are labouring. We are aware that as Ministerialists we are poles apart from the *Swarajya* and its sympathisers, but the prerogatives of the Houses ask for a greater sacrifice than being Ministerialists. I have never regretted the fact more than to-day that I unfortunately am sitting on this side of the House. I only wish I had the chance of sitting on the other side of the House (Cheers.) I appeal to them once more, and I think I have not made a forlorn appeal, to look at this question not from a party point of view, not from the petty point of view of your sympathies with the *Swarajya*, not even the petty point of view of your sympathy with the notorious political correspondent of the *Swarajya*, but I ask you to look at it from a higher plane, from a nobler standpoint. Believe me, you are building up traditions for this House; you are building up the privileges of this House; you are building up new things connected with the dignity of this House. May I not appeal to you, therefore, that in this noble attempt, you and I, Brahman and non-Brahman, Nationalist, Swarajist and Ministerialist, should all join hands together? I heard a great deal of the liberty of the Press. As a very humble and latest recruit to that glorious fraternity, may I not say that I am as alive to the liberties of the Press as any of you; and yet the liberty of the Press requires that it ought to be protected against

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itself. The liberty of the Press requires, and we are bound in this Presidency as much as in every other part of the country, to see that that glorious fraternity of independent, just and dignified editors, are protected against blacklegs who find a place in it. I do not wish to say further on this motion except to read a small extract from one of the glorious and most noted Liberals of England.

"Speaking on a similar motion, Pym said:

'The privileges of Parliament were not given for the ornament or advantage of those who are the members of Parliament. They have a real use and efficacy towards that which is the end of Parliaments. We are free from such that we may the more entirely addict ourselves to the public services; we have liberty of speech that our counsels may not be corrupted with fear, or our judgments perverted with self-respect. Those three great faculties and functions of Parliament, the legislative, judiciary, and conciliatory power, cannot be well exercised without such privileges as these. The wisdom of our laws, the faithfulness of our counsels, the righteousness of our judgments, can hardly be kept pure and untainted if they proceed from distracted and restrained minds. These powers of Parliament—'

"Mark these words—

'these powers of Parliament are to the body politic as the rational faculties of the soul to a man: that which keeps all the parts of the Commonwealth in frame and temper ought to be most carefully preserved in that freedom, vigour, and activity which belongs to itself.'

"May I add my own humble testimony to what Pym said on that great occasion?"

MR. C. RAMALINGA REDDI:—"Mr. President, Sir, I do not wish to enter at this stage into the merits of the question, about which it is yet too soon for me to say when the end would be reached. I am as anxious as any hon. Member on the other side to preserve the dignity of this House, the dignity of its President and whatever may be legitimately conceded as belonging to the rights and privileges of this Council. We too, like some of the hon. Members on the other side, are put in a difficult position, perhaps a false one, and so far as the false position is concerned, my hon. Friends on the other side need not claim a monopoly of it. If they are open to the possible charge of having moved in this matter on account of their political prejudices, on account of their party bias, we on this side that may speak in defence of the liberty of the press might equally be open to the charge that we are placing politics above this House. The hon. Gentleman who just sat down referred to the great misfortune that some of them speaking with him are subject to on this occasion. We seem to be no more fortunate neither. If we feel that in this question there are claims to be weighed one against the other, duties to be pondered over—and unfortunately it does happen that duties sometimes conflict—I hope credit will be given to us also for acting in the good faith that is claimed by them.

"Sir, there are at least three grounds on which I hold that it will not be in the interests of the very dignity of this Council and yourself, which we are all agreed upon in conserving and promoting, to discuss this question on its merits. My first point is that the entire literature on this subject, as it were, all the articles, have not been placed before us; and if any hon. Member is inclined to put up a case for the defence, he has not been supplied with the materials that it is usual to supply when a quasi-judicial motion of this kind is tabled. I must insist on that point once again, Mr. President, because if anything is done in a heat, in a passion, and if our proceedings are open to the charge of temper, small motives and petty mind, the results

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would not have the moral weight that ought to attach to resolutions of this House. We must allow those who are inclined to put up a case for the defence every possible scope to do so and if we have a strong case there is nothing to be lost thereby.

"Then, Mr. President, it has been said that the opposition which has been very active during the last so many months has been culpably quiescent when the question of the dignity of the President was itself, as it were, in the balance. I do not know whether hon. Members on that side take it for granted that all people would attach equal weight to every piece of criticism that appears in the press. The hon. Sir Arthur Knapp shakes his head in the negative and I entirely agree with him. You may be exaggerating the influence of the *Swarajya* or the effect it has had. You may be reading more into it."

Mr. A. RAMASWAMI MUDALIYAR:—"I never referred to either the influence of the *Swarajya* or the effect it had"

Mr. C. RAMALINGA REDDI:—"I was not referring to my hon. Friend from Chingleput at all. I am putting it in general terms. The charge has been levelled against us, 'why did not the opposition move in the matter?' It all depends upon the amount of weight and gravity you attach to criticisms of this kind. Some think that it is better not to take notice of such things. If you appear to be sensitive, that itself may be taken as a sign of guilt. Moreover, the initiative was already taken by my hon. Friend from Guntur. He drew the attention of this House, and it will be remembered the atmosphere that prevailed in this House on that occasion was far more unanimous than it is this morning or is likely to be in the afternoon; and the reason is obvious. We are not at all in any way behind-hand those hon. Members on the other side in protecting, conserving and promoting the dignity of our President. (Hear, hear.) The initiative has already been taken and as some of us even then felt, with all due deference to my hon. Friend from Guntur, it was taken not in the wrong quarter but by an unusual Member. Let me explain myself. It is the dignity of the President that is sought to be preserved. My hon. Friend, the Leader of the House, knows as well as any of us here, that in the House of Commons whenever questions regarding the Speaker's privileges come up, the Leader of the House moves and makes the motion."

Mr. A. RAMASWAMI MUDALIYAR:—"Not always. I have got a number of cases where private Members have done so."

Mr. C. RAMALINGA REDDI:—"I am not going to quote from Pym who, I believe, belongs to the 17th century (Hear, hear and laughter.) I am thinking of modern instances. The usual thing is for the front benches to confer, for the hon. the Leader of the House to move and for one of the Leaders of the Opposition to second the motion. (Hear, hear.) This is a common concern of the House. This is a question where the Ministerialists not only take the lead but where the usual procedure is relegated to the background. Now I appeal to my hon. Friend, the Leader of the House, I make a personal appeal to him, if he feels that some action on the part of this Council is necessary, let the present motion be dropped; let us confer and agree upon a formula, and then we shall not in the slightest degree hesitate to give all possible support consistent with our duty as representatives of the

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people. Appeal was made to the instinct that we, Members of this Council, should spring up and vindicate the purity and the majesty of the Presidential Chair. We are not merely Members of this Council; we are also representatives of the people and we have to weigh very carefully the two duties, our duty as Councillors and our duty as democratic representatives, and see that they do not conflict with each other.

"I certainly think that in a case like this there would not have been any conflict if the proper procedure had been followed."

"There is only one other point which leads me to the conclusion that it would be advisable to pass on to the next item in the agenda as proposed by my hon. Friend, the Member for C. imbatore. The correspondence between the Council Secretary and *Swarajya* that has been published makes our position as judges more, and not less, difficult. I remember reading, Sir, a passage in it to the effect that in case due apology was not given by the editor, the hon. the President would take such action as he might think proper—I am not quoting it textually—and the editor has refused to apologize basing his action on a ground the validity of which no constitutional lawyer can contest. My hon. Friend from Chingleput has just now alluded to a famous passage from Pym in which reference was made to the privileges of the House of Commons. Now it so happens that in England, owing to various facts of history, the privileges of the House of Commons are well defined and are well understood. But, so far as this Council is concerned, I take it that, constitutionally speaking, no offence of the kind now under investigation can be committed, because our privileges with respect to outside criticisms have not been defined. I only associate myself with the remarks of my hon. Friend, the Member for the City of Madras, who threw out a constructive criticism, namely, that without troubling ourselves over this incident, which would be forgotten had it not been brought to our notice so persistently, we should all unite in placing the privileges of this House and especially of its President on a statutory basis. In any such constructive action, my hon. Friend, the Leader of the House, may depend on our hearty and enthusiastic co-operation. But even here, I would not be honest to myself or to those who think similarly with me on this question, did I not make it perfectly clear that the constitution of the House of Commons and that of this Council are not quite identical. The position of a Speaker, who is elected by members all of whom are representatives of the people, and to whose Chair attaches hoary traditions and judicial independence, absolute independence the like of which I suppose is not witnessed in any other parliament in the world, might not be immediately applicable to the conditions in Madras or in India; but in so far as an approximation, consistent with our conditions, with such modifications as may be necessary in view of the peculiar position of our Council, is necessary, my hon. Friend may rely on our enthusiastic co-operation and support. It seems to me that my hon. Friend from Guntur has practically achieved his purpose when he read his speech, not couched in the language—what shall I say?—of tenderness or delicacy and that whatever moral purpose can be served by that speech, there are no legal remedies except that of turning out the reporter—quite a small measure. It is like prescribing a pill for an earthquake. Well, Sir, so far as moral support is

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required, I believe that has been gained by the discussion we have had so far. I would finally once again appeal to my hon. Friend, the Leader of the House, whose interest in a question of this kind ought, if constitutional precedents count for anything, to be the most direct and the most intimate possible relatively to other matters. In view of the peculiar circumstances just now narrated in consideration of the facts that no well-defined privileges have been in vogue, that a delicate suggestion of this kind should have been made only after consultation with the Members in Opposition and after a joint concert and action with them, and seeing also that what ought to have been a representative motion has been to a very large extent brought down from the level it ought to have occupied and that the dignity of the Chair is about the first consideration of the Leaders both of the Government and of the Opposition and seeing also that no action has been taken after the proper sounding of the depths and securing the concert of all, I would appeal to him to see whether the dignity of the President and of this Council itself would not be better served if the private member's motion which is now under discussion is withdrawn and something more nearly conforming to the procedure in the House of Commons is introduced."

The hon. Sir CHARLES TODHUNTER:—"I have been so urgently called upon to sound the depths and to arrange for a concert—and I hope my hon. Friend the Deputy President will take part in arranging the music—that I feel bound to say something on this subject. I should like to state that I was as much surprised to see a motion of this kind on the notice paper as any other hon. Member. (Hear, hear) Now we have another motion before us to the effect that we pass on to the next business in the agenda, which practically amounts to this, that we do not agree with the hon. the Mover of the motion."

Voices:—"No, no."

The hon. Sir CHARLES TODHUNTER:—"Well, Sir, that is the way I construe the particular form in which this motion has been moved."

"Let us come back to the motion itself. I do not propose to quote from any seventeenth century speaker, but I will quote somebody who spoke much more recently and that is myself. (Laughter and hear, hear.) When you, Sir, first appeared in that Chair, I had the honour of using the following words:

"I need not remind the House that the dignity of the Chair is the dignity of the House itself, and the dignity, the respect and the honour in which it is held is the foundation on which the respect and the authority of the Council itself must depend."

"In using these words I said:

"I can assure you that you will have the assistance of all sections of the House in performing those functions, in maintaining its rights, privileges, honours and dignities, and in accepting and enforcing your rulings and supporting the authority which by common consent you will be exercising for the common good."

"I feel sure that after what has fallen from the hon. Mr. C. Ramalinga Reddi, I can make that statement to you again to-day on behalf of all sections of the House. (Hear, hear.)

"Then, Sir, we come back to the question of what we are to do with the motion before us. The real question I think in issue is whether we have materials for a decision. Some hon. Members say that there is no material. The other question that has been put to us is: is it worth while paying any

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attention to this paper at all? As to that point, I think it is too late to come forward with such a suggestion. I think we might well have ignored the matter at the very beginning. But as the matter has come before us, I think we ought to deal with it."

"With regard to the suggestion that it is not in our power to inflict any punishment upon the paper, I would venture to say that although we may not be able to inflict any more definite or specific punishment than subjecting the newspaper under question to a censure of this House, I think that any paper in this Presidency which was subjected to such a censure would feel itself to be dishonoured in a marked degree. (Hear, hear). Therefore I think that we need not trouble ourselves about legislation or anything else. If the House is of that feeling, it should express it and such an expression should carry very great weight with the press of the Presidency."

"To come back to the question whether we have sufficient material upon which to come to a decision, some hon. Members are of opinion that they have not and if they really feel that I should certainly say that this motion shall be adjourned until hon. Members have had an opportunity of satisfying themselves. But, Sir, I do not think we can accept a motion for adjournment *sine die*. If any hon. Member wishes for an adjournment for that purpose, I should be very glad to support it and to arrange to meet the hon. the Deputy President, the party leaders and others concerned and to see if we could not arrive at a formula. Failing any other proposal for the disposal of the matter, I would ask the permission of the House to move that the matter be adjourned till to-morrow and would ask my hon. Friends to meet me and discuss the matter for the purpose of trying to arrive at conclusion as to its proper disposal."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I moved this motion only with a view to give an opportunity to the Ministerialist side to see the mistake done by them in bringing this motion as a party motion. It is too late to say that this has not been brought as a party motion. We on this side of the House think that we have taken much more interest than the Government in the discussion of the various subjects coming before them. Whatever that may be, whether we have taken interest or not, that is not the reason why they should have entirely ignored us; probably they wanted to steal a march over us on this particular subject. The other side said that they have sacrificed their party interests in several cases, and I appeal to them in the same way and say that in one case while there was some opposition to the person who introduced a certain measure, several of us asked him to withdraw it and the proposition was moved by some on the other side simply to have the motion passed. In this case we were entirely ignored. We went through this matter very carefully several times and we thought that with the very limited powers that we possess any efforts made in the direction of moving a motion like this would serve rather as an advertisement for the paper. I seriously warn those who are on the opposite side that there are some here who want to oppose the motion and think that it is better that we discuss the *pros* and *cons* of the matter. We have the wording of the resolution and therefore we may attack every word of it as it is. But if we so attack, with due deference to the House, I may say the hon. the President may remark 'Oh, save us from our friends' It may be that to-morrow some unknown paper may write several serious things against every one of us and pay one of the members of this House to bring in a

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motion. The result of allowing such a motion in this House will only be a sort of advertisement for the paper, I mean the Editor, the Manager and the Proprietor."

The hon. Sir CHARLES TOTHUNTER:—"I rise to a point of order, Sir. Is it in order to suggest that members of this hon. House receive payment to bring motions before the House?" (Hear, hear.)

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am not speaking of this House or of the present members; I am only pointing out the danger that may arise at any time in future. It may be that for payment or through ill-advice or party spirit or by various other means, motions such as have not been discussed on the floor of this House before, will be discussed, and we will be spending our time and the money of the rate-payers in discussing articles in known and unknown journals. Sir, if this proposition is carried, it will be carried only by a narrow majority. Therefore, I appeal to the leaders on the front bench, to the Members of Government and the Ministers in charge of the various portfolios and to His Excellency the Governor himself, who may or may not have been consulted in the matter and who may probably with usefulness be consulted by our hon. Friends, to see that further discussion of this matter is stopped at this stage. This is a vague proposition, and it should be withdrawn on account of its vagueness or it may be brought in at the next session. As I appealed to the hon. the Law Member and the hon. the Leader of the House, the best course will be to have the law amended rather than have a discussion upon this question. Therefore, I warn the members on the other side who may probably vote in favour of this proposition, as to the serious consequences that will flow from this, not only to this House, not only to the President, but to the whole country, that it will set up a bad precedent, and that we will be wasting our time upon useless matters which we ought to ignore and treat with contempt. After all, for sending away the reporter of the *Swarajya*, no resolution of this House is necessary. You, Sir, have got the power. Your Secretary has threatened the Editor of the *Swarajya* with the consequences . . ."

The hon. the PRESIDENT:—"He has not done so."

Mr. C. V. VENKATARAMANA AYYANGAR:—"He has said that the President will be compelled to take such disciplinary action as may be advised. The Secretary has said it, although not in so many words. Therefore, if it is decided on by leaders of both sides of the House that disciplinary action should be taken, it may be done without a resolution or any discussion in this House. Therefore, I do appeal to the leaders in front once more just to think of the consequences, forgetting for the moment all party feelings, and see that we do not raise a storm against ourselves in future.

"The hon. the Leader of the House said that a resolution condemning the *Swarajya* will have a very great effect in the world; simply because this House by a small majority passed the resolution condemning the *Swarajya* the whole country will think that the majority is correct and the *Swarajya* is wrong. We know that a large portion of the population of this country does not look with great respect upon the resolutions that we pass in this House. So let us not make ourselves contemptible, let us not show to the ratepayers, when we have various matters on hand, such as Diwan Bahadur Krishnan Nayar's Bill and other important things, that we are frittering our

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time on trivial and useless matters. It is absolutely no party question, and it is in the interests and the well-being of the whole country, as it were, that I appeal that this motion be withdrawn."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, it was not my intention to have intervened in this debate at all, and it was with an unfeignedly surprised frame of mind that I watched the discussion that took place, a discussion on which there should not have been two opinions. (Hear, hear.) I think, Sir, that there is a *modus vivendi* which I might suggest. I think, Sir, it must be taken for granted that after the speeches that have been made, there is complete unanimity of opinion on one point, namely, that the privileges and the dignity of the Chair must be respected. (Hear, hear, from all sides.) If I am assured—and I feel confident that I am entitled to be so assured—and have the assurance not only of the occupant of the Chair but of all the benches in the House, then I might say that the discussion has served a great and useful purpose, namely, of evoking that spontaneous feeling on the part of every one in the House, to whatever party he may belong, that this House will resent, and resent with vehemence, every attempt to impugn the impartiality of the Chair. That object has been gained in this debate. (Hear, hear.) At the same time, I may mention this. I do not want this House to place upon the Book of Resolutions of this House the motion 'that we do move the previous question be put,' because I conceive that the procedure necessarily implies a negation of this proposition, whatever may be the gestures which accompany and are supposed to evince an opposition to that idea. I think it is clear in every Assembly and House that the question 'that previous question be put' means and implies that the House is unable and unwilling to consider the question and would rather let it lie *in status quo ante*. I do not want that that should be the resolution of the House. I would therefore implore both the Mover of the motion and the Mover of that particular amendment (hear, hear) to withdraw. Let us be content with this position that, without distinctions of party, we are all agreed and unanimous that this House will strive its utmost to see that the privilege and dignity of the Chair are not affected. And if this House has evolved that tradition, that convention, I think, we will be satisfied. (Cheers.) I make this appeal, confident that my appeal will be answered from all sides of the House, confident that this House will realize that it was the duty of the Mover to have moved his resolution, in response to the general feeling entertained in this House, confident also that we would all see that no question of party, of one side or the other, is involved in a matter of this kind, and may I sit down in the full belief that my appeal will be fully responded to."

Mr. C. V. VENKATARAMANA AYYANGAR:—"So far as I am concerned, my object was not that I should have the glory of having my proposition carried. In the final sentence of my first speech I appealed to my hon. Friend from Guntur to withdraw his motion. If that was not done, I appealed to the hon. Members of this House to vote against the motion and now I am glad to say that if I have an assurance from the hon. Member that he withdraws, I will withdraw. But if he withdraws before I withdraw, my motion dies a natural death."

Rao Bahadur P. C. ETHIRAJULU NAYUDU:—"Sir, having heard what fell from the hon. the Law Member and my Friend Mr. C. V. Venkataramana

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Speech
(maudicle.)

Ayyangar and also the Leader of the House, it only remains for me to say a few words by way of personal explanation. A rose will smell sweet by whatever name we call it. Is it a sin that I belong to a party My only justification for bringing forward this motion is for upholding the prestige of the Chair. With that object I brought the motion and nothing else. I only suggest that it is for you to inflict a punishment on the Editor as may appear fit to you. (Opposition cries of no, no.) I have left that to your discretion. Now, after hearing all that fell from the Leaders of the House and other hon. Members I shall certainly have no objection to withdraw the motion."

The hon. the PRESIDENT:—"The motion of the hon. Member Mr. Venkataramana Ayyangar 'to pass on to the next business of the House' is by leave withdrawn, and the motion of the hon. Member from Guntur has also been by leave withdrawn. I have very little to say upon this subject. It is a matter for the House to reflect upon and to decide what should be done in order to maintain the dignity of the Chair. The individuality of the occupant has not very much to do with it and I do not mean to make any elaborate remarks. I might have been tempted to say something, if the motion had been pressed. I am gratified that all sides of the House are unanimous in their readiness to uphold the dignity of the Chair. I am glad that the hon. Mover has withdrawn his motion, and I do not intend to pursue this question further. (Hear, hear) I did not intend it in any case, not even if this motion had been put before the House and had been carried unanimously. But I do object very strongly to the terms in which the Editor replied to the Secretary's letter. I do not wish to comment on them now. But hon. Members will find this sentence 'under the circumstances we have the high authority of the President himself that he is not and cannot always be an independent or impartial person.' If this were so, it would be impossible for the House to come here and submit to the authority of the Chair. It is therefore that I wanted the House to declare its opinion, and it has declared its opinion in no ambiguous manner. Since the House is satisfied with this termination of the matter at issue, it will be superfluous for me to add that I am satisfied."

The House then adjourned for lunch at 1-30 p.m.

After lunch (2-30 p.m.)

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, will you allow me to make a statement after what took place in the House this morning and with reference to certain remarks let fall by hon. Members of this House in respect of the wording of the message from His Excellency the Governor? The Governor, anxious not to make it appear that he desires to restrict any discussion in the House and, in order to clear misapprehensions, has sent the following correction slip to be placed before the House:—

'In paragraph 3, for the words "to allow discussion on any further amendments" read "to accept any amendments."'

"The meaning of this is that he finds himself unable to accept any amendments except those which are indicated in the message. But, of course, so far as the discussion is concerned, it is entirely within your prerogative and the privilege of the House."

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Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, by the courtesy of the hon. Mr. Ramaswami Ayyar and that of the hon. Sir Arthur Knapp, I am permitted to move for leave for the introduction of my Malabar Tenancy Bill if you will kindly allow me."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think this procedure is somewhat irregular. My hon. Colleague Sir Arthur Knapp must have his Bill [The Madras Children (Amendment) Bill] formally adjourned till after the Malabar Tenancy Bill is introduced and so should I also act with regard to the Madras Pilferage Prevention Bill."

The hon. Sir ARTHUR KNAPP:—"Sir, I propose to ask for permission to postpone consideration of the Madras Children (Amendment) Bill until after the Malabar Tenancy Bill has been introduced."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The motion was put and carried and the business was postponed.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, likewise, I move that the consideration of the Pilferage Bill be postponed till after the hon. Member, Mr. Krishnan Nayar, has moved his motion for leave to introduce the Malabar Tenancy Bill."

The hon. Sir ARTHUR KNAPP:—"I second it."

The motion was put to the House and carried and the business was postponed.

VI

THE MALABAR TENANCY BILL.

Diwan Bahadur M. KRISHNAN NAYAR:—"My sincere thanks are due to the two hon. Gentlemen for permitting me to proceed with my motion before theirs. I move—

'that the House grant me leave to introduce the Malabar Tenancy Bill,'

Mr. C. GOPALA MENON:—"I beg to second the motion made by my hon. Friend, Mr. Krishnan Nayar, for leave to introduce the Malabar Tenancy Bill."

Mr. K. PRABHAKARAN TAMPAN:—"I oppose the motion, Sir."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, under Standing Order 37, with your kind permission, I beg to make a brief explanatory statement regarding the Bill that I propose to introduce.

"Questions connected with the relation of landlord and tenant in Malabar have been agitating the public mind for many years. Almost all the lands in the district of Malabar, whether agricultural or residential, are claimed by the janmis as their absolute property. Even the smallest parcels of land for houses or cottages have therefore to be obtained from the janmi and held under them. The agricultural classes, the artisan, the tradesman, public servant, the railway servant, the well-to-do people, the lawyers, the medical practitioners and the general labourer must all have houses to live in. But they cannot obtain permanent sites for houses or cottages and have always to depend on the mercy of the janmis.

"These janmis themselves do not cultivate their lands. They generally let out their lands to others either on kanam demise or on simple leases. Kanam tenants, I may say, Sir, are those who have a pecuniary interest on

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their holdings and simple lessees are those who have no money right on their holdings. These demisees and lessees who form the cultivating classes are thrifty and industrious. They cling to their holdings with a fondness and tenacity which is perhaps unknown in other parts of the Presidency, but they are often unable to enjoy the fruits of their labour on the land. By the time the lands which they have reclaimed or improved or the trees which they have planted or protected begin to yield, they are evicted from their holdings. They are also sometimes ousted from their homesteads where they have been living for years. These unjust evictions have on several occasions caused serious trouble and led to agrarian outbreaks.

"An examination of the old documents reveals the fact that the janmi did not in ancient times own the land but held only an office or *sthanam* and received as his dues one-third of the produce of the soil. The remaining two-thirds were divided equally between the *kanomdar* who was the owner of the land and the actual cultivating tenant. After Malabar came under the sway of the East India Company in 1792, the English officers and tourists began to make inquiries regarding the land tenures in the district. Some of them were misled and saw in the janmi a landlord and they invested him with all the powers of a European fee-simple owner. In the *kanomdar* they saw a species of lessee or mortgagee and attached to him all the English ideas connected with a lease or mortgage. They made the janmi the sole owner with full power of ouster, and the *kanomdar* his lease holder or mortgagee. The courts fell into the same error and the Sudder Court declared in 1852 that *kanam* was only a redeemable mortgage lasting for 12 years. Finally, 'the British courts backed up by police and magistrates and troops and big guns made the janmis' independents complete.'

"The full and unlimited power of eviction thus given to the janmis by courts began to be freely and capriciously exercised by them.

"This has led to several serious and lamentable consequences one of which is the constant occurrence of Mappilla outbreaks. 2.45 p.m. The number of such outbreaks till now is about 36. Collectors and District Judges like Mr. MacGregor, Mr. Logan, Mr. McWatters and Mr. Wigram who were long in Malabar and knew the conditions of the district intimately have agreed in ascribing the occurrence of such outbreaks to agrarian discontent caused by unjust evictions.

"The social degradation caused by the power of unjust and capricious evictions is also very great. In addressing the janmis, particularly big Brahman Nambudri janmis, the tenants have to style themselves 'slaves' and call their houses 'rubbish heaps.' In parts of the district, tenants have to get even now permission from their Nambudri landlords for erecting gatehouses, tiling buildings and whitewashing houses. Persons who incur the displeasure of these Nambudri janmis are often subjected to what is called 'Desha Virodham,' i.e., the enmity of all residents of the 'Desham' or hamlet and 'Swajana Virodham,' i.e., the enmity of their own caste-people.

This ex-communication entails many most unpleasant and unjust consequences: the ex-communicated may not be shaved, nor their women purified after confinements; their presence in the temples and at the bathing tanks is stopped; they are prevented from taking water from wells, and others are prohibited from giving it to them; people dare not help them with their domestic ceremonies; all who do them service, or give them aid, or even sometimes are seen speaking to them are either themselves ex-communicated or fined. The smallest show of independence is resented as a personal affront."

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"As a result of frequently enhancing rent and exacting exorbitant amounts as renewal of fees and other dues, the indebtedness of tenants is gradually increasing, and if matters go on as at present it is only a question of time how soon all the tenants will have descended to the wretched level of pauperized cottiers.

"To devise measures for improving this state of affairs and bettering the condition of tenants, the Government of Madras appointed more than one commission in the past. In January 1881 they appointed Mr. Logan, who was then the Collector of Malabar, as Special Commissioner to conduct a thorough investigation into the general question of the tenure of land and the tenant right in Malabar. In January 1884, again they appointed a special commission with Sir T. Madhava Rao as President and Messrs. Logan, C. Sankaran Nayar (now Sir C. Sankaran Nayar) and others as members to consider the whole question of Malabar Tenancy and advise the Government as to the lines on which legislative action should proceed. Thirdly, in September 1885, they appointed another committee with the hon. Mr. Master as President and Sir Subramania Ayyar, Sir Sankaran Nayar, Mr. Ross and others as members. All these commissions and committees were of opinion that legislation for restraining eviction was necessary. Some of them were in favour of granting occupancy right to cultivating tenants, and others to *kanom* tenants. Nothing however came out of their recommendations. The hon. Mr. Innes when he was the Collector of Malabar recently is also believed to have strongly recommended to this Government the granting of occupancy right to the tenants in the district.

"The Malabar Tenants Compensation for Improvements Act, Act I of 1887, was passed with the object of securing for evicted tenants the market value of their improvements. This was subsequently amended by Act I of 1900, which is the existing law on the subject. The hope that was entertained at the time of passing these enactments, that they would impose a check on the arbitrary exercise of the power of eviction, has not been realized. On the other hand, the number of eviction suits has been steadily on the increase.

"I have already stated that many Collectors of Malabar including the hon. Mr. Innes and many other eminent authorities like Sir Sankaran Nayar and the late Dr. Nayar—the latter even prepared a Bill on the subject but was not able to introduce it in this Council owing to his untimely death—were in favour of a tenancy legislation.

"I may state here that the Governments of the Indian States of Travancore and Cochin where conditions are . . ."

Mr. K. PRABHAKARAN TAMPAN :—"Sir, can the actions of the Native States like Travancore and Cochin be discussed here? If so, I shall have to wash some dirty linen of these States. I wish my hon. Friend does not refer to them. If he does I shall also be compelled to do the same."

Diwan Bahadur M. KRISHNAN NAYAR :—"My hon. Friend must have been a little more patient. What I was going to say was this. I was not going to discuss the conditions of affairs in the Native States. But I was simply going to say that in Travancore and Cochin where the conditions are exactly the same as in Malabar, they have solved the problem so far as the *kanom* tenants are concerned. The Travancore Government by a Proclamation issued in 1867 and the Cochin Government by a Regulation passed in 1914 conferred occupancy rights on *kanom* tenants."

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Mr. K. PRABHAKARAN TAMPAN :—“ The hon. Member may not have any objection, Sir, but you (the hon. the President) may raise a point of order. That is my difficulty.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ I have nothing to say, Sir, if you raise any objection.

“ It is probably unnecessary and needless at this stage to go into the details of the provisions of the Bill. But I may point out the important provisions in the Bill which are favourable to the class represented so zealously by my hon. Friend, Mr. Prabhakaran Tampan.”

Mr. K. PRABHAKARAN TAMPAN :—“ That is only his view.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ The object of my present Bill is to confer occupancy right on kanom tenants and actual cultivators of the soil. I have already stated that a kanom tenant is one who has pecuniary interest in the land. Under certain conditions the janmi is given full freedom to evict the tenants. If he wants to construct a permanent residential house either for himself or for any member of his family, then he can evict his tenant. If he wants to cultivate lands himself, or if he wants to improve the land and the tenant is either unwilling or unable to do so, he is given the liberty to evict the tenant. If the tenants deny the rights of the landlord, then he has a right to evict them. Moreover, the landlord can periodically revise the rent. He can take advantage of the rise in prices, etc. The period is twelve years in the case of the kanom holdings and six years in the case of verumpattam holdings. The janmi is given the first charge for arrears of rent and renewal fees on the land, subject of course to the paramount right of the Government for its revenue. If the tenant leaves arrears of rent to pay, the janmi is empowered under this Bill to sue the tenant and recover the land. But there are two classes of property which are exempted from the operation of the Bill. The demisees or lessees of buildings or forest lands are not given occupancy rights under the provisions of the Bill. It also prohibits the granting of documents known as *Melcharths* by which janmis, instead of themselves evicting the tenants, authorize others to do so.

“ I think it is unnecessary at this stage to make a long speech. I am only making an explanatory statement of the main provisions of the Bill. With these few words, I request that the House, with that sense of justice that always characterizes it, may grant leave to introduce the Bill thereby giving me an opportunity to fully discuss the principles of the Bill. Of course my hon. Friend on the other side, Mr. Prabhakaran Tampan, and others will have ample opportunity to bring forward their objections to the details of the Bill when they come to discuss them. With these few words, I leave my request in the hands of the House.”

Mr. K. PRABHAKARAN TAMPAN :—“ Sir, I beg to oppose the motion for leave to introduce the Malabar Tenancy Bill.

“ To be able to understand the full significance of the measure it would be necessary to acquaint the hon. Members with the nature of the tenures affected by the Bill and the rights of janmis in Malabar. That the janmi has absolute right in the soil has been admitted on all hands. This view

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has been uniformly upheld by all authorities from the time the district passed into the hands of the British in 1793. To quote some: Commissioner Farmer 1793; Dr. Buchanan 1800; Major Walker 1801; the Board of Revenue 1803; Tackeray 1807; Fifth Report 1812; Col. Warden 1815; Sir Thomas Munro 1817; the Sudder Adalat Court 1854 and the several commissions appointed since 1881 to which reference will be made later. My hon. Friend, the Mover of the Bill, said that it was only after British Courts came into existence that the rights of janmis were recognized. It is not so. Even so early as 1743 when the Dutch traveller Jacob Cantervisscher visited the Malabar coast he wrote in the diary of his tour that the janmis had absolute rights in the land, and that the kanoms were redeemable. Government have sold escheat janmam lands on this basis to the extent of more than 30 lakhs of rupees. That the janmi has been evicting his tenants including the kanomdars under him is also uniformly admitted by all these authorities. It should not be misunderstood that all the janmis are big landholders. There are only few rich people and the rest are small landholders and poor. And it is the interests of the large small janmis that we should safeguard.

“ Much confusion is sought to be introduced by what is known as kanom and kanomdars. The word ‘kanom’ literally means that which is seen, i.e., the amount found to be paid. This is the amount advanced to a janmi either as loan or as security for rent at the time of taking out a lease of a piece of land, out of the rent of which, interest for the kanom and the provision for the Government revenue are deducted and the balance is paid over to the janmi as the *michavaram* or net rent. The holding therefore partakes of the nature of both a lease and a mortgage. The rent fixed,

interest allowed and the provision for the assessment are all extremely favourable to the kanomdar and the net rent he has to pay is only nominal. Whatever be the origin and theory of kanom it has been treated for more than a century and a quarter as a usufructuary mortgage and the kanomdar is the mortgagee thereof. The apparently favourable character of the kanom leases was due to the scarcity of money in the pre-British days and to the fact that these were given only to one's own dependents. It enures for a period of 12 years at the end of which the janmi either redeems his land on payment of the kanom and improvements, if any, or renews the lease on receipt of a fee which is calculated on the basis of the actual profit derived from the holding. The system is continued on account of the peculiar social conditions of the people by which the *karnavan* or the *stani* under whom the lands are held in Malabar are more concerned with getting as much as possible from their estates in their lifetime than with the improvements of their estates by paying up these encumbrances. The present-day kanomdar is mainly an investor of his money. He is the middleman who squeezes out of the cultivator the full commercial rent of the land, one who takes the honey without caring for the lives of the bees that make it. The economic prosperity of the country, the decrease in the purchasing power of the rupee, increase in the price of the agricultural produces and the extremely favourable nature of the holdings, have of late contributed to a scramble among the monied class for taking out these leases. It is only natural therefore that such as are large kanomdars should be anxious to continue in these holdings and clamour for permanent rights by legislative sanction.

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"The verumpattamdar or actual cultivator is the man who raises the crop in the field by his labour and capital and accepts the risks and takes the profits thereof. It is a well-known fact that this class of people are rack-rented by the kanomdars and, if any legislative protection is needed to any class of tenants, it is they that require it as against the kanomdar. (Hear, hear!) The Bill as drafted purports to give occupancy rights to these two classes of people and the agitation now set on foot is not a new move. The hon. Mover has already adverted to the previous history to which I must crave your indulgence to refer from my own standpoint. It was in 1881 that Mr. Logan, who had considerable experience of the district, was appointed as Special Commissioner to inquire into the tenancy problem in Malabar. No better champion and stauncher advocate of the cause of the tenants could be found. Even he denounced the idea of giving occupancy rights to the kanomdar while he recommended the same in favour of the actual cultivator of small holdings of below 25 acres of wet or dry land and 5 acres of garden. He categorically stated—Sir, I am quoting the very words—that 'it is not necessary to legislate for people who are mere investors of their money and who contribute nothing to the wealth of the country'. He pertinently asked, 'Is the policy of the last 90 years to be now undone and the janmi to be no longer recognized as the proprietor of the soil?'

"It was the special commission of 1884 with Sir T. Madhava Rao, fresh with laurels from Travancore where he introduced a similar legislation, as its President that recommended occupancy right to the kanomdars. Their Bill was sent to the hon. the Judges of the High Court for reference and the then Chief Justice, Sir Charles Turner, recorded an elaborate minute condemning the whole proposal in unmistakable language. With your leave, Sir, I shall quote a paragraph from it: 'I cannot conceive that it is expedient to interfere with the rights which have a prescription of nearly a century in their favour or to disturb relations of which the large majority have had their origin in contract when the law was recognized to be such as is now administered and the rest must have been readjusted when the law was well understood. The result would be to deliberately condemn to poverty a class of people whose frugality is at last freeing them from the indebtedness entailed by the relentless persecution. Without sensibly diminishing the number of insolvent cottiers, we should add to the insolvent class a large number of persons who for at least four generations have believed themselves to be and have been accepted as landlords; and the only class who would be substantially benefited by the proposal would be the class of intermediaries, a class sufficiently able to protect its own interests and standing in no need of legislative relief.' He only recommended the principle of compensating the tenant for his improvements at the time of eviction. Again, in 1885, having regard to the divergence of opinion, the Government appointed another committee consisting of Sir T. Madhava Rao, Sir T. Muttuswami Ayyar, Sir P. Hutchins, Messrs. Shephard, Stokes, Master, Ross and others to go into the question. A stronger committee consisting as it did of experienced administrators and jurists could not have been brought together. They also came to the unanimous conclusion that—here again, I beg leave to quote, Sir—'if the question of compensation for improvements was adequately dealt with, no further interference on the part of the Government would be required'. The Tenants Compensation for Improvements Act I of 1887 and the amended Act of 1900 are the outcome of the policy deliberately arrived at in pursuance of this advice. That the Act I of 1900 had sufficiently served the purpose

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for which it was enacted and that the Malabar tenants did not stand in need of any further legislative protection were the reasons why the district of Malabar was excluded from the operation of the Estates Land Act of 1908. Special issues were raised during the course of the debate on this legislation as a result of which Malabar was excluded from its operation."

Diwan Bahadur M. KRISHNAN NAYAR :—"May I rise to make a personal explanation, Sir. I was present in the Council and took part in the discussion on the Madras Estates Land Act. And it was I that moved for the exclusion of Malabar from the operation of that Act. It is not for the reasons stated by my hon. Friend that Malabar was excepted."

Mr. K. PRABHAKARAN TAMPAN :—"It is better, Sir, that copies of the proceedings are sent for and seen. It is obvious therefore that till 1908 there was no need for any legislation of the kind now contemplated and it is incumbent upon the hon. Mover of this Bill to satisfy the House that conditions have now so changed as to warrant it. Any legislative attempt to benefit the kanomdar will only help to make his position secure to wax fat at the expense of the janmi and the cultivator. He entered into the transaction with the full knowledge of his being able to enjoy the benefits only for a period of 12 years and had bargained and paid only for such. In the words of Sir T. Muttuswami Ayyar: 'Why should the kanomdar be substituted for the janmi?'

"As regards the *verumpattomdar* or cultivating tenant in Malabar, I am not prepared to say he is worse or better off than his compeers in other parts of this Presidency; nor am I prepared to say that granting him occupancy rights without fixing a fair rent for the land he cultivates would help him to any extent. Already the rents are fixed at the highest possible pitch, especially for the lands held under the kanomdars and to make him pay it for all time would be committing him to eternal perdition. The Bill is halting and unsatisfactory judged from the view point of the cultivator. If however the Council is satisfied that in the economic interests of the country, legislation is necessary for his protection, I, for one, have not the slightest objection. But I may assure the House that my hon. Friend is not concerned with this class of people and the provision to include them was merely an after-thought to enlist the sympathy of this House in his cause."

Diwan Bahadur M. KRISHNAN NAYAR :—"Again, Sir, a matter of personal explanation. I may say that neither myself, nor my family possess one square inch of tenancy ground in this wide world, either as a kanom tenant or a simple tenant. I am a pure janmi, a janmi exclusively."

Mr. K. PRABHAKARAN TAMPAN :—"Sir, I know that my hon. Friend is not a kanomdar nor has he got one under him and that is why he treats this question so light-heartedly. But the fact is that in the Bill as first drafted, there was no provision conferring occupancy rights on the *verumpattomdar*. It was only after the agitation that was begun in North Malabar that my hon. Friend included that provision in the Bill. I would put it in all earnestness and friendliness to him to declare from his place whether he is prepared to modify his Bill if it is the express desire of this Council that occupancy rights need be given only to the actual cultivator, whether he be the kanomdar or *verumpattomdar*, and that the rest might be left alone."

Diwan Bahadur M. KRISHNAN NAYAR :—"I am entirely in the hands of the House."

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Mr. K. PRABHAKARAN TAMPAN :—" I am very glad to hear it. We will see what he is going to do. If he does agree, such a measure will have my hearty support.

" Sir, I will now deal with the points raised by the hon. Mover in his speech. I find that the idea is that in Malabar there are only a very few janmis and the lands are tied up in their hands. I had recourse to the reports a little while ago and I found, taking the statistics for fasli 1331, there are 220,680 pattadars in Malabar while in South Kanara, a district adjoining it, there are only 140,600 and in Coimbatore, 261,129. I found that Malabar stands tenth in the presidency in respect to the number of pattadars in each district. The figure for Malabar I have just given does not include the kanomdars who are also, under the provisions of Land Registration Act, entitled to have joint pattas, but includes only the janmis. There are therefore in Malabar two lakhs and odd janmis. There is no point in saying that the lands in Malabar are in the hands of a very few people in the face of those figures.

" The hon. Mover also referred to the agrarian and the Mappilla outbreaks. I am also a native of Malabar and have lived these 42 years of my life in the district and I am yet to hear of any agrarian revolution in the district. I would take strong exception to the statement of the hon. Mover that the Mappilla outbreak is attributable to the agrarian discontent prevailing in the area. It was in 1849 that Mr. Strange was specially deputed to enquire into the question whether the agrarian discontent was at the bottom of the Mappilla rebellion. He reported that there was nothing like that. Again, it was after the Melathur outbreak in 1881 that Mr. Logan was asked to make a report on the same subject. He reported that the Mappilla outbreak was due more to the religious fanaticism of the race than to any agrarian discontent in the district.

" Then, Sir, much was sought to be made out of the janmi-oppression, oppression against whitewashing, tiling of buildings, etc. The whole thing is silly, and should be treated with contempt. (Laughter.) There may be, I concede, bad janmis even as there are bad people among all classes. I ask, are there not bad vakils, bad merchants, bad doctors? I think, Sir, to proceed from stray instances of that kind to a general conclusion that the entire janmis are a bad and oppressive lot, is again silly.

" The hon. Mover also referred to the state of things in Cochin and Travancore where, it will be conceded, there is no constitutional system of Government and the administration is purely personal. With your permission, Sir, I shall explain how things are there. In the first place, in Travancore and Cochin most of the lands are held either as kanom or otherwise, directly under the Sircar."

Diwan Bahadur M. KRISHNAN NAYAR :—" No."

Mr. K. PRABHAKARAN TAMPAN :—" What about Travancore where my hon. Friend has better experience?"

Diwan Bahadur M. KRISHNAN NAYAR :—" I confine my remark to Cochin alone. I know in Travancore there are what are called pandaravagai lands which may be classified under Government lands."

Mr. K. PRABHAKARAN TAMPAN :—" Well, I will let alone Travancore, for the present and confine myself to Cochin. I have no hesitation in saying

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that it was not the welfare of the tenantry alone that actuated His Highness the Raja of Cochin to bring about this change. Sir, it was His Highness who excommunicated Professor Ramunni Menon for . . . "

Mr. C. RAMALINGA REDDI :—" On a point of order, Sir, can we discuss the action of His Highness the Maharaja of Cochin in this Council?"

Mr. K. PRABHAKARAN TAMPAN :—" I anticipated the point of order, Sir, and that was why I rose up when the hon. Mover was allowed to make his observations regarding the Native States, and craved permission to deal with them in my reply."

The hon. the PRESIDENT :—" The hon. Member gave no indication of what he was going to say. With reference to some innocuous remark made by the hon. Member, Diwan Bahadur Krishnan Nayar, the hon. Member said that he was going to say something ditto. No indication was given that he was going to refer to the doings of the Maharajas of Cochin and Travancore. We cannot reflect upon the conduct of the ruler of any province or state."

Mr. K. PRABHAKARAN TAMPAN :—" Very well, Sir, I will drop it there for the present. The hon. Mover brought in the analogy of the adjoining Native States and I thought I could refer to it in reply.

" Sir, it may not be out of place to state that the agitation for a measure of this kind is all got up and engineered by interested persons. The Reforms gave franchise to people paying an assessment of Rs. 10, and, under the rules, kanomdars in Malabar who pay that amount were entitled to a vote. Candidates for election to this Council readily availed themselves of this opportunity to exploit it and trade upon the cupidity of the voters. That is, in short, the genesis of this agitation.

" I have said enough for the present to show that the Bill is a direct negation of the principle and policy pursued by the Government for more than a century and a quarter, that it is against the custom of the country and aims at confiscating the proprietary rights of the janmis and reducing them to penury, that it does not promote either the agricultural or the economic welfare of the country and that there is no expediency of any kind to warrant an interference of this kind. If the House agrees with me, I would request that the motion for leave for introduction may be rejected."

The hon. the PRESIDENT :—" Under Standing Order 37, if a motion for leave to introduce a Bill is opposed, the President after 3-15 p.m. permitting, if he thinks fit, a brief explanatory statement from the Member who moves, and from a Member who opposes the motion, may, without further debate, put the question thereon. It is not absolutely necessary that the debate should be closed at this stage, but I think it would be convenient, considering the amount of business that we have before us, to do so. I therefore put the question to the House. The question is that leave be given to the hon. Member, Mr. Krishnan Nayar, to introduce the Malabar Tenancy Bill."

The motion was put to the House and carried, and leave was accordingly granted.

VII

THE MADRAS CHILDREN ACT (AMENDMENT) BILL.

The hon. Sir ARTHUR KNAPP :—" Sir, I beg to introduce the Bill to amend the Madras Children Act of 1920, and move that it be read in Council. A brief statement of the purpose for which this amendment is

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put forward is given in the Statement of Objects and Reasons appended to the Bill, and I do not think I need take up any time of this Council in placing this amending Bill before them. The Statement of Objects and Reasons has made it fairly clear what our difficulty is. It is this that at present if we wish to restrict the operation of the Act to a particular class of child or youthful offender or to restrict it to a particular area, we have to go through the very cumbersome method of first of all applying the Act generally, and then excluding from its operation the particular classes whom we do not want it to affect. The section in the original Act which we now propose to amend runs as follows :

I. (1) This Act may be called the Madras Children Act, 1920.

(2) It shall come into force in any local area in the Presidency of Madras on such date as the Local Government may by notification direct.

(3) Notwithstanding the introduction of this Act in any local area, the Government shall have power by notification from time to time to exclude any class of children, young persons or youthful offenders, from the operation of all or any of the provisions of this Act applicable to them and to cancel such notification.

"That, Sir, is the indirect method which has been referred to in the Statement and all that we now want is to substitute for it the direct method which is laid down in the amendment now proposed. I may add that in the matter of the Children Act, we have given the lead to India and we are very anxious to make it as efficacious as possible, and it is on that ground that I ask this Council to support me in making this small alteration which would very greatly facilitate our administration of the Act."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

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 Madras Children Act (Amendment) Bill."

The hon. Sir ARTHUR KNAPP :—"I now beg to move, Sir, that the Bill be not referred to a Select Committee."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

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

The hon. Sir ARTHUR KNAPP :—"I now beg to request you, Sir, that you will be good enough to suspend the operation of Standing Order No. 39, so as to allow me to move that the Bill be taken into consideration at once."

The hon. the PRESIDENT :—"I suspend Standing Order No. 39."

The hon. Sir ARTHUR KNAPP :—"Sir, I now beg to move that the Bill be taken into consideration at once."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion that the Bill be taken into consideration at once was then put to the House and carried.

The hon. Sir ARTHUR KNAPP :—"I now beg to move, Sir, that the Bill be passed into law."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion that the Bill be passed into law was put to the House and carried, and the Bill was declared to have been passed into law.

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VIII

THE MADRAS PILFERAGE PREVENTION BILL.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, it was with a certain amount of envy (laughter) that I witness the spectacle of my hon. Colleague marching out of this House in triumph after the passage of his Bill. The legislation with which I am charged, the Bill which I ask the House to consider is a Bill to amend the Criminal Law in force in the Presidency of Madras. In the course of the preliminary conversations I have had the privilege of having with hon. Members of the House, they have given me fair warning that they are opposed to one provision in the Bill. I am going to refer to it in some detail a little later. But I think I may clear the ground at once by making a statement. I am perfectly open, Mr. President, to adopt any formula which may be devised to meet the evil, the great evil, which I am going to explain to the Council. What is that evil? The evil arises this way. In certain industrial areas like railway yards, harbours, etc., large thefts and pilferages take place (hear, hear). I am going to place all the facts before the House and I am not wedded to the particular formula embodied in clause 2 of the Bill. It is open to the Council after taking the Bill into consideration to say that they want the Bill to be restricted to particular localities or that there should be safeguards provided so that any mistaken or wrong use should not be made of those provisions, so that instead of relieving what I consider to be a great hardship from which commercial men are suffering, it should not be made an engine of oppression, to quote the language used by one of my hon. Friends.

"Let me first narrate the facts. Some time ago this question was raised when in Calcutta a similar enactment was brought into force in connexion with the passing into law of section 54-A of the Calcutta Police Act. That provision was introduced in order to put an end to the pilfering of goods such as jute, grain, salt, sugar, coal, etc., which could not be identified. The same necessity exists in marine centres such as Negapatam, Cuddalore and Cocanada, railway workshops at Negapatam, Trichinopoly and Perambur and other industrial centres. A similar necessity has been pointed out to us in the case of Cocanada where goods are stolen in large quantities and to a large extent by boatmen carrying cargo to and from the steamers. Merchants from Cocanada have pointed out to us that there the distance from shore to ship is about six miles. The trouble is that when loose grain or other cargo is actually found in the catamarans no steps can be taken against the persons suspected unless the owner is able to identify his property on oath which in the case of rice, castor seed, etc., is manifestly a practical impossibility. It cannot be said that a man took out of a particular place any particular bag or other property like that because there will be hundreds and thousands of bags, and so the man escapes scot-free. The Port Trust sent up a resolution that petty thefts are constantly occurring and assuming large dimensions and that the means of identification are inherently so difficult that we must bring about some kind of solution. Similar complaints have reached us from the Superintendent of the Government Press. Let me narrate what has happened there. Types of every description, brass, lead, tin and antimony and the like were stolen. In a letter which is dated 2nd March 1920, the

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following instance was cited. It will afford instruction and perhaps a little amusement to the hon. Members of this House :

'During the early hours of one morning two rickshaw wallahs came into the Press compound and loaded up their rickshaws with as much type as they could manage to cart away while two night watchmen were on duty. The rickshaw men were caught by the Police. But the difficulty was there was no identification. There is no harm in carrying types in a rickshaw and so the people got off scot-free.'

"A letter from the General Superintendent of the Public Works Workshop says that there were petty thefts of brass fittings and small quantities of valuable materials. Even when the materials have been found in the possession of the accused persons either actually on the workshop premises or just outside the walls or gates, the prosecution cases have failed owing to its being impossible to prove the identity and original ownership of the articles. Difficulty was experienced in a similar way by the Commissioner of the Corporation of Madras in obtaining convictions in cases of thefts of municipal tools and plants such as electric bulbs, hydrant-keys, stop-cork keys, taps, etc. The Agent to the Madras and Southern Mahratta Railway in a letter, dated 20th March 1920, stated that there was theft of wet skins at Hosudurga station where one of the Company's gangmen was found disposing of similar skins. Charge-sheets could not be prepared. In another case, some dhoties were pilfered from a consignment. The police after investigation seized the same number of dhoties in possession of a certain individual; but the man was acquitted at the trial. The annual loss that the Madras and Southern Mahratta Railway Company sustains on account of such pilferages is about Rs. 50,000.

3-30 p.m. "Now, I realize, and, being a lawyer myself, I cannot but realize, the truth of the dictum which has been laid down by a very eminent Judge, and with which I certainly am in full agreement, viz., that on the whole it is much better for the administration of justice, and for the salutary administration of justice, that a hundred guilty men escape rather than that one innocent man be convicted. In regard to that dictum I think there can be no two opinions in the House, and hon. Members may rely on this that I am a firm believer in that doctrine. The question, however, that confronts us is slightly different. Let us assume that a man comes out of the port yard with his pocket full of sugar soon after a consignment of sugar has been landed from a steamer. There is nothing criminal in a man walking about with a lot of sugar in his pocket. But I know the difficulty of the Port Trust. There is no other way to meet the situation. Their difficulties are great.

"Now, in regard to this Bill, various criticisms have reached me, and I am going to put those criticisms before the House. It has been suggested that the article should be of such a nature that it is not in common possession in a certain notified area. Let us take green coffee for instance. It may be conceded that in the district of Coonoor or Ootacamund there is so much of coffee that you cannot suspect a man walking about with coffee in his hands, and, therefore, you must devise a proper formula to deal with the matter. Then again, hon. Members must be aware of a very deplorable railway accident recently at Arkonam. That was entirely due to this fact that a large number of railway keys, as they are called, were stolen. Those keys were found very near the line in the house of one of the persons who was, I think, employed by the Railway. There is nothing criminal in a man having railway keys in his

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house. The result, however, of that pilferage was that the rails got loose and there was a very deplorable accident. There are situations like that which have to be met. In 1921, the Madras and Southern Mahratta Railway pointed out to us that they had to pay Rupees one lakh and a half for theft of goods carried at railway risk; and some, I think, who have dealt with the Railway Companies know that it is not a very easy matter to make them pay compensation for railway thefts. It means that the commercial men have lost much more than the one and a half lakhs which the Railway Company paid as compensation. In Negapatam a single firm had in the course of nine years to pay 5½ lakhs on this account.

"Now, what we have done in order to meet this problem is indicated here. The Act itself is taken more or less from the Burma Act (Act No. II of 1922) which deals with a similar difficulty, as is pointed out in the Statement of Objects and Reasons—

'Urged by the combined demands of Railways, Harbour Boards, trading firm and the Director of Industries, and also realizing the danger to the public, the Government have decided to amend the criminal law in force in the Presidency of Madras on the lines of Burma Act No. II of 1922.'

"As will be seen in clause 4, we have taken care that—

'No Magistrate other than a Presidency Magistrate, a Magistrate of the first class or a Magistrate specially empowered by the Local Government in this behalf may take cognizance of or try any offence under this Act.'

"Now, there are two objections that have been urged. It is stated that in clause 3 the burden of proof is shifted from the proper quarter and put on the accused. I have already said that the only reason for adopting that formula is the difficulty in regard to the cases which I have put forward. I am, speaking for myself, perfectly open to adopt any formula which can combat the difficulty. I for one cannot say that, excepting by the imposition of certain safeguards as I have indicated, which will minimise the risk of oppression by reason of the shifting of onus, you can grapple with the problem. Now, so far as the objection raised with reference to clause 3 (ii) is concerned, that is a matter which I leave it open to the House to decide in the Select Committee. But, so far as clause 3 (i) is concerned, I for one do not now see that, excepting the safeguard which I have now indicated, there can be any other way of dealing with this matter. That is the main purpose of the Bill. The purpose of the Bill is in fact to see that the commercial community and the public at large do not suffer from these difficulties.

"Now I may say this. The South Indian Chamber of Commerce at one time raised very strong objections to this Bill on this very ground, but I think I can now say that after having considered this matter, they have come to the conclusion that it is possible to consider such a modification, after certain amendments are made, at all events. Assuming, however, that individual persons or bodies have objections, I want the House to consider that it is a serious problem which has to be faced. Let the House afford a proper solution, remembering the tremendous amount of loss that accrues in the case of commercial and public firms and institutions.

"With these words, Mr. President, I beg leave to introduce the Bill and move that it be read in Council."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

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Mr. C. GOPALA MENON :—“ Mr. President, Sir, this is an extraordinary piece of legislation, and unless some of the provisions of the Act are modified, it will entail great hardship on the general public in the actual working.

“ The constituency by which I have been returned to this Council, which represents the Indian commercial, trading and industrial interests in this Presidency, has been against this legislation. About the end of the year 1922, the Southern India Chamber of Commerce, who were consulted by the Government of Madras, as regards the desirability of legislation to prevent petty thefts in industrial areas, reiterated their views once before expressed in their communication to the Government in April 1920. In so doing, they urged that the proposed remedy of special legislation to check the evil was too drastic a remedy to be justified under the circumstances. The Chamber further contended that such legislation was obviously opposed to public policy and that it was for the special benefit only of certain classes at the expense of the general public. They took strong objection to the proposal to throw the onus of proving honest possession on the person in possession of suspicious goods. In their opinion, the difficulty in getting convictions was due in most cases to the complicity of the police with the offenders. It was argued that by proper organization, the Port Officer could prevent thefts in harbours and similarly Railways could prevent thefts in goods-sheds and yards, if their employees were honest; and it was much more so in factories where it was unthinkable that the employer should be protected by special legislation against his dishonest employees. It was also pointed out that as regards thefts on Railways, the evil was not so much the petty thefts, as the substantial and big thefts of the contents of bags and receptacles. Within the goods-sheds, it was the legitimate duty of the Railway staff to take every care of the property that came to them as bailees. These sheds were properly enclosed places and with due provision made for watch and ward, thefts should be impossible of occurrence, except by those who were actually handling the goods on behalf of the Railway. The Railways should always be able to ensure the honesty of their subordinates without the aid of special legislation. The same considerations applied to workshops where large bodies of workmen were employed. At a conference of specially invited representatives where the representatives of several vested interests considerably predominated, the Chambers' representative suggested several necessary modifications in the proposed provisions. Clause I, sub-clause 11 of the Bill that it shall extend only to such local areas and apply only to such substance, products or articles, as the Local Government may, by notification, direct, was one of the restrictions suggested and adopted. So also clause IV about the classes of magistrates that should try these offences. Similarly clause VI about the rank of the police officer to prosecute such offences. It is noteworthy that the Bill does not define what an 'industrial area' is. It is to be hoped that the expression 'industrial area' may not be made to mean even a running train. As my Chamber has expressed, there is bound to be considerable practical difficulty when once this legislation is enacted in determining the exact areas for its application. With such a legislative measure, the tendency would be for its abuse by vested interests, by needless extensions to unauthorized areas and under unwarranted circumstances. Of course, the extension of the Act is reserved for modification by the Local Government, but the interests concerned are, we know, all in all with the Local Government. It is no argument to say that this very provision of the law had existed in

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the Madras City Police Act, section 65. If so, why then this special legislation? Nor is it very convincing to be told that it is similar to the South African Illicit Diamonds Act. We have neither diamonds nor illicit diamonds in Southern India, nor the need for those special provisions. We are reminded of the provision in the Salt and Abkari and Forest Acts. In those cases, the offences sought to be prevented are against the State monopolies. The Coffee-stealing Prevention Act is really in point. That is also a piece of special class legislation and in the interests of the coffee planters. In this case, the so-called industrial interests are the interests of certain special classes. I shall make one other observation. Even a special enactment will have to be worked by the ordinary police who, if efficient and honest, might certainly prevent these thefts. If such petty thefts are on the increase, it is not so much because of the difficulty of having to obtain convictions in real cases as by reason of the complicity in most cases of the guardians of law with the actual offenders.

“ These are some of the evils that are sure to accrue from the Bill. It is subversive of a general canon of the Law of Evidence regarding the onus of proof in criminal cases. It affords a *carte blanche* to the police and there is the danger of the innocent men being annoyed by them, as the *corpus delicti* are ordinary goods of everyday use in every household.

“ These are some of the evils that I have to bring to the notice of the House, and if some of the provisions of the Act are amended in the Select Committee, probably the evils can be rectified.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Mr. President, I rise to oppose the introduction of this measure. I am glad that the hon. the Law Member has at the very outset given expression to that beautiful though hackneyed dictum that it is much better to allow a hundred thieves to escape rather than convict a single innocent man. But I am afraid by the enactment of a measure like this, that result is not going to be achieved, and, if anything, it will have the contrary effect. In spite of the blood-curdling tales of pilferage that have been retailed by the hon. the Law Member, I am afraid that there is no need after all for an enactment of this sort. If I take up a Medical Dictionary and begin to read it, I think then I have got all the ills to which men are subject. In the same way, the hon. the Law Member quoted reports from the Port Trust and Railway Companies and begins to think that the world is full of thieves. I may assure the hon. the Law Member that the world is not after all full of thieves and even supposing things are bad, the evil which this enactment will give rise to is sure to make the matter worse than what it is. I do not think that conditions are going to improve by the introduction of this measure, nor do I think that hon. Members are going to get their mango parcels safe after this. As regards railway thefts, I do not think that they stand much to lose, because the amount they may lose on account of these pilferages is perhaps more than made up by their raising the railway fare, the present third-class fares being the previous second-class fares. They have got the remedy, in fact, in their own hands. Most thefts are with the connivance of railway officials, guards, etc. If this Bill is enacted into law the real thieves will escape and a few famine-stricken people will be punished. As regards the Port Trust, they must be told to have better 'watching' arrangements. The hon. the Law Member referred to the thefts of hides. There are hundreds of Indian tanning and hide-exporting firms and it is strange they have not expressed

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the need for such a legislation. As regards the Government Press, I suppose there are large private printing firms in the city who are able to get on, to my knowledge, without such legislative crutches.

3-45 p m. "Sir, I come from a planting district and I know personally what the effect of the Coffee-stealing Prevention Act is. The application of the Act means a veritable reign of terror. Ask the ryot to remove a coffee stick from your compound and he will not touch it, because the Coffee-stealing Prevention Act is always uppermost in his mind. Multiply such enactments and the result will be you will create more terror-stricken people in the province. Sir, here is an enactment which contains provisions which allow police zoolum and that sort of thing to go on. In trying to suppress one class of thieves you will create a worse class of thieves armed with dangerous power. Therefore, it is that I appeal to the hon. the Law Member not to proceed with this piece of legislation.

"Sir, the safeguards referred to by the hon. the Law Member are not at all enough. It is said that first-class magistrates alone can try these cases in the mufassal. Sir, there are first-class magistrates and magistrates, and we know that even the first-class magistrates are not very much above being influenced, at any rate to some extent, by the higher officers of the Police department, and it was a first-class magistrate who the other day prohibited an innocent conference to be held at Mayavaram. Then again, the Bill is elastic enough in that not only the first-class magistrate can try these cases but any other magistrate who may be specially empowered by the local Government may try such cases and the Government may specially empower another class of magistrates to-morrow.

"Sir, as regards the Indian Chamber of Commerce, my hon. Friend, Mr. Gopala Menon, has told us that the Indian merchants are not so very anxious after all, in spite of the fact that a variety of their things, screws, nuts, sugar, rice, hides—articles fit for an ostrich's dietary—are being stolen, to have a Bill of this kind. Sir, as I said already if it is possible to put an end by this to one set of thieves, I think it will, on the other hand, bring into being another set of thieves, perhaps a more dangerous sort of people, against whom the public will be absolutely helpless.

"Again, Sir, I think we have got on without a Bill like this for a long time past. Other parts of the world are getting on without such a measure. The existing provisions of the law are, in my humble opinion quite sufficient to deal with iniquities of this kind. Let me now appeal to that noble sentiment which fell from the lips of the hon. the Law Member that legislation like this is shocking to the ideas of jurisprudence which people have got about the proper administration of law. For, whereas in all civilized countries, the burden of proof is on the prosecutor, here we have got a regular somersault and what is worse, the burden is placed on the shoulders of ignorant people who would be incapable of defending themselves.

"For all these reasons, I would request hon. Members of this House not to give their assent to the passing of this legislation."

Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, I think this Bill should be welcomed not only by the members of the commercial community but by the public generally. The general public are not aware of the sums paid annually by the railway companies against claims for pilferage. The

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Railway Administration Reports show that during 1913-14 Rs. 25 lakhs were paid away as claims, whilst nine years later, in 1922-23, a sum of one crore and ten thousand rupees was paid away."

Mr. C. RAMALINGA REDDI :—"Is it for the whole of India, or only for the Madras Presidency?"

Mr. S. ARPUDASWAMI UDAYAR :—"For the whole of India.

"Again, these claims which have been admitted by the railway and paid off form only one-tenth of the claims actually made against pilferages. During 1922-1923, if one crore has been paid for the claims admitted, probably all the claims made amounted to nearly Rs. 10 crores. Then, it will be admitted . . ."

Mr. SAMI VENKATACHALAM CHETTIYAR :—"Does the railway company pay the merchants for the pilferage caused by the extraction of grain and other articles from bags and bales?"

Mr. S. ARPUDASWAMI UDAYAR :—"They pay for claims made by merchants and admitted by the company. These form one-tenth of the claims usually made by merchants. Thus the actual loss of goods must amount to a very large figure naturally."

Rai Bahadur T. M. NARASIMHACHARLU :—"Who are the thieves there?" (Laughter.)

Mr. S. ARPUDASWAMI UDAYAR :—"The thieves or pilferers are men who steal grain from bags and abstract things from bales and other things in transit in the railway. The law as it stands makes it very difficult and absolutely impossible sometimes to bring these offenders or pilferers to justice. I may just quote one instance to illustrate to hon. Members how very impossible it is to obtain justice in such cases. I will take a case which occurred not very long ago, in a sea-port about the south of Madras where the steamers alight two miles away out in the sea and the cargo is taken to and fro by boats. The boats generally are loaded during the evening and taken to the mouth of the river and tied down, so that they may start away on their journey to the steamer early in the morning. One shipper, we will call him Mr. Nallaswami Chetti, decided to set a watch in order to stop the pilferage from his cargo which was being shipped. He placed three men within sight of the boats, probably about a furlong away from them in order not to attract attention. After sometime they saw two men proceeding from the direction of the boats carrying on their heads two maunds of ground-nuts in bags. One of these men was caught and was found to be in possession of a bag of ground-nut bearing the name of Nallaswami Chetti. He was taken to the police court. In due course, the witnesses were asked whether they had actually seen those men removing the bags from the boats and they had to confess that they did not see them actually removing the bags but that they had come from that direction, and they further pointed out that the bag bore the name of Nallaswami Chetti. Then Mr. Nallaswami Chetti was put in the witness box. He said the bag was his. The magistrate appeared very sympathetic, but he said that there was nothing to show that the bags had not been purchased from him some months previously and that from the evidence there was the possibility that such was the case. The result was that the case was dismissed.

"At the same time, I will leave it to my lawyer Friends here to devise all those methods which will go to prevent any innocent man being unjustly

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punished. But that there is need for a legislation of this kind even a layman like myself will be prepared to admit. A legislation of this nature will induce at least a wholesome fear and prevent people from going in for these stolen goods. As precedents for this legislation hon. Members themselves have quoted the Calcutta Police Act, Burma Act II of 1922, the Madras City Police Act, the Madras Abkari Act, the Madras Salt Act and the Madras Forest Act. I do not think that any special hardship has resulted from any of those legislations.

"Mr. President, one more remark and I have done. The loss I have referred to, namely, the loss of Rs. 10 crores worth of goods or rather the loss of Rs. 1 crore paid by the railway for claims is not a loss to the railway but to the public. Because the railway in calculating their rates for transporting goods takes these losses into account and fix the rates high enough in order to recover the sums paid by them for claims from the public itself. So, in the interest of the public more than in the interest of the commercial community, I would request my hon. Friends in this House to support this motion."

MR. R. SRINIVASA AYYANGAR :—"Mr. President, Sir, I regret I have to oppose this Bill for reasons which I will briefly indicate. It is not that I oppose it not realizing the difficulties under which trading firms, railway companies and port trust authorities seem to labour. But I should like to base my objection on broader and wider grounds. While it is intended by this Bill to put down pilfering, may I be permitted to state that it seeks to pilfer the rights and privileges which His Majesty's subjects now enjoy, the rights and privileges of throwing the onus of proof on the part of the Crown to make out a case when such a thing happens? To the extent to which these rights and privileges are taken away, I feel bound to enter my feeble voice of protest against this Bill. This Bill, if I may say so, turns upside down the first principles of jurisprudence; for we lawyers are perfectly familiar with this maxim, namely, that every man is presumed to be legally innocent until the contrary is proved, or, in other words, criminality is and shall never be presumed under ordinary circumstances. No doubt, so far as certain classes of cases are concerned, those coming under the Madras Coffee-stealing Prevention Act, the Madras Forest Act, the Madras Abkari Act and the Madras Salt Act, there are certain sections which seem to throw the onus of proof upon the accused persons. Those classes of persons are very rare indeed. Without attempting to question the wisdom or otherwise of the legislature all these days, let me content myself with submitting that so far as this Bill is concerned there is no justification at all for placing on the Statute Book a law of this nature. Now, Sir, what does this Bill contemplate and what is it that this Bill seeks to provide for? I take the strongest possible objection to clauses 1, 3 and 5 of this Bill. Section 1 of this Act enables the Local Government to prescribe certain areas and also certain articles as coming within the ambit of this Bill and thereby give a *carte blanche* to the police to arrest persons suspected to have committed any of the offences under this Act.

"Now, clause 3 of this Bill says: 'Whoever has in his possession, or conveys in any manner, or offers for sale or pawn, any substance, product or article (which we, Members of the Legislative Council have no voice for determining), which there is reason to believe (on whose part it is not known) has been stolen or fraudulently obtained' and so on and so forth. The moment this Bill becomes law it will be perfectly open to police officers who already wield enormous powers to take advantage of the provisions of this

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Bill and to use this Act, if so minded, as an engine of oppression. For it is perfectly open to the police officer to succumb to the temptation of taking advantage of the fact that the moment the arrest is made his duty ends, and the duty of making out a case has been shifted on to the shoulders of the accused persons, or rather the ordinary process of establishing the guilt of the accused is sought to be reversed, and to that extent it will offer a premium to indiscriminate arrests.

"Then again, turning to the Statement of Objects and Reasons, I find that some reference has been made to the existence of similar provisions in the Madras Forest Act, the Madras Abkari Act, the Madras Salt Act and so on. May I in all humility and seriousness solicit the attention of the hon. the Law Member to the other provisions in the same Acts which make it incumbent upon these people to be cautious in their arrests and which also provide for separate punishments for wrongful seizure of properties and wrongful arrest of persons? On turning to the Salt Act, there is section 760, then section 59 of the Abkari Act, section 18 of the Madras Coffee-stealing Prevention Act, and section 52 of the Forest Act, which render wrongful arrests of individuals by police officers, in cases similar to those which are now under consideration in this House, punishable. We do not find that useful safeguard which must necessarily keep within bounds the over-zeal or indiscriminate exercise of the powers by those officers."

The hon. MR. C. P. RAMASWAMI AYYAR :—"May I say at once that during the course of the discussions we had before the introduction of this Bill into this House this was pointed out to me, but I had omitted it by oversight? It would be perfectly open to Government—personally speaking I have not got the least objection for such a thing—to introduce a clause for indemnifying persons who are wrongfully proceeded against."

MR. R. SRINIVASA AYYANGAR :—"So far as the sections are concerned they do not deal with any indemnity. It only makes the officer liable for a fine or imprisonment for a term not exceeding six months. The section says:

"Any forest officer or Police officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both."

"There ought to be some such safeguard and the omission of a corresponding safeguard here fills us with considerable misgiving. My submission is this. It is hardly fair that the legislature should intervene just to obviate the difficulty of detecting certain crimes and also bringing the offenders to book. The hon. the Law Member has asked us to suggest ways and means by which to combat this growing evil. My answer is perfectly simple. Let those persons that are saying that they lose their property spend more money for taking care of their properties and for detecting the crimes and let them take the necessary precautions. There is absolutely no reason why the unfortunate citizens who happen to incur the displeasure of the Police should be brought into the clutches of law and asked to prove the negative, viz., that they came by the property honestly. If at the present moment we have not many prosecutions it is necessarily due to the initial difficulty on the part of the Crown to prove the prosecution. The moment we pass this measure and place it on the Statute Book the line will be clear and the line-clear ticket will have been given and every day the courts will be full with cases of prosecutions, good, bad and indifferent and the Police officer

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trusting himself to the off-chance of the accused having to shoulder the burden will try to take advantage of that. Therefore all things considered I would venture to submit that this Bill ought to be rejected; for this Bill embodies in itself certain provisions which are repugnant to our ordinary conception."

Mr. A. RAMASWAMI MUDALIYAR :—"I rise to support the motion for the introduction of the measure by the hon. the Law Member to amend the criminal law for safeguarding against the serious habit of pilfering. It is a fact known to all sections of the House that in the railway stations, goods-yards and places of that sort there is a great deal of inconvenience caused not only to the merchants but also to the public. During the time of the budget debate I had given a token motion regarding the Railway Police for a reduction of Rs. 100 and there I wanted to press this matter upon the attention of the hon. the Law Member. The pilferer naturally is no respecter of persons. Whether goods are addressed to me or to the Law Member there is absolutely no distinction made and the pilferer shows no partiality of any kind. I admit, Sir, as a lawyer I cannot but admit, that the Bill makes a serious inroad into what is generally admitted as the burden of proof. But the circumstances are serious in all conscience and in the peculiar circumstances that have been brought to the notice of the authorities, it is distinctly within the cognizance of the House to pass a measure of this kind. My hon. Friend, Mr. Srinivasa Ayyangar, said that as soon as this Bill becomes law there will be any number of prosecutions by the Police who will have been given in this respect a *carte blanche*. I should like to point out that under the Madras City Police Act a provision similar to this is already existing and to this date I have not heard that that has been misused. There has not been any serious complaint that the Police are over-zealous in booking people who are found in possession of stolen goods. On the other hand the complaint is that no detection has been made by the Police in spite of the fact that they have got an enabling provision in the Act."

Mr. J. A. SALDANHA :—"May I know what is the provision?"

Mr. A. RAMASWAMI MUDALIYAR :—"The provision corresponds to section III (1) of this Bill. The Madras City Police Act at present contains a provision that has the same effect as this. Now, Sir, so far as the railway stations and harbours are concerned, this pilfering tendency has been on the increase and there has been no attempt to check the evil. It is almost impossible to prove from the very nature of things that a particular thing was stolen from a particular bag or a particular bale. Therefore it is that this provision has been put in. It has been said in an old judgment of Morne that if a person who is perfectly sober goes into a London dockyard and comes out of it in a very unsteady state the presumption may verily be drawn that the dockyard is full of liquor and that the person had something to do with that. But eminent judges are not of the same commonsense view as Justice Morne. The trouble is that unless distinct proof is forthcoming that an item has been stolen from a particular vehicle or bag it is impossible to bring home the guilt. That is why this measure has become necessary. Not merely, Sir, are the merchants affected by such pilferage but also the general public are put to great loss.

"Another point which I wish to raise for the consideration of the House in this connexion is this. We are aware that almost everywhere the fee that the railway company impose is unfair. In the first place the number of articles accepted under the railway risk note is precious little and in fact the

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company refuse to convey large numbers of articles on their own risk even if we are prepared to insure them. Because they say this pilferage is everywhere obtaining. The hon. the Law Member has himself referred to the fact, and it is an admitted fact, that the railway company is the most cantankerous body possible in giving compensation. It may be, Sir, that the railway servants are in a large measure responsible, and it may be, Sir, that the railway police is not so alert as it should be. But it is also possible that the railway authorities may turn round and say that unless you put us in possession of sufficient safeguards, unless you give us the necessary law to enable us to prosecute such offenders, we cannot give compensation to you. Therefore it is that this Bill should be passed into Law. And I expect that once the measure is passed, Government will take steps to see that the railway company accepts more goods under their own risk note and also see to it that the company is paying compensation to the public. On these grounds I beg to support the motion."

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, I do not know how this Bill will improve matters. I am afraid the result will be that innocent people will be molested. One well recognized principle of Criminal Jurisprudence is that the prosecution should prove the case to the hilt and the burden of proof is not to be thrown upon the accused as it is in this case. I feel that this measure will give a handle to the Police to molest innocent people. As it is, section 65 of the City Police Act of 1888 is sufficiently hard, for I have known cases of innocent people dragged to the court for having bought things from hawkers."

Mr. T. R. VENKATARAMA SASTRIYAR :—"We have no such case before us."

Rao Bahadur C. NATESA MUDALIYAR :—"There is a lot of cases like that. If we now pass this Bill the law will be loosened a little. As to the various firms spoken of by the hon. the Law Member it is the employers of these firms I think that should be accused. While the trouble is due to the negligence of the Police and these employers, why should the poor people be worried? Sir, I can cite a case in Madras where in a leading firm the dubash was losing on account of pilferage at the harbour something like Rs. 1,000 a week. After some regular and proper arrangements were made in the harbour and the Port Trust buildings the loss came to almost nothing."

The hon. Sir CHARLES TODHUNTER :—"May I request the hon. Member to describe to us the arrangement that he effected?"

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, it is I that made the arrangement. The firm is Messrs. Gordon, Woodroffe & Co., of which Sir James Simpson is now the senior partner. I am speaking of the days of Mr Yule and Sir Hugh Fraser. It was Mr. Murugesu Mudaliyar that was losing Rs. 1,000 every week. The arrangement made was this, and I am responsible for it. I kept men on board in the boat with the articles, others on the pier and at the godown. There was posted a man at the godown. The result of this arrangement was that in the course of six months he lost almost nothing.

"I left the company and I do not know what became of it afterwards. So it is better to manage in this way than to harass the public."

Mr. S. SATYAMURTI :—"Whenever the hon. the Law Member comes forward with a Bill before this House, I feel very nervous, because he begins

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by getting hold of the controversial points and in an eloquent and persuasive speech says, 'I am willing to accept any amendment you like. Please let this Bill go through'."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am divided between two sentiments. I must take a great deal of what he said as complimentary. All that I said was, 'please give me a formula which will answer as effectively as clause 3'."

Mr. S. SATYAMURTI:—"Sir, that is exactly my complaint. He throws the burden of drafting the Bill for him on those who oppose his Bill. I would suggest to him, Sir, that the normal course is that the Government should draft the Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"All that I say is this. I want it in this way; but I am subject to correction, and I feel that if the combined wisdom of 127 persons can give another formula, I, for one, would not stand in the way."

Mr. S. SATYAMURTI:—"The sting lies in that. I am raising a point of some importance, which I want the hon. the Law Member to note. I think it is not very fair to himself and those who oppose him, that he should indulge in this pooling of intellects in the framing of this Bill. He must say, 'This is the Bill I will take. I will accept no less and I want no more. You may have it or not have it.' But he seems to disarm opposition by saying, 'By all means come on with your amendments later on'. Of course, it is perfectly open to a Government Member to say, 'I have been impressed with these criticisms. I withdraw this Bill. I will bring another Bill to-morrow and speak upon it'. This is the first reading of the Bill and I earnestly implore hon. Members to think of this Bill and not of the assurances of the hon. Member. It is not that I distrust him . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I have brought this Bill. I stand by it. Please don't make me bring 20 Bills for the veto of this House. If you feel that you cannot support this Bill, by all means throw it out."

Mr. S. SATYAMURTI:—"Sir, I am only anxious that every hon. Member of this House should remember that what he is voting for is not the speech of the hon. the Law Member, but the Bill as printed on the paper. Therefore we are bound to consider the wording of the Bill as it stands."

The hon. Sir CHARLES TODHUNTER:—"May I submit that what we shall be voting for shall be the reference of the Bill to the Select Committee and not the passing of the Bill in its present form?"

Mr. S. SATYAMURTI:—"It has been ruled here more than once, and I submit rightly, that, in the Select Committee you cannot really alter the first principles of the Bill although you can introduce other amendments. Therefore, when once you refer this Bill to the Select Committee, you are committed to the first principles of the Bill and any amendments that can be moved there should be consistent with the first principles of the Bill. So I am entitled to repeat that what we are voting for, is this Bill, subject to the amendments which the Select Committee may adopt. The hon. Member for Chingleput, whose radicalism is reserved for the editorial chair, has summoned to his aid sufficient autocracy and reaction and supported one of the most autocratic and reactionary Bills ever placed even before this House. My hon. Friend the Law Member conceded the principle which the hon. Member for

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Chingleput echoed. I am asking these eminent lawyers whether this legal maxim exists for paying lip homage and is not intended to be practised. I really want to know whether they believe that it is far better that 100 guilty people should escape, than that one innocent man should be punished. If they believe it, let them not think that we are simpletons paying homage to this maxim and ask this House to accept a Bill which cuts at the very root of the principle. The hon. Member for Chingleput forgot to draw the necessary inference from the two statements he made, viz., that the Madras City Police Act contained a similar provision and yet there was no diminution in thefts. May I ask his keen intellect to draw the natural inference assuming all the facts which the hon. the Law Member gave us to be true, and the police and the magistracy with their extraordinary powers want throwing the burden of proof upon the accused to prove his innocence? Is it not open to him to draw the necessary inference that in the city with all the efficient police, with the Presidency magistrates and other judicial officers and with all the other arrangements, they are not able to prevent the commission of crime by detection? You have failed in the past to protect the people whom you wanted to protect in the Madras City. You now come forward with a reactionary and autocratic Bill and say, 'let us throw the burden of proof on the accused and everything will be alright'. My hon. Friend also said that the Judges refused to convict. In order to help the Judges to convict, you want to throw the burden of proof on the accused. Then, my hon. Friend waxed eloquent over the railway companies not paying damages for losses. Does my hon. Friend hold any power-of-attorney for any railway company? He assures us that the moment the House passes this Bill, they will change their risk note forms, they will not contest our claims for compensation and that they will readily make good the loss."

Mr. A. RAMASWAMI MUDALIYAR:—"My hon. Friend has misunderstood me, Sir. What I said was that the passing of this Bill will be a powerful weapon to move the Government, and through them the railway companies, to change the rules."

Mr. S. SATYAMURTI:—"I congratulate the hon. Member for Chingleput on the complicated process by which he has compressed the whole thing in one sentence. He says: 'If you pass this Bill, you give us the lever, and the Government will apply the lever to the railway companies and the railway companies will amend their rules'. It is a piece of logic which I cannot swallow easily. Then I ask my hon. Friend to look at this section. He gave us one instance, and I want to answer him only on that. 'Suppose a man goes to the dockyard, comes out with a bag of sugar just after the steamer arrives loaded with sugar'. He is a lawyer and he will pardon me if I quote two sections. There is section 114 in the Indian Evidence Act, according to which the very first presumption the courts can draw, is that the man is in possession of stolen property. Section 411 of the Indian Penal Code defines stolen property and says that if any man is seen with the property soon after the theft has taken place, it is to be presumed that he is the thief, or that he has received the stolen property. They want that the court should presume from to-morrow forwards that every one coming out of the harbour with a bag of sugar should be presumed to be in possession of stolen property. It means, Sir, that if you or I am found with a bag of potatoes, it is perfectly open to a policeman to come to me and say 'you shall be convicted unless you prove that you bought them; produce the receipt and satisfy the magistrate that

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it was purchased *bona fide* from your own cash'. It comes to this, that certain classes of goods shall be presumed to be stolen property unless the contrary is proved. Section 3, clause (ii), says: 'If any person charged under subsection (1) declared that he received such substance, product or article, from some other person or that he was employed as a carrier, agent or servant to convey such substance, product or article for some other person, the magistrate after such further enquiry as he may deem necessary may summon such other person and any other person through whose possession such substance, product or article is alleged to have passed, to appear before him and may examine such person' and so on."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It may perhaps be useful to say that it is not possible to contemplate the Government being so foolish as to include hon. Members with their carriage in the local area. The idea of this is well expressed in clauses 1 and 2 where it is stated that this Act shall extend only to such local areas and apply only to such substances, products or articles as the Local Government may by notification direct."

Mr. S. SATYAMURTI :—"Let us suppose that I have the misfortune of driving along the local area proclaimed; it is perfectly right to test the soundness of such laws by extreme cases. In order to test the soundness of the proposition, we are entitled to take up extreme cases."

The hon. Sir CHARLES TODHUNTER :—"Does the hon. Member contemplate driving up and down within the harbour trust premises with bags of sugar in his carriage?"

Mr. S. SATYAMURTI :—"Sir, it is perfectly possible that on an evening I may go to Desai Goundar and buy a small bag of sugar and drive to the beach along the harbour."

The hon. Sir CHARLES TODHUNTER :—"Does the hon. Gentleman suggest that he would drive inside the walls of the harbour trust premises? I do not think the hon. Gentleman would be admitted there for an evening drive."

Mr. S. SATYAMURTI :—"It may be, Sir, that I may go there to see the hon. the Finance Member off, if he takes steamer in Madras. (Laughter.) We have got to see whether really this provision may not affect absolutely innocent persons and harass them. I want to say one word more about the police. The hon. the Law Member knows them perfectly well. Can he say that our subordinate police are so free from the temptation of annoying innocent people whom they do not like, with their extraordinary powers of arresting and prosecuting people on suspicion without any word, the burden being thrown upon them to prove that they are innocent? Suppose that somebody has got a bag of sugar and he says that he got it for the hon. the Law Member. That moment the magistrate can summon the hon. the Law Member, however exalted he may be, and ask him to prove that he actually had the article purchased for him and that it was not stolen property. The hon. the Law Member's cook may be going along the harbour after purchasing the sugar for some dinner in the Law Member's House (laughter), and that man is arrested on suspicion. He may say: 'I got it for the Law Member.' At once, the hon. the Law Member can be summoned and asked to prove by means of witnesses where he got it from. I do not know whether the hon. the Law Member keeps accounts and receipts for goods purchased. Poor man as I am, I do not keep receipts. How is the hon. the Law Member going to prove to the satisfaction of the magistrate that this bag of sugar was bought

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by him on a particular day from a particular shop and that it was not stolen property? I do suggest that this is an extraordinary provision which will certainly cause great annoyance to all classes of people. Particularly, may I appeal to the nominated Friends of the depressed classes? One knows the police zoolum in Madras. Some of us, who are well dressed and who are supposed to be educated, can take care of ourselves and may be left alone. But the ordinary people who go there will naturally and easily fall a prey to these police officers, will be harassed by them and will be suddenly hauled up before courts of law. Let me assure you that the real thief will escape and that the police will have a fertile field of enriching themselves and harassing people. The poor man cannot really be protected against the police. I do suggest therefore, that the Government have got ample powers under the law as it stands; that these powers are not really required; that if these powers are given them, they may be used to harass people; and that this Act offends against the first principles of justice, and that every Member of the House, including the Madras Government and the very assiduous hon. the Law Member, can only go back to the seventies and eighties of the last century for analogies to this Act and to the Forest Act, the Abkari Act, the Salt Act, the Coffee-stealing Prevention Act. The only other non-Indian illustration comes from a country whose legislation we have all learnt to detest, namely, South Africa. I therefore suggest that neither on first principles nor on analogies can this House be asked to agree to this Bill. I want to remind the House that this is not a measure of the Transferred Half and therefore is not a party measure. Every hon. Member who values the liberty of the subject, who wishes that the administration of justice should be pure and above suspicion, ought to vote against this Bill and justify that he deserves the confidence of the country."

Sir JAMES SIMPSON :—"Mr. President, Sir, I am very grateful for this 4-30 p.m. Pilferage Prevention Bill inasmuch as it has brought me back to this gay scene and given me two days of glorious life. It has enabled me to hear the leaders of the Opposition. I was anxious to have that experience. I have seen the great Satyamurti and heard him. I confess candidly that I was longing for that experience, because one has seen him writ large in the newspapers of late. [These two days I have been on the Council, everything and everybody was giving me something new.] As for myself, I asked myself the question, while the hon. Member was speaking now, whether he was a prophet and I answered, 'No, verily not a prophet but a man with on vision and without a message'. The speech that I have just listened to is to my mind something like Nero fiddling while Rome was burning. This is a serious matter that has come before this Council and he has treated it in a light and easy manner. Sir, I may explain to the Council that my reason for being here is, that two Members of the Madras Chamber of Commerce have gone home. I was asked on Saturday if I would come, presumably because I might be of some service and assistance to the House in arriving at a right decision on this important matter—an all-important matter to the commerce and industry of this great Presidency of Madras. Sir, I have not had time to go over all my lessons; but I have some books here. I knew the lessons at one time. I have been trying to refresh my mind. In the Statement of Objects and Reasons of this Bill, it is stated that after 40 years this question has been raised. I have not gone back for 40 years; but I have gone back to the year 1902 and also to the years 1906, 1908, 1914 and last of all to the year 1920. I find in the printed papers of that time a letter

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signed by yourself when you were the Secretary in the Home Judicial Department. This question is not new to you and if you were permitted to-day to enlighten the House, I think you would give it a complexion different from that which has been put by the legal Members who have spoken. To me the legal mind is a fearful and wonderful one. (Laughter.) It is too high for me. I cannot attain to it. Listening to the speech of the Member for the South Indian Chamber of Commerce, I was filled with surprise. No longer ago than Saturday last, I had the assurance of the President, Sir M. C. T. Muttayya Chettiyar, Member of the Legislative Assembly, that he heartily supported this Bill."

Mr. C. GOPALA MENON :—"I took my matter for the speech from the Resolutions passed by the Chamber of Commerce in its meeting and not from the President. I am here to represent the Chamber and not to voice my own feeling."

Sir JAMES SIMPSON :—"That may be so. I was merely informing the House of the fact that the President assured me that he heartily supported the Bill and that he was going to tell Mr. Gopala Menon to support it. Therefore, no finality attaches to the Opposition put up by the South Indian Chamber of Commerce to a Bill which the whole Presidency—the industrial population of it—supports. I was greatly interested to hear the remarks of a Brahman businessman yesterday, after I left this House. He is the largest Indian shipper of groundnuts from this Presidency. I think I am safe in saying that he belongs to the constituency to which Mr. Srinivasa Ayyangar belongs. I took the opportunity to ask him his opinion about this Bill. He knows all about it. He is heartily in support of it and I hope that the Brahman merchant will give the Brahman law-giver something when they meet to discuss the provisions of the Bill. Dr. Natesa Mudaliyar has certainly given me some of his views. He said that a thousand rupees a week was being lost to my firm."

Rao Bahadur C. NATESA MUDALIYAR :—"It was possible in those days."

Sir JAMES SIMPSON :—"This petty pilfering still continues and I think I cannot do better than ask the hon. Member, Mr. Natesa Mudaliyar, to come and help us with his principles. Perhaps, I think it might be a useful business as he has told us in this Council to-day. The great objection to the Bill is, as the hon. the Law Member has admitted, a departure from legal precedents. Now, great stress has been put upon the fact that it is against all principles of British jurisprudence. But I do not think that in British commerce any such circumstances have had to be met with. Else I am sure British jurisprudence would have found a way to overcome the difficulty. The circumstances are peculiar to India. Not that I say other nations do not pilfer as much as India. But here I would like to read a letter dated so recently as 12th March 1924. My branch House in Vizagapatam writes as follows, and the letter is dated from the Port Office :—"We have the honour to report that on examining boats Nos. 42 and 74 on their return—the boats that had taken jaggery—we found hidden at the bottom of the boats certain quantities of jaggery which was weighed in the presence of the officers. It amounted to 16½ pounds. On being charged with robbery, the boatmen admitted having taken the jaggery from all the boats. It is impossible to know what further quantity has been stolen; but it is well known that a lot of robbery takes place at this port both by steamer coolies and the boatmen. And now that we have actually got hold of two culprits, we will be pleased

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to know if you can, in your official capacity, take any steps to punish the offenders'. I wired up on Saturday asking what had been done. I have got a reply that they have done nothing. The Port Officer *can* do nothing. That is the state of affairs that this Council is to remedy. The ordinary law has been proved to be useless. You can catch hold of the people; but who is to identify that jaggery? We know two stars of different magnitude. We see here one hon. Member from Chingleput, and then we see here a Member from Chittoor. We can identify them. But who is to identify two lumps of jaggery? That is the difficulty that commerce and industries have been labouring under for 40 years. It is a serious matter. I appeal to the legal Members of this House not to raise these visionary difficulties. They are not practical. They can be easily overcome. The hon. Member for the University need not think of any trouble when he is on his way to the law courts with a bundle of books and Acts in his hands. But if he appears in suspicious circumstance in the Madras harbour with sugar bags tied round his loins, it is another affair. I do not think he will risk that. The legislation is to protect the general public. I deny that it is for the section of the mercantile or industrial community. It is for the good of the body politic. Does the hon. Member from Vizagapatam want to perpetuate this immorality amongst the boatmen of Vizagapatam? He is looking forward to a great harbour in the future. He is to get a good trade at Vizagapatam. He has to let these boatmen know that something will be done. The boatmen are a great deal more sportsmen than the lawyers in this Council. They say, 'God is great.' They speak the truth and they admit their crime. But the lawyers here will say, 'No, no. The High Court cannot identify. It cannot prosecute them and so they can still continue the mischief'."

Mr. S. SATYAMURTI :—"May I submit that any court can convict them on their statement that they have actually stolen the property?"

Sir JAMES SIMPSON :—"They admit it on the beach and when they get into the hands of Mr. Satyamurti to defend them, it will be difficult to convict them."

Diwan Bahadur P. KESAVA PILLAI :—"That will be real evidence. It is not police evidence."

Sir JAMES SIMPSON :—"If Mr. Satyamurti represents those boatmen, it will not be possible to get them convicted. That is a great point."

"Mr. Satyamurti referred to radicalism. I was born in a radical family, brought up in radical principles, and may I tell the House that my grandfather was a Labour leader? I assure the hon. Member for the Madras University that if I had thought that this Bill was in the interests of the few and not of the many, I would have tried to have it postponed. But I am so much convinced that this Bill is for the good of the body politic and that the lawyers here are making too much of it, that I appeal to the House to pass this Bill. They will be doing a good thing if they do now what they did two hours ago in passing another Bill."

Mr. J. A. SALDANHA :—"May I ask one question, Sir? What is the law in England on the point and whether any legislation of this sort exists in England? I made an attempt to find this out, but, except in one minor point, I did not find any legislation on the subject. I want to know whether the Labour Government is going to introduce any such Pilferage Bill."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" An Act of 24 and 25 Victoria contains similar provision."

Mr. J. A. SALDANHA :—" Will the hon. Member read that particular section? Then I will be convinced."

Sir JAMES SIMPSON :—" The hon. the Law Member has touched upon almost all the points relative to this matter and there is only one thing which I wish to refer to and that is, if hon. Members had referred to G.O. No. 235, dated 17th May 1923, they would have found that everything that was germane to this matter had been included therein, and then they would not have raised this Opposition. Let me ask hon. Members to study that Government Order and if the facts contained therein do not convince them, they can very well reject this Bill. As I have said, the trade, commerce and industry of this Presidency look to the assistance of this House for having a special legislation. This is only an amending legislation because the existing legislation has been found wanting and the enormous loss resulting from pilferages can be checked if this Bill is passed. I need not say that the life-blood of this country is agriculture, trade and industry and unless the life-blood is pure, progress will be set at naught. From these highest motives, may I claim the support of the hon. Member for the University of Madras who, with the culture, refinement and learning he has, ought to have risen to a higher tone in expressing his views on this subject? And I may tell him that the fundamental principle here and in other religions is 'Thou shalt not steal'. Instead of that, what I gather from the tone of the debate is that the courts have power to deal with these offences and that therefore this Bill need not be passed. Well, Sir, I wish to impress upon the House that we must pass this Bill which removes an admitted evil and in my opinion is the only way of curing it. On behalf of agriculture, trade, commerce and industry I plead that this House, after 40 years' experience of the enormous loss that the country has been subjected to, should pass this Bill."

Mr. S. SATYAMURTI :—" On a point of personal explanation, Sir, I wish to say only one word. The hon. Member who spoke last quoted the Biblical maxim 'Thou shalt not steal'. I would ask him to remember at the same time the other Biblical maxim, viz., 'Judge not, lest ye be judged'."

Mr. C. RAMALINGA REDDI :—" I have listened to the very impressive speech of the hon. Gentleman who just sat down. I thought there might be two kinds of heroes, i.e., those who fiddle while property is burning and those who fiddle while there is tussle between personal rights and properties in a special legislation of this kind. At the bottom, if the whole situation is analysed, it will resolve itself into a world-wide struggle between property rights on the one hand and personal rights on the other. From the way in which the hon. Member referred to the High Court as being over-fond of insisting on legal evidence and the legal profession as being too ready to defend even those accused persons who are willing to make confession, I could see that he entertains a certain suspicion of judicial processes. Although here we are dealing with a gentleman thoroughly sincere and honest in his convictions, his mentality, if I may say so, is cast in an autocratic mould, and conservation of property rights is more important to him than personal rights of citizens."

Sir JAMES SIMPSON :—" I am pleading for the passing of the Bill in the interests of the pilferers themselves."

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Mr. C. RAMALINGA REDDI :—" Sir, if having been in the wrong for a long number of years is a kind of argument to show that you have been always in the right, I concede it entirely. If it has been, as was suggested, merely an amending Bill which does not introduce startling or revolutionary innovations or arbitrary principles, which on the face of it must be regarded as repugnant to liberty of individuals and ought to be adopted only in very exceptional circumstances and under very clear limitations, I would not have opposed it. But this is not an amending Bill, and the whole point is you want to cast the burden of proof on the accused instead of on the accuser, and this is all that makes the difference in the world. The question is whether the policeman ought to rule and the citizens ought to lose the liberty bestowed upon them. I entirely agree with the hon. Member when he said that the amount of loss owing to pilferage is enormous and I am cordially disposed towards the appeal which the representatives of the merchant community and the industrialists have been putting forward here; but let me add that on one very important occasion two years ago in the evidence they gave before the Railway Commission—if I am wrong, I am sure the hon. the Law Member would put me in the right—this very idea of a special legislation was one of the proposals put forward and if I remember rightly . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" It is on that ground that the Government of India circularized all the local Governments. Various Governments have already passed legislation. Burma has already done so."

Mr. C. RAMALINGA REDDI :—" My recollection is that the Railway Committee has refused to countenance that idea. If the hon. the Law Member would tell me that what I am stating is not correct, of course I shall withdraw my statement. On the contrary, I have the recollection that they recommended the appointment of a special police and better means of watch and ward so that these pilferages might be minimized. Sir, it seems to me that while I deplore the loss of property which these pilferages entail on this country, I deplore still more the difficulties that this Bill, if passed, would entail on the country."

Mr. P. L. MOORE :—" I move that the question be now put."

The question was put and decided in the affirmative.

A poll was taken and the House divided as follows :—

Ayes.

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| 1. The hon. Sir Charles Todhunter. | 18. Mr. C. Nicholson. |
| 2. " Sir Arthur Knapp. | 19. " S. R. Y. Affkinedu Prasad Bahadur. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 20. " C. D. Appavu Chettiyar. |
| 4. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 21. " Ari Gowder. |
| 5. " the Raja of Panagal. | 22. " P. K. S. A. Arumuga Nadar. |
| 6. " Rao Bahadur Sir A. P. Patro. | 23. " A. V. Bhanoji Rao. |
| 7. " Diwan Bahadur T. N. Sivaguanam Pillai. | 24. Diwan Bahadur Sir P. Tyagaraya Chettiyar. |
| 8. Mr. R. W. Davies. | 25. Rao Bahadur P. C. Ethirajulu Nayudu. |
| 9. " P. L. Moore. | 26. Rao Sahib P. V. Gopalan. |
| 10. " G. F. Paddison. | 27. Mr. B. Mahabala Hegde. |
| 11. " F. Noyce. | 28. " V. Madhava Raja. |
| 12. " T. R. Venkatarama Sastriyar. | 29. Hony.-Lieut. Madurai. |
| 13. " Abdulla Ghatala Sahib. | 30. Mr. T. Mallesappa. |
| 14. " S. Arpudawami Udayar. | 31. " P. N. Marthandam Pillai. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 32. " B. Muniswami Nayudu. |
| 16. Dr. John Mathai. | 33. " C. Muttayya Mudaliyar. |
| 17. Sir James Simpson. | 34. " O. M. Narayanan Nambudripad. |
| | 35. " B. Obalesappa. |

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Ayes—cont.

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| 36. Mr. K. Prabhakaran Tampan. | 48. Diwan Bahadur K. Suryanarayanamurti |
| 37. „ G. Premayya. | Nayudu. |
| 38. „ A. K. Raghuchandra Bellala. | 49. Rao Bahadur O. Tanikachala Chettiyar. |
| 39. „ P. T. Rajan. | 50. Mr. K. Venkatachala Padayachi. |
| 40. Rao Bahadur P. Raman. | 51. „ W. Vijayaraghava Mudaliyar. |
| 41. Mr. A. Ramaswami Mudaliyar. | 52. „ R. Veerian. |
| 42. „ P. Sagaram. | 53. „ Abbas Ali Khan. |
| 43. „ J. D. Samuel. | 54. „ Haji Abdulla Sahib. |
| 44. „ K. Sarabha Reddi. | 55. „ Hamid Sultan Marakkayar. |
| 45. „ K. Sitarama Reddi. | 56. Khan Sahib Muhammad Abdul Razaak |
| 46. Diwan Bahadur P. Kesava Pillai. | Sahib. |
| 47. Mr. P. V. S. Sundaramurti. | 57. Mr. K. Uppi Sahib. |
| | 58. Janab Muhammad Yahya Ali Sahib. |

Noes.

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| 1. Rao Bahadur C. Natesa Mudaliyar. | 13. Mr. C. Gopala Menon. |
| 2. Mr. C. Ramalinga Reddi. | 14. Rai Bahadur F. M. Narasimhaacharla. |
| 3. Rao Bahadur A. S. Krishna Rao Pantulu. | 15. Mr. A. Ranganatha Mudaliyar. |
| 4. „ C. V. S. Narasimha Raju. | 16. „ J. A. Saldanha. |
| 5. Mr. A. Chidambara Nadar. | 17. Sriman Sasibhushana Rath Mahasayo. |
| 6. „ K. Koti Reddi. | 18. Mr. M. R. Seturatnam Ayyar. |
| 7. „ P. Anjaneyulu. | 19. „ R. Srinivasa Ayyangar. |
| 8. Sriman Biswanath Das Mahasayo. | 20. „ Sami Venkatachalam Chettiyar. |
| 9. Mr. M. Ganga Razu. | 21. „ C. V. Venkataramana Ayyangar. |
| 10. „ S. Muttayya Mudaliyar. | 22. „ S. Satyamurti. |
| 11. Diwan Bahadur S. Rm. Ct. Pethaachi | 23. „ T. Adinarayana Chettiyar. |
| Chettiyar. | 24. „ P. C. Venkatapati Raju. |
| 12. Dr. P. Subbarayan. | |

Ayes : 58. Noes : 24.

The motion for closure was carried.

5 p.m. The question that the Madras Pilferage Bill be read in Council
was put to the House and carried.

A poll was demanded and the House divided as follows :—

Ayes.

- | | |
|--|---|
| 1. The hon. Sir Charles Todhunter. | 27. Rao Sahib P. V. Gopalan. |
| 2. „ Sir Arthur Knapp. | 28. Mr. B. Mahabala Hegde. |
| 3. „ Mr. C. P. Ramaswami Ayyar. | 29. „ V. Madhava Raja. |
| 4. „ Khan Bahadur Sir Muhammad | 30. Hony. Lieut. Madurai. |
| Habib-ul-Jah Sahib Bahadur. | 31. Mr. T. Mallesappa. |
| 5. „ the Raja of Panagal. | 32. „ B. Muniswami Nayudu. |
| 6. „ Rao Bahadur Sir A. P. Patro. | 33. „ C. Muttayya Mudaliyar. |
| 7. „ Diwan Bahadur T. N. Siva- | 34. „ O. M. Narayanan Nambudripad. |
| gnanam Pillai. | 35. „ B. Obalesappa. |
| 8. Mr. B. W. Davies. | 36. „ G. Premayya. |
| 9. „ E. W. Legh. | 37. „ A. K. Raghuchandra Bellala. |
| 10. „ P. L. Moore. | 38. „ P. T. Rajan. |
| 11. „ G. F. Paddison. | 39. Rao Bahadur P. Raman. |
| 12. „ F. Noyce. | 40. Mr. A. Ramaswami Mudaliyar. |
| 13. „ T. R. Venkatarama Sastriyar. | 41. „ P. Sagaram. |
| 14. „ Abdulla Ghatala Sahib. | 42. „ J. D. Samuel. |
| 15. „ S. Arpulaswami Udayar. | 43. „ K. Sarabha Reddi. |
| 16. Rao Sahib T. C. Tangavela Pillai. | 44. „ K. Sitarama Reddi. |
| 17. Dr. John Mathai. | 45. „ P. V. S. Sundaramurti. |
| 18. Sir James Simpson. | 46. Diwan Bahadur K. Suryanarayanamurti |
| 19. Mr. C. Nicholson. | Nayudu. |
| 20. „ C. D. Appavu Chettiyar. | 47. Rao Bahadur O. Tanikachala Chettiyar. |
| 21. „ Ari Gowder. | 48. Mr. K. Venkatachala Padayachi. |
| 22. „ P. K. S. A. Arumuga Nadar. | 49. Rao Bahadur C. Venkataranga Reddi. |
| 23. „ A. V. Bhanoji Rao. | 50. Mr. W. Vijayaraghava Mudaliyar. |
| 24. Diwan Bahadur Sir P. Tyagaraya | 51. „ R. Veerian. |
| Chettiyar. | 52. „ Abbas Ali Khan. |
| 25. Mr. N. Devendrudo. | 53. Khan Bahadur Haji Abdulla Haji Qasim |
| 26. Rao Bahadur P. C. Ethirajulu Nayudu. | Sahib. |

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Noes.

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|---|--|
| 1. Mr. K. Prabhakaran Tampan. | 18. Mr. V. C. Vellingiri Gounder. |
| 2. Diwan Bahadur P. Kesava Pillai. | 19. „ A. Ranganatha Mudaliyar. |
| 3. Rao Bahadur C. Natesa Mudaliyar. | 20. „ J. A. Saldanha. |
| 4. „ T. A. Ramalinga Chettiyar. | 21. Sriman Sasibhushana Rath Mahasayo. |
| 5. Mr. C. Ramalinga Reddi. | 22. Mr. M. R. Seturatnam Ayyar. |
| 6. Rao Bahadur A. S. Krishna Rao Pantulu. | 23. „ R. Srinivasa Ayyangar. |
| 7. „ C. V. S. Narasimha Raju. | 24. „ Sami Venkatachalam Chettiyar. |
| 8. Mr. A. Chidambara Nadar. | 25. „ C. V. Venkataramana Ayyangar. |
| 9. „ K. Koti Reddi. | 26. Diwan Bahadur M. Krishnan Nayar. |
| 10. „ P. Anjaneyulu. | 27. Mr. S. Satyamurti. |
| 11. Sriman Biswanath Das Mahasayo. | 28. „ T. Adinarayana Chettiyar. |
| 12. Mr. M. Ganga Razu. | 29. „ P. C. Venkatapati Raju. |
| 13. „ S. Muttayya Mudaliyar. | 30. „ Muhammad Moosa Sait Sahib. |
| 14. Diwan Bahadur S. Rm. Ct. Pethaachi | 31. „ T. N. Muhammad Sahib. |
| Chettiyar. | 32. Khan Sahib Saiyid Diwan Abdul Razaak |
| 15. Dr. P. Subbarayan. | Sahib. |
| 16. Mr. C. Gopala Menon. | 33. Mr. K. Uppi Sahib. |
| 17. Rai Bahadur T. M. Narasimhaacharla. | 34. Janab Muhammad Yahya Ali Sahib. |

Neutral.

- | | |
|--|---|
| 1. Mr. S. R. Y. Ankinedu Prasad Bahadur. | 3. Mr. P. N. Marthandam Pillai. |
| 2. „ L. C. Guruswami. | 4. Rai Bahadur Sir K. Venkatarreddi Nayudu. |

Ayes : 53. Noes : 34. Neutral : 4.

The motion was declared carried.

The Secretary then read the title of the Bill in Council.

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, I move that
the Bill be now referred to a Select Committee consisting of the following
gentlemen :—

- | | |
|-------------------------------------|---|
| 1. The hon. the Advocate-General, | 6. Mr. C. Gopala Menon, |
| 2. Rai Bahadur Sir K. Venkatarreddi | 7. Rao Bahadur T. A. Ramalinga Chettiyar, |
| Nayudu, | 8. Dr. John Mathai, |
| 3. Mr. Abbas Ali Khan, | 9. Mr. J. D. Samuel, |
| 4. Diwan Bahadur P. Kesava Pillai, | 10. Diwan Bahadur M. Krishnan Nayar, |
| 5. Sir James Simpson, | 11. Mr. B. Muniswami Nayudu, |

and myself.”

The hon. Sir CHARLES TODHUNTER :—“ I second it.”

The motion that the Bill be referred to a Select Committee was carried.

The Council adjourned at 5-7 p.m. to meet again at 11 o'clock next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 2nd April 1924.

The House met at 11 o'clock, the hon. the President (Diwan Bahadur L. D. SWAMIKANNU PILLAI, C.I.E., I.S.O.) in the Chair.

I

QUESTIONS AND ANSWERS.

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

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

(2) The questions and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, 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.]

Advisory Committees.

Constitution of Advisory Committees.

854 Q.—Mr. ABDUL HYE SAHIB: Will the hon. the Member for Finance be pleased to state—

(a) how many Advisory Committees have been constituted by His Excellency the Governor for obtaining non-official advice regarding control and administration of various Reserved and Transferred departments of Government; and

(b) how many of such committees are constituted without Moslem representatives on them?

A.—(a) Excluding the Public Accounts Committee and the Finance Committee there were 11 Advisory Committees during the last Council. Eight of these have been reconstituted during the present Council and a ninth (the Road Board) is being reconstituted. The Depressed Classes Advisory Committee has been newly constituted during the present Council.

(b) Three during the last Council and four during the present Council.

Civil Justice.

Alleged high-handed behaviour of the District Collector of Madura towards a member of the Bar.

855 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Finance and the hon. the Law Member be pleased to state—

(a) whether it is a fact that on 31st January 1924 Mr. J. F. Hall, the District Collector of Madura doing jamabandi work then, refused to hear Mr. S. Ramaswami Ayyar, pleader, Dindigul, in a revenue petition, and on

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a mild remonstrance by the pleader, the Collector abruptly called his daffadar and made gestures to him and the daffadar actually rushed towards the pleader who had to walk out;

(b) whether the Secretary of the Madura Bar Association wrote a letter to the Collector protesting against this behaviour of his towards a member of the Bar; and

(c) whether the Collector replied on the 6th February 1924 and stated therein that if a member of the Bar refuses to accept an order of his he must not be surprised, if after warning him of the consequences of his conduct, he (the Collector) took all the measures, even the most extreme at his disposal to secure respect for his order and whether the Bar Association of Dindigul has characterised the behaviour of the Collector as unbecoming, discourteous, and highly objectionable?

A.—(a) The facts are as follows :—

The Collector was conducting the jamabandi of the Dindigul taluk in his tent at his camp at Eriodu on the 31st January 1924 surrounded by the usual crowd of village officers and petitioners. When the petitioners of some village (whose name the Collector has now forgotten) were called, a number of written petitions were handed in. Amongst them was one accompanied by a vakalat. The Collector told his Sarishtadar that he did not hear vakils during jamabandi. This was the Collector's regular practice. His Sarishtadar apparently communicated this remark to the pleader concerned, who was Mr. S. Ramaswami Ayyar of the Dindigul Bar. However, when the petitioners came up, Mr. S. Ramaswami Ayyar appeared and began to argue. The Collector repeated his statement. The pleader persisted in arguing. The Collector then gave him to understand that the alternative to acquiescence in his ruling was for him to call his daffadar to show him from the tent. The pleader persisted in arguing. The Collector accordingly called his daffadar. The pleader immediately left the Collector's tent. It also appears that the petitioners in the case in question were allowed the option of being heard immediately in person or through a vakil on a later date fixed by the Collector.

(b) The answer is in the affirmative.

(c) The answer is in the affirmative.

Mr. S. SATYAMURTI :—“Sir, in the long answer given for which I am very much obliged, may I draw the attention of the hon. the Law Member to the sentence ‘The Collector accordingly called his daffadar,’ and ask him if it was done for the purpose of carrying out the Collector's orders and if so, is it not disrespectful to a member of the Bar that the Collector should call his daffadar for the purpose of using force and, does not the Government feel that it should take action against the Collector for this exhibition of bad manners?”

The hon. Sir CHARLES TODHUNTER :—“If it was an exhibition of bad manners, I am glad that the hon. Member recognizes that it was an exhibition on both sides and what is sauce from the Bench is also sauce from the Bar.”

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Mr. S. SATYAMURTI :—“I am certainly not extenuating the action of the member of the Bar in persisting in such circumstances, but I have no control over his action. I am only asking the hon. the Finance Member, seeing that Government must have a certain amount of discipline, whether he will not draw the attention of the Collector to the necessity or the desirability of officers of his standing not giving way to improper conduct like that.”

The hon. Sir CHARLES TODHUNTER :—“I am glad the hon. Gentleman admits that there was an exhibition of bad manners on the part of the Bar. I cannot say that the action taken by the Collector under such circumstances was improper.”

Mr. S. SATYAMURTI :—“Therefore, may I take it from the hon. the Finance Member's statement that because a member of the Bar exhibits some bad manners, it is proper of the presiding officer to call in the aid of physical force in order to eject him?”

The hon. Sir CHARLES TODHUNTER :—“The business of the Government has to be done.”

Mr. S. SATYAMURTI :—“Surely it was perfectly possible for the Collector to have gone on with the business of the Government without calling in this extra aid of the daffadar which, I submit, is the real crux of the complaint. Under the circumstances, do the Government still think that the Collector was justified in going in for this extraordinary aid?”

The hon. Sir CHARLES TODHUNTER :—“The extent of the action necessary depends upon the circumstances of individual cases. Obviously in the present case, the member of the Bar concerned put himself in the wrong in the first instance by declining to accept the ruling of the Court, though he subsequently accepted it.”

Mr. S. SATYAMURTI :—“With reference to clause (c) of this question, the answer is ‘that the attention of the Government has been drawn to the resolution of the Bar Association of Dindigul characterising the behaviour of the Collector as unbecoming, discourteous, and highly objectionable.’ Does the Government propose to take any action thereon?”

The hon. Sir CHARLES TODHUNTER :—“The answer is in the negative.”

Finance.

The Examiner of Local Fund Accounts.

856 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : With reference to interpellation No. 139 of February 1924 and the Government's reply thereto, will the hon. the Member for Finance be pleased to state—

(a) what the qualifications are of the gentleman who has since been gazetted as Examiner of Local Fund Accounts and whether he belongs to the Enrolled List of the Government of India, Finance Department, as the present incumbent does; and

(b) if the answer to the above is in the negative, whether an officer of the Enrolled List could not be secured?

A.—(a) There is no Enrolled List of the Government of India, Finance Department. The officer who has been gazetted as Examiner of Local Fund Accounts has spent 22 years in the Accounts

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and Audit Departments of the Government of India and was an Assistant Accounts Officer, Class I, when his services were transferred to the Madras Government as Assistant Secretary in the Finance Department.

- (b) If by an officer in the Enrolled List the hon. Member means an officer on the general list of the Accounts Department of the Government of India, a loan of the service of an officer might have been secured. But having regard to the nature of the work to be done and the salaries asked for, the Madras Government did not consider that the officers available in other provinces would be as suitable for the purpose as the officer who was already available to them on the spot.

Rao Bahadur P. C. ETHIRAJULU NAYUDU :—“Has the present Examiner of Local Fund Accounts ever been put in independent charge of local fund accounts?”

The hon. Sir CHARLES TODHUNTER :—“The appointment of Examiner of Local Fund Accounts has been in existence only for the last three years and it has been held continuously by the first incumbent.”

Marine.

Improvement of the port at Narsapur.

857 Q.—Mr. P. PEDDIRAJU : Will the hon. the Member for Finance be pleased to state whether the Government have got any scheme ready for improvement of the port at Narsapur in the Kistna district?

A.—The answer is in the negative.

Depressed Classes.

Agrarian concessions to the depressed classes in Tanjore and Madura districts.

858 Q.—Mr. L. C. GURUSWAMI : Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether it is the intention of the Government to exempt all the waste lands assigned to the depressed classes ryots in all the southern districts from the payment of assessment and water-rate for a period of seven years till the end of fasli 1330; if not, why not; and

(b) whether the Government have considered recently this aspect of according vital initial agrarian concession to depressed classes and Kallars in Tanjore and Madura districts?

A.—(a) No. The concession which is at present enjoyed in a few districts is a temporary one and Government see no reason to extend it to other districts. It is presumed fasli 1330 in the question is a mistake for fasli 1340.

(b) The answer is in the negative.

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Famine.

Work of the coolies at Kolur.

859 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state whether it is a fact—

(1) that the quantities of medium and hard stone prescribed by the Famine Code as the task for a woman on a relief work were, as a matter of fact, not arrived at as the result of any actual experiments on ordinary or famine works; and

(2) that the stones which the coolies at Kolur are required to break are of the hard variety?

A.—(1) The orders for framing the present task tables were passed in 1899 immediately after the famine of 1898. The orders show that the tasks were to be drawn up ‘on the experience of the past year’. The task tables were prepared and published in 1900 by a Committee of Engineers in accordance with these instructions.

(2) The Government have no information.

Mr. A. RANGANATHA MUDALIYAR :—“May I know whether it is not a fact that the last Famine Committee has said that the quantity of outturn so far as the medium and hard classes of stones are concerned was not fixed with reference to any actual experiments?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“After the report of the last Famine Commission of 1898, a committee was appointed by this Government for the purpose of suggesting a schedule in the light of the experience gained in the previous famine. The Chief Engineer and a few other Engineers who had experience of the famine, met together and suggested a schedule which was accepted in the year 1900 and which, subject, of course, to a few alterations made from time to time, is in operation.”

Diwan Bahadur P. KESAVA PILLAI :—“I would ask the hon. the Revenue Member to see that these task works are so adjusted as to give living wages to the coolies.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“The fullest discretion in that matter is given to the Collector who is on the spot and the advice of ‘non-official’ committees which come into existence is often sought and acted upon.”

Diwan Bahadur P. KESAVA PILLAI :—“May I remind the hon. the Revenue Member of the answer given two days ago to Mr. Ranganatha Mudaliyar that the coolies were not able to earn more than 9 pies for a whole day the reason given being, lack of distress? As a matter of fact, may I beg to point out that the reason was that the coolies were given hard stones to break, which I showed to His Excellency and the hon. the Law Member?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“The idea underlying the starting of a test work is not the recognition of the existence of distress, but it is a means for ascertaining whether distress actually exists or not. At that stage, I confess, the work would be somewhat harder than it would be at the

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time when the test work is removed and famine actually declared. I do not know what the circumstances were which led to these particular coolies referred to by the hon. Member having earned less than what they should have earned. If they were hard stones, there are tasks laid down varying in degrees from hard, medium and soft. I do not think that in that case, the Collector or the officer in charge of the work would have imposed a harder task than what the rules permit."

Diwan Bahadur P. KESAVA PILLAI:—"The question is, is it not the policy of the Government to see that after a day's hard work, the coolies get something to eat, something which is at least sufficient to maintain body and soul together? Now they get only 9 pies."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The policy of the Government is to pay them as much as they earn for the day."

Diwan Bahadur P. KESAVA PILLAI:—"Is it not the policy of the Government to afford relief during distress?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"That is certainly done by supplying those who are in actual distress with the means of living, viz., by providing work for them. It is up to the coolies to earn as much for the day as they need. Government pays them only to the extent to which they have earned."

Diwan Bahadur P. KESAVA PILLAI:—"I am afraid that is not an answer to my question. My esteemed Friend knows all about famine. Is it not the policy of the Government to see that the coolies get some living wage? If they are not able to get it, we ought not to throw the burden upon them. We ought to reduce the task. Is it not the duty of the Government to do so?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH S. Bahadur:—"Provided of course, the coolies turn out the task work."

Mr. C. V. VENKATARAMANA AYYANGAR:—"How many years is it since the rates were fixed?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The rates always vary according to the prices of food-grains in the adjoining market."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Not according to the wages in the neighbourhood?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"They vary according to the prices in the adjoining market for which the Government can maintain an account."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I said 'not according to the wages in the neighbourhood,' to which the hon. Member said, 'they correspond to the prices in the neighbourhood'."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"In proportion to the prices in the neighbourhood."

Mr. A. RANGANADHA MUDALIYAR:—"Once again I would revert to my original question. The fact of the matter is that the committee which was appointed in 1921 or 1922 of which I was a member, tried to ascertain

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whether the quantity of outturn prescribed for medium and hard stones was by reference to any actual experiment, and we found that it had not been so. Therefore, the committee in fact recommended to the Government that some experiments might be actually made and the quantities of outturn prescribed for the medium and hard stones may be revised, if necessary. The Government have not taken any action of the sort yet. That is why I have asked whether those outturns have been prescribed with reference to any actual experiments."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The recommendation of the Famine Code Revision Committee to which the hon. Member presumably makes this reference, was considered by the Government and they did not consider it necessary to pass any orders."

Diwan Bahadur P. KESAVA PILLAI:—"The recommendation, Sir, was a unanimous one. Am I to understand that this Government overruled the unanimous recommendation of all the big officials and non-officials headed by the Famine Commissioner?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Yes."

Mr. A. RANGANADHA MUDALIYAR:—"May I know if the Government are aware that these task tables were prepared by some clerk of the Secretariat and not by any professional man?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"So far as I am aware, they were prepared by professional men."

Mr. A. RANGANADHA MUDALIYAR:—"May I ask the hon. the Revenue Member to kindly make enquiries and make himself sure on the point?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Thank you."

Mr. S. SATYAMURTI:—"May I ask the hon. the Revenue Member whether he is satisfied that the average coolie can earn enough to keep body and soul together by doing this work?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Well, that is the impression on which wages have been fixed."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May we have an idea as to the average number of hours a man is expected to work taking into consideration the nature of the work and the distance from which he comes?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"That is all regulated by the officer in charge of the camp. It depends, of course, also upon the distance from which the coolies have got to come and return."

Mr. C. V. VENKATARAMANA AYYANGAR:—"With a view to shortening the hours of work under the Act, will the Government take into consideration the hard nature of the work that these people are expected to do?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The hon. Member is probably not aware that quite recently there was a committee appointed for the purpose

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of making suggestions for the revision of the Famine Code. Various suggestions were made by the committee, and a large number of them were accepted. Fullest discretion is given to the Collector. Hon. Members will realize that all these are matters of local concern. The Collector can, if he likes, make them work till sunset or close the work earlier in order to suit the convenience of the coolies if they have got to walk some distance home."

Sriman SASIBHUSHANA RATH Mahasayo :—"Does the work last from sunrise to sunset with an interval of one hour?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"It is not strictly adhered to."

Sriman SASIBHUSHANA RATH Mahasayo :—"Is it by the coolies or by the officers?"

Convict Settlements.

Ranipet Industrial School.

860 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that there is an industrial school at Ranipet which receives aid from the Government;

(b) how long this industrial school has been in existence;

(c) whether it is a private industrial school started by private bodies;

(d) if so, the name of the correspondent of this industrial school;

(e) whether it is a fact that a primary school also is attached to this industrial school;

(f) the number of students undergoing training in this industrial school, according to their communities including Adi-Dravidas or Adi-Andhras;

(g) whether there is free boarding and lodging attached to this industrial school;

(h) whether any and if so what aid has been received from the Ranipet Union Board or from the concerned District Board and from the Government;

(i) what industries are taught in this industrial school;

(j) the number, the technical and other qualifications and salary of teachers employed in it;

(k) the cost of the whole establishment, monthly; and

(l) the number of students that are being prepared yearly for the different grades (Advanced, Intermediate and Elementary) of the technical examinations in the arts?

A.—(a), (c) & (d) Government control and maintain an Industrial school at Ranipet, certified under the Madras Children Act, 1920. It is intended only for children committed to it by Magistrates under the provisions of that Act.

(b) For about a year.

(e) The school is a junior certified school and, as such, gives general education and vocational training.

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(f) Hindus	...	...	...	...	...	18
Muhammadans	...	...	...	...	...	5
Anglo-Indians	...	...	...	...	...	1
Indian Christians	...	...	...	...	...	1
Adi-Dravidas	...	...	...	...	...	3
Total	...	...	...	...	...	28

(g) Free boarding and lodging are provided subject to the provisions of section 31 of the Madras Children Act, 1920.

(h) The School is maintained entirely from Government funds, with the exception of contributions leviable under the provisions of the section referred to above.

(i) Instruction is given in Manual Training.

(j) The following statement gives the information :—

Designation.	Pay per mensem.	Qualifications.
One Superintendent and Headmaster in the Madras Educational Service	250—25—500—50—800.	Was educated and trained in Europe, finishing his education at St. Joseph's College, Mill Hill, London; has had experience of Educational work in South India and of Criminal Settlement work at Kavali.
One Assistant Teacher.	35—35—1½—50—1—60.	Is a Secondary Grade trained teacher.
One Manual Training Instructor.	35—35—1—50—1—60 plus special pay of Rs. 12 per mensem.	Is a Secondary Grade teacher who has passed in Manual Training and holds a Trained Teacher's certificate in Free-hand and Geometrical Drawing and in Painting.
One Physical Training Instructor.	25—1—50	Holds a Gymnastic Teacher's certificate.

(k) Rs. 498 at present.

(l) None.

Mr. R. VEERIAN :—"Sir, with reference to the answer to clause (g) may I know whether the Adi-Dravidas are fed separately or whether they are made to sit along with others without making any distinction whatever?"

The hon. Sir ARTHUR KNAPP :—"To the best of my knowledge they are all fed together."

Mr. R. VEERIAN :—"May I know whether there is any distinction in the matter of meals, one kind of meals for the Adi-Dravidas and another kind of meals for the others?"

The hon. Sir ARTHUR KNAPP :—"It would surprise me very much if it were so. I do not think that any discrimination is made. I do not know if the hon. Member wishes that the Adi-Dravidas should have superior class of food."

Criminal Justice.

The punishment of confining people to stocks.

861 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the inhuman treatment of confining human beings to stocks by the village magistrates is still going on in the remotest parts;

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(b) whether it is a fact that a stock was fixed three months back on the municipal vacant site at Pallapolliem village, Coimbatore municipal area, by the village magistrate without the knowledge of the higher authorities in order to confine the members of the depressed classes therein; and

(c) whether the Government will be pleased to make inquiries?

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

(c) Yes.

Mr. R. VEERIAN :—“ With reference to the answer to clause (a) may I know whether Government have also issued circulars to the district authorities to remove such stocks if they exist even in the remotest parts of the district? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Yes.”

Diwan Bahadur P. KESAVA PILLAI :—“ Has that Act about stocks been repealed? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ That punishment should not be inflicted at all.”

Diwan Bahadur P. KESAVA PILLAI :—“ Is the hon. Member aware that there are certain villages where this sort of punishment is still retained? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Government have issued a circular to all the village magistrates saying that this system of punishment is barbarous and should not be continued. Week after week we insist on all the village magistrates who have not followed these regulations to adopt them immediately. That is all that could be done.”

Diwan Bahadur P. KESAVA PILLAI :—“ How does the hon. Member propose to punish those officers who still inflict this punishment? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ We will deal with them as each case arises.”

Mr. S. SATYAMURTI :—“ What are the various grades of finding fault and dealing with the offenders against this rule? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Finding fault may begin in censure and end in dismissal.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Cannot an Act be passed making the infringement of this rule punishable? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I think it is unnecessary to pass an Act to say that an infringement of a certain rule is punishable.”

Police.

Appointment of a Muhammadan as a District Superintendent of Police.

862 Q.—Mr. MUHAMMAD YAHYA ALI SAHIB : Will the hon. the Law Member be pleased to state whether there is any proposal to appoint a Muhammadan from the Provincial Service as a District Superintendent of Police, and if so, to mention the name of the incumbent and the probable date on which he will be placed in district charge?

A.—All appointments of District Superintendents of Police are published in the Gazette to which the hon. Member's attention is invited.

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Public Works Department.

Temporary clerks of the Public Works Department.

863 Q.—Mr. M. R. SETURATNAM AYYAR : Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) whether the Government are aware that a large number of temporary clerks in the several circles of the Public Works Department who have put in 5 to 15 years' service have not yet been confirmed;

(b) whether it is a fact that the sanctioned permanent strength of the clerical establishment in the several circles is much below the actual requirements and is supplemented by entertaining a large number of temporary clerks year after year;

(c) whether it is a fact that permanent vacancies in the Rs. 60—4—80 grade of clerks in the circles have been ordered to be reserved with a view to making provision for discharged clerks from the Secretariat;

(d) whether the Government are aware that in view of the limited number of appointments in the higher grades in the circles, clerks in the lower grades in the circles take a longer time to get promotion to the higher grades when compared with those in the Secretariat; and

(e) whether the Government have realized that the prospects of clerks with long service in the lower grade in the circles will be seriously hampered if the proposal in paragraph (c) above be given effect to?

A.—(a) & (b) The permanent strength of clerical establishment in circles is fixed with reference to the normal work of the department and under paragraph 139 of the Public Works Department Code, the permanent establishment is supplemented by temporary staff wherever necessary to cope with increase in work.

(c) Yes.

(d) The Government have no information.

(e) It is in the public interests that the procedure has to be adopted.

Mr. M. R. SETURATNAM AYYAR :—“ Sir, with reference to the answer to clause (c), may I ask whether the reservation of the permanent vacancies in the circles for being filled up by the discharged clerks from the Secretariat will not affect the temporary clerks of the Public Works Department in the various circles? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ No, Sir. It does not affect the temporary clerks because the position of the temporary clerks is temporary.”

Mr. M. R. SETURATNAM AYYAR :—“ With reference to the answer to clause (d), will the Government be pleased to call for the information? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ There is no use in calling for the information.”

Officers of the Public Works Department serving for more than three years at the same station.

864 Q.—Mr. P. PEDDIRAJU : Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) the names of the Executive Engineers, Assistant Engineers and Sub-Engineers who have been serving in the Kistna district for more than three years and if so, for what period; and

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(b) the names of officers who are serving for more than three years at the same station ?

Name of the officer with designation.	Period for which he has been serving in the Kistna district.	
	YEARS.	MONTHS.
A.—(a) (1) Mr. E. H. J. Stewart, M.C., B.Sc., A.C.G.I., Assistant Executive Engineer. (Has since proceeded on 9 months' leave from the 9th February 1924.)	4	2
(2) Mr. C. V. Stephens, ASSOC. M. INST. C.E., ASSOC. M. INST. MECH. E., Assistant Engineer.	4	5
(3) M.R.Ry. N. Ganapathi Pillai, B.E., Assistant Engineer. (Has proceeded on leave for 4 months from the 24th February 1924.)	5	4½
(4) M.R.Ry. K. Subrahmanya Ayyar, Assistant Engineer.	6	11
(b) (1) Mr. E. H. J. Stewart, M.C., B.Sc., A.C.G.I., Assistant Executive Engineer.		
(2) Mr. C. V. Stephens, ASSOC. M. INST. C.E., ASSOC. M. INST. MECH. E., Assistant Engineer.		
(3) M.R.Ry. M. Subrahmanya Ayyar, Assistant Engineer.		

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, is there no rule in the Public Works Department that an officer, who has been in a particular place for over three years, should be transferred to some other place ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" There is no rule. It all depends upon the services of the officer at a particular work or at a particular area. "

The RAJA OF RAMNAD :—" Who transfers these officers, Sir ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The Governor with the advice of the Ministers. " (Laughter.)

Mr. C. V. VENKATARAMANA AYYANGAR :—" The list gives the names of gentlemen who have been there for about six years and seven years. Does the Government mean that they are rendering such useful service, and that no one else can render such service ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Yes. For instance, one Mr. K. Subrahmanya Ayyar, who is put down in the list, was found to be very useful there. He has been able to adjust many disputes, and therefore his services were retained for a longer period than usual. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is there any likelihood of his being retained for life in that district ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" He will be retained there as long as he is useful. Afterwards when Government have no need for his services at that spot, he will be transferred. "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" In the Public Accounts Committee, of which he is a component part, he strongly animadverted on the frequency of transfers. "

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Mr. C. V. VENKATARAMANA AYYANGAR :—" As a matter of personal explanation, we still deprecate such frequent transfers when an officer is kept in a place only for three or four months. We equally deprecate the system of keeping a certain officer in a particular place for decades together. That will be the case if the hon. the Minister gives effect to what he has said. "

The RAJA OF RAMNAD :—" Does the hon. the Law Member deprecate constant transfers ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Yes. "

Sriman BISWANATH DAS Mahasaya :—" Are we to understand that all these officers have done such useful service that they cannot be transferred even after spending a long time in a particular place ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Yes. "

Education.

The opening of Philosophy branch in the Ceded Districts College.

865 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Education be pleased to state—

(a) whether the Principal of the Ceded Districts College sent proposals at any time to the Director recommending the starting of Philosophy branch in that College; if so, when;

(b) what is the opinion of the Director on the matter and what is the view of the Government;

(c) the additional cost involved in starting the said branch; and

(d) whether the proposal was dropped on financial grounds—if not what were the reasons for dropping it?

A.—(a) Yes.

(b) The proposal was not submitted to Government and they have no information as to what the views of the Director of Public Instruction are on the question.

(c) & (d) Government do not consider the necessity for opening group IV.

Mr. S. SATYAMURTI :—" Sir, with reference to the answer to clauses (c) and (d), may I know the grounds on which Government do not consider it necessary to open the new branch in the Anantapur College ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Government have recently opened a Science branch; and they have to provide a good deal for the Science department; and therefore they cannot afford to open new branches with inefficient equipment. "

Mr. S. SATYAMURTI :—" May I take it then that the proposal was dropped on financial grounds ? "

Co-operative Societies.

Applications from members of the depressed classes for posts of Inspector of Co-operative Societies.

866 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Development be pleased to state—

(a) the number of applications received during the year 1923 from the members of the depressed classes for posts of Inspector of Co-operative Societies;

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- (b) the names and addresses of such candidates in full ;
 (c) the number of candidates appointed for the posts with their names and addresses ;
 (d) the educational qualifications of all the applicants separately who applied for the post during the year 1923 ;
 (e) how many applications were received from the members of other communities for the post during the year 1923 ;
 (f) how many were appointed to the posts ; and
 (g) what their educational qualifications are ?

- A.—(a) Six.
 (b) & (d) A list is appended.*
 (c) None.
 (e) 217.
 (f) 11.
 (g) One graduate, one Intermediate in Arts, five Secondary School-Leaving Certificate holders, three unpassed ex-service men, one other unpassed candidate (a permanent clerk of the Ganjam Collectorate).

*	Name.	Qualifications.	Address.
1.	E. Kannan	Secondary School-Leaving Certificate.	Clerk, Collector's office, Calicut.
2.	M. R. Singaravelu Pillai.	Do.	2/43, Nallanna Mudali Street, Royapetta.
3.	S. M. Govindaraj ..	Do.	Clerk, Executive Engineer's office, Calicut.
4.	Virakesan Jagannathan.	Do.	16, Old Post Office Street, Nungambakkam.
5.	T. P. S. Sycil	Unpassed candidate.	90, Bazaar Road, Saidapet.
6.	S. Jeevasundaravelu ..	Secondary School-Leaving Certificate.	11, Seven Wells Street, Madras.

Mr. R. VEERIAN :—" Sir, with reference to the answer to question (f), may I know how many of them belong to the depressed classes ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The answer is given there, and there is nothing to add. "

Mr. R. VEERIAN :—" May I point out that the candidates E. Kannan and S. M. Govindaraj (Nos. 1 and 3) belong to the depressed classes and may I ask why no preference was given to them though they are holders of S.S.L.C. Certificates ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Government have no information, and they will get it for the sake of the hon. Member. "

Judicial.

Location of a Munsif's Court at Anantapur.

866 A Q.—Mr. G. RAMESWARA RAO :—" Will the hon. the Law Member be pleased to state—

- (1) whether the Government have accepted the recommendation of the High Court to locate a Munsif's Court at Anantapur ;
 (2) whether the Government have decided to locate a Munsif's Court at Anantapur on a permanent basis ; and
 (3) whether the Munsif's Court would be started soon after summer recess ? "

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The hon. Mr. C. P. RAMASWAMI AYYAR :—

- (1) Government have no power to accept or refuse.
 (2) The location of the District Munsif's Court is entirely in the hands of the High Court. Government therefore cannot decide to locate the court at Anantapur or otherwise.
 (3) It rests with the High Court to decide whether the Munsif's Court will be started soon after summer recess or not.

The above are answers to questions put to me. But having regard to the various representations which have been received, Government will address the High Court in this matter."

Mr. A. RANGANATHA MUDALIYAR :—" Have the Government recommended the opening of a Munsif's Court at Anantapur ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The High Court has decided to open a court at Anantapur. "

Diwan Bahadur P. KESAVA PILLAI :—" Will the Government consider the desirability of retaining the Court at Gooty ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Government have no power to retain the Court at Gooty. They have suggested certain consideration for the benefit of the High Court in the matter. "

Diwan Bahadur P. KESAVA PILLAI :—" Does the High Court decide after hearing the representations of people concerned or of their own accord ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I have not been on the bench of the High Court and I cannot say. I presume the High Court hears those people who want to address them on such matters. "

Mr. A. RANGANATHA MUDALIYAR :—" May I know, Sir, how the work of the Bellary Munsif's Court compares with the work of the Munsif's Court at Anantapur ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" In quantity or in quality ? "

Mr. A. RANGANATHA MUDALIYAR :—" In both, Sir. "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The work in the Anantapur Munsif's Court is not very heavy, because there are not many complicated suits there. "

Forests.

Illicit fellings of timber in Malabar.

The hon. Sir ARTHUR KNAPP :—" Sir, on the 26th March, the hon. Member for the University put me certain questions regarding the illicit fellings of timber in Malabar, and in the course of a series of supplementary questions he asked me for further information. With your permission, Sir, I propose to give him the desired information. In the question there was an insinuation against two gentlemen of Malabar. I think it is desirable to clear the matter as quickly as possible. The question referred to what he called as question No. 764. The hon. Member asked me to find out whether a 'certain case' was compounded under the forest law. He asked me to find out on what basis the case was compounded. The matter referred to was with regard to certain illicit fellings in the reserve forest in the Attapadi valley in Malabar. I made enquiries and found out that there was no

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foundation whatever for the suggestion that these two gentlemen were about to be prosecuted for offence against the forest laws and that they escaped prosecution by compounding. There was a question in 1922 whether certain trees which had been cut down, were within the area which was leased to Mr. Moidutti or whether they were in the adjoining Government forest. The decision on the point raised a great deal of difficulty as the boundary had never been clear. The view of the forest officer was that the felling was actually in the Government forest. It has been recognized that a bona fide mistake could have easily been made and therefore, no further action was taken. The fellings in these cases were not made by Mr. Moidutti himself or his son or under their supervision, but were made by sub-contractors who were working in that valley.

"Again in May or June 1923, there was another question of illicit fellings. I may mention that the reports in this case, at least one of the reports, was sent in by Mr. Moidutti's watchmen. The matter was again investigated and it was found that the boundary had become more or less overgrown and obliterated. It was held that, in this case, the fellings had taken place outside the area leased to Mr. Moidutti and inside the Government forest. During the investigation of the case two sub-contractors acknowledged to the District Forest Officer that their coolies had felled timber in the Government reserve forests. The case against them was compounded and the timber seized. There certainly was no case against Mr. Moidutti himself or his son. In so far as the question of compounding is concerned, the insinuation is entirely devoid of foundation."

Mr. S. SATYAMURTI:—"May I know, Sir, who supplied the information on which the hon. the Home Member has based his statement?"

The hon. Sir ARTHUR KNAPP:—"I do not really know whether referring to the details of that kind is relevant to the question or not. Anyhow I may say that it is the District Forest Officer who supplied the information."

Mr. S. SATYAMURTI:—"Was it the District Forest Officer who was in charge when these fellings took place?"

The hon. Sir ARTHUR KNAPP:—"The District Forest Officer who works these forests was here in Madras and I got the information from him."

Mr. S. SATYAMURTI:—"Did he get the information from Malabar and base it on any report, or did he give it from memory?"

The hon. Sir ARTHUR KNAPP:—"He had some records with him already and he supplemented them by what he had in his memory."

Mr. S. SATYAMURTI:—"Then there was no investigation in Malabar itself?"

The hon. Sir ARTHUR KNAPP:—"If my hon. Friend's suggestions is that the word of the forest officer is not to be trusted, let him say so."

Mr. S. SATYAMURTI:—"I am not suggesting anything of the kind. I am merely asking for information."

The hon. Sir ARTHUR KNAPP:—"My hon. Friend is doing something more than asking for information; he is making a statement."

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Mr. S. SATYAMURTI:—"I am simply asking whether the hon. the Home Member's informant instituted any enquiry in Malabar or gave the information from Madras, partly from memory and partly from the records that he had with him?"

The hon. Sir ARTHUR KNAPP:—"I have already said that the information was based on records available here assisted by what was in his memory regarding what took place."

Mr. S. SATYAMURTI:—"There is no doubt about that. I was simply asking whether the officer instituted an enquiry in Malabar."

The hon. Sir ARTHUR KNAPP:—"Sir, I see no need whatever for any enquiry. I do not know what sort of enquiry my hon. Friend wishes to make. The matter is already on record. Certain previous records, possibly all of them, were available here. They were added to by the personal recollection of an officer who has every ground to be trusted."

II

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The communication received from His Excellency the Governor in respect of the restoration of the provision of Rs. 97,661 under Secretariat and Headquarter establishments—Board of Revenue was communicated to the Council.*

III

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL.

Mr. S. SATYAMURTI:—"Have I your leave to raise a point of order, Sir?"

The hon. the PRESIDENT:—"If it is a point of order, any hon. Member is at liberty to raise it at any time."

Mr. S. SATYAMURTI:—"I am much obliged to you, Sir. I seek your indulgence to state the point at some length, because it is a very important matter and I shall be as brief as possible."

The hon. the PRESIDENT:—"If the hon. Member would be so good as to merely state his point, he may reserve his more detailed statement till later."

Mr. S. SATYAMURTI:—"I am agreeable to that course, Sir. I am only anxious that you should not give a final ruling, till you have heard me on the point. The point of order, Sir, is that the message of His Excellency the Governor under section 81-A of the Government of India Act returning the Madras Hindu Religious Endowments Bill in parts to this Council for consideration is *ultra vires* under the provisions of the Government of India Act."

The hon. the PRESIDENT:—"All that I have to say at the present moment is this, that I am not at liberty to refuse to convey to the Council a message sent to me for that purpose by His Excellency the Governor. I will therefore proceed to act in accordance with the message. Hon. Members will see from the agenda paper that there are various notices of motions which have been given with the object of delaying or arresting the execution of this message. When any such motion comes for consideration by the House, I shall be

* Printed as Appendix on pages 385-386 *infra*.

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perfectly willing to hear any general objection of the kind raised by the hon. Member. If it is a point of order, I shall settle it myself and if it is a point for the consideration of the Council, it would be for the Council to dispose of it. For the present I cannot accept any point of order that the message of His Excellency the Governor cannot be delivered to this Council."

Mr. C. RAMALINGA REDDI:—"My submission, Mr. President, is that the message has already been delivered and we are now at the second stage, namely, the consideration of the message. And therefore, the point of order could be raised."

The hon. the PRESIDENT:—"I shall correct myself and substitute for 'delivering the message,' 'executing it.' It is equally my duty to execute the message."

Mr. C. RAMALINGA REDDI:—"My point of order is this, Sir. Under section 81-A which governs the present reference what should be delivered or returned to this Council for reconsideration is the Bill either in whole or in part together with any amendments the Governor may recommend. On a point of order, I hold that the Bill either in whole or in part has not been returned for reconsideration, that nothing has been returned for reconsideration but that some amendments have been sent to us for consideration. Therefore, the provisions of section 81-A have not been carried out."

The hon. the PRESIDENT:—"In that case, I will limit myself to the statement that I have received a message from His Excellency the Governor. The Standing Orders require me to carry out the message in a particular manner. I shall do so and it will be open to hon. Members when I have begun to do so to interrupt with any further points of order that they like to raise."

Mr. C. RAMALINGA REDDI:—"There is just one point, Sir, if you can kindly extend your indulgence. Section 81-A (2) (c) (ii) says:

'In the case of the Council not being in session, a notification has to be published of an intention so to return the Bill at the commencement of the next session.'

"I hold, Sir, that while there is a definite provision for the carrying over of a matter of this kind from one session to another, there is no provision for carrying it over from one Council to another which has met subsequent to a dissolution which terminates the life of the previous Council, and such a message could not be sent at all."

The hon. the PRESIDENT:—"I am much obliged to the hon. Member for pointing out his views on the matter. But I do not see that it is open to me to question the action which His Excellency the Governor purports to take under a particular legal authority. It is not for me to question it. It is open to hon. Members who view the matter differently to take any step which is open to them. But it is not open to me to say: 'I will leave aside this message because the Council is of opinion that it should not be proceeded with.'"

Mr. C. V. VENKATARAMANA AYYANGAR:—"Does it mean, Sir, that there is no necessity for us to raise any point of order so far as this message is concerned and that your ruling is that however illegal on the face of it the message may be, you cannot go into that question? If that is the ruling on that point, we need not at all raise any point of order."

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The hon. the PRESIDENT:—"I do not think it is within my province to declare any action of His Excellency to be illegal or out of order. Whether it is within the province of the Council is another matter. But I will say this: notice had been given of a blocking motion, which is, by the way, a perfectly legitimate kind of motion, that the consideration of the message be adjourned and so forth. I shall allow that motion to be made after I have commenced the execution of the message. When I am about to put the first amendment, it will be open to hon. Members to make any remarks they like as a justification for supporting the blocking motion or opposing it. That is the procedure which I think the House should adopt in this matter."

Mr. C. RAMALINGA REDDI:—"My point of order is only this, Sir. In view of the distinct provisions of the Act, the Rules and the Standing Orders I wish to know whether it is not open to us to raise any point of order regarding His Excellency's message and whether it is not open to you to give a ruling on such a point of order. I am afraid, if I have understood you correctly, you seem to hold the opinion that you are not at liberty to rule any message of any kind whatever as out of order. My submission is that while you are bound to deliver to us the message, when the matter comes up for consideration it is open to us to raise points of order and it is also open to you to give a ruling upon them."

Mr. A. RANGANATHA MUDALIYAR:—"May I submit another point for your consideration, Sir? His Excellency at the beginning of the Reformed Council appointed Advisory Committees of the House to which he had appointed certain members who were not members of the Council and your predecessor took that point into consideration and gave a ruling that in Committees of the House there could be no member who was not a member of the House. He took into consideration an act of His Excellency the Governor and gave a ruling on the matter."

The hon. the PRESIDENT:—"I do not see what bearing that has on the present matter. It is my duty to deliver the messages of His Excellency and to execute the message as well in accordance with the Standing Order. I do not think any point of order that has been raised convinces me that it is not my duty to do so."

Mr. C. RAMALINGA REDDI:—"May I know, Sir, which Standing Order you are referring to?"

The hon. Sir CHARLES TODHUNTER:—"May I ask, Sir, whether the hon. Member is in order in questioning the ruling of the Chair?"

Mr. C. RAMALINGA REDDI:—"We are not questioning the ruling of the Chair at all. We know that, whether we agree with the ruling or not, we have to obey it for the time being. That does not mean that we accept a ruling as equivalent to a rule, a standing order or a statute or other regulation. It is intended only for the convenient transaction of business here for the time being and we shall always obey the ruling."

Mr. S. SATYAMURTI:—"May I ask, Sir, whether when you propose to move the first amendment, we shall be at liberty to raise the point of order?"

The hon. the PRESIDENT:—"Does the hon. Member, Mr. Reddi, want to know the Standing Order on which I rely?"

Mr. C. RAMALINGA REDDI:—"I have just come across it, Sir. The Standing Order supports my view. The point must be discussed, voted upon,

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etc., in the same manner as amendments to a Bill. Clearly, Sir, amendments could be out of order. And His Excellency's amendments could be equally out of order."

Mr. S. SATYAMURTI :—" May I make just one submission, Sir? The Standing Order, referred to, namely Standing Order No. 51, applies only when the condition referred to therein, namely when a Bill which has been passed is returned by the Governor for reconsideration, is satisfied. Sir, the duty cast upon you by the Standing Order is to put before the Council the point or points referred to for reconsideration. We are now raising the point that the Bill has not been returned by the Governor to this Council for reconsideration according to the terms of the Government of India Act."

The hon. the PRESIDENT :—" I think it is a very clear point and I may at once deliver my ruling upon it. So far as I can apply my mind to this Standing Order, I consider that a Bill which has been passed has been returned by the Governor to the Council for reconsideration and it is my duty, it is not left to my option, to put the points for reconsideration."

11-45 a.m. "The Council will now proceed with Order of the Day No. III, the Madras Hindu Religious Endowments Bill."

"With reference to the message of His Excellency the Governor which has already been communicated to the Council, and the subsequent messages, I may remind hon. Members who were not present yesterday of the slight verbal amendment which was communicated by the hon. the Law Member and which will be found incorporated, I believe, in the copies which have been circulated. I shall now proceed to deal with the amendments recommended by His Excellency the Governor in his message communicated to the Council on the 17th March 1924. I have to put the amendments one by one. The first amendment is 'In clause 2 . . .'"

Mr. C. V. VENKATARAMANA AYYANGAR :—" Would we not be in order now to move for an adjournment of the consideration of the amendments? "

The RAJA OF RAMNAD :—" May I ask, Sir . . ."

The hon. the PRESIDENT :—" I am on my feet yet, and it is absolutely irregular for hon. Members to rise in their places, while I am standing. The amendment is :

"In clause 2 of the Madras Hindu Religious Endowments Bill passed by the Council on the 3rd April 1923, in sub-clause (1) the words "except the Presidency town" shall be inserted after the words "the Presidency of Madras"."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Mr. President, Sir, very few words are really needed from me for explaining why this amendment has been suggested by His Excellency the Governor . . ."

The RAJA OF RAMNAD :—" Am I not entitled to move the amendment of which I have given notice? I move the amendment standing against my name, and that is

'That the consideration of the message do stand adjourned to a date in March 1925.'"

The hon. the PRESIDENT :—" Under what Standing Order does the hon. Member move it? Is it under Standing Order No. 34? "

The RAJA OF RAMNAD :—" Yes, Sir."

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The hon. the PRESIDENT :—" The Standing Order is

'A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech. . . .'

"After I had sat down, I think hon. Members will have noticed that I waited for some time, and as no hon. Member got up to move any adjournment, I called upon the hon. Member, Mr. Gopalaswami Ayyangar, to speak. He will have to finish his speech before any other hon. Member can rise to speak."

The RAJA OF RAMNAD :—" May I submit, Sir, that there are motions for adjournment on the agenda, of which hon. Members have already given notice. I have given notice previously of the motion I just wanted to move, and that motion is in the agenda. And I submit that hon. Members who have given notice of these motions are entitled to be called upon to move them. When I wanted to move my amendment, you were on your feet, and I was not sure as to what was going on, and I did not hear you in the first place."

The hon. the PRESIDENT :—" It was not necessary for the hon. Member to have heard me. I sat down and waited, and the hon. Member could have got up then. His contention now is that it is open to him now to interrupt the speech of the hon. Member, Mr. Gopalaswami Ayyangar, because he has given notice of this motion. The hon. the Law Member would probably give us an opinion on the point."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" May I suggest to the hon. Member, the Raja of Ramnad, that he may move his motion for adjournment as soon as my hon. Friend, Mr. Gopalaswami Ayyangar, finishes his speech? That, I take it, would be in order."

The RAJA OF RAMNAD :—" I am thankful to the hon. the Law Member, Sir. I am aware of that provision."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I see that the hon. Member, the Raja of Ramnad, resents my suggestion. All that I say is that, instead of creating an impasse by two or three persons rising at the same time, this Standing Order No. 34 may be complied with."

The RAJA OF RAMNAD :—" I only said that that suggestion was needless."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I am one of those who have given notice of similar motions. I just want to draw your attention to where the mistake arose. Probably the mistake was ours."

The hon. the PRESIDENT :—" Is it a point of order that the hon. Member is raising? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" It is not a point of order, but I want to point out . . ."

The hon. the PRESIDENT :—" I have called upon the hon. Member, Mr. Gopalaswami Ayyangar, to speak, and surely the other hon. Members will not lose anything by waiting till he finishes his speech, and complying with Standing Order No. 34."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I want to raise a point of order on that matter only, Sir. You were pleased to say that nobody stood

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up. According to the business in the agenda, we thought that you would read the first item, viz., the amendments to the message. After the amendments proposed by the message, the next item in the agenda is given thus:

‘Notice has been given of the following motions.’

“So, we thought that in the usual course you would read the amendments and call our names, and that was why we waited, and certainly not for any other reason. We thought that it would not be proper to get up without being called.”

The hon. the PRESIDENT :—“The hon. Member is quite entitled to speak for himself, but I think that hon. Members who gave notice of motions are aware of Standing Order No. 34 which allows them to get up at any time without interrupting a speech for the purpose of making a motion of this kind. I relied upon a knowledge of Standing Order No. 34 on the part of hon. Members.”

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“Mr. President, Sir, as I said, very few words are really needed from me for explaining the amendment which His Excellency the Governor has suggested to this clause. Honourable Members who were in the last session of this House (hear, hear) will remember that this question was raised and debated upon when this clause was under consideration at the Second Reading of this Bill. I only speak of hon. Members of this House who were in the last session of this House, and I limit my reference to them only.”

Mr. C. RAMALINGA REDDI :—“On a point of order, Sir, can this House be regarded as the fourth session of the first Council? If so, that would be the most novel constitutional doctrine I have ever heard.”

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“It may be the most novel constitutional doctrine, but we have got to swear by the Government of India Act, and I think under that Act this may be called the fourth session of the Madras Legislative Council. As I said, hon. Members who were not only in the last session of this House but in the second session of it will remember that when this Bill was first introduced, the Presidency town of Madras was not included in it. When the Bill went before the Select Committee, the Select Committee thought that it was necessary to include the town of Madras and incorporated certain amendments to that effect. At the time of the Second Reading, my hon. Friend, Mr. Tanikachala Chettiyar, raised the question whether this Council was competent to pass any enactment which would even indirectly have the effect of affecting the jurisdiction of the High Court. It was thought that even with the limited and restricted jurisdiction which was conferred on the City Civil Court by the Bill as amended by the Select Committee it was worth including the Presidency town of Madras and the Clause was passed as amended by the Select Committee. Since the Bill was passed, it has been pointed out to His Excellency the Governor that even the limited jurisdiction which is conferred upon the Madras City Civil Court could be interpreted by subtle lawyers as affecting the jurisdiction of the High Court, and as the local legislature is not competent to do anything which would have the effect of affecting the jurisdiction of the High Court, His Excellency has considered it necessary to suggest the exclusion of the City of Madras from this Bill. That is why he has suggested this amendment to the House.”

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The RAJA OF RAMNAD :—“Sir, I move the amendment of which I have given notice.”

The hon. the PRESIDENT :—“It is not an amendment.”

The RAJA OF RAMNAD :—“I move the motion standing in my name and that is

‘That the consideration of the message do stand adjourned to a date in March 1925.’

“Sir, I am aware that in making this motion I am rather causing surprise in some quarters. But I may state at once that though, after sending this motion, I somewhat hesitated as to whether I should really move it or not, my anxiety to move it became all the greater after the message was received from His Excellency the Governor yesterday (hear, hear), which was called a supplementary message and which was subsequently corrected, and after the ruling given to-day that we cannot point out to His Excellency that the message is *ultra vires*. I am one of those connected with this Bill from its very commencement, if I may say so, but I must submit that the Bill as settled by the preliminary committee was very considerably altered by the Government and then by the Select Committee and then by the House. Now what small concession was shown to the trustees of the excepted temples and the *Matadhipathis* has been removed by the message received from His Excellency the Governor. It may also be remembered that these trustees of excepted temples and the *Matadhipathis* were never under the control, or rather were not included under the purview of Regulation 20 of 1863. Clause 4 of that Regulation clearly excluded them. The committee merely suggested to the Government that since some *Matadhipathis* and trustees of some excepted temples had given no satisfaction to the public in the discharge of their duties, they should be required to submit their accounts to an annual audit and that they should be brought under some such disciplinary control. But the Select Committee on the Bill as introduced by the Government thought that they should be brought under somewhat greater control, and therefore improvised what is now called the Central Board, which was improvised solely to deal with this class of trustees and *Matadhipathis*, so that they may not feel that they have been placed under the control of the district committees composed of local people. And then, Sir, a differentiation has been made in Clause 61 as passed by this Council. In the case of ordinary trustees the committee was competent to frame a scheme and submit it to the Board for approval but in the case of *Matadhipathis* or trustees of excepted temples the Board can only formulate proposals for a scheme and send it to the Court for approval. But according to the message of His Excellency the Governor, this differentiation is removed and the Board can deal with the *Matadhipathis* and trustees of excepted temples just in the same way as they can deal with trustees of committee-managed temples. Sir, whether there ought to be this distinction or not, I shall not now repeat the arguments advanced during the passage of the Bill by the members of the then Legislative Council, or the third session of it according to the expert Member, Rai Bahadur N. Gopalaswami Ayyangar. (Hear, hear.) But I must say that the special privileged treatment—If I remember aright, it was Sir T. Desikachariyar that called it a privileged treatment—was accorded to these two classes for this sole reason, namely that they were brought under the control of the Bill for the first time in their history. This message has removed that small concession. I must also incidentally observe that but for

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this small concession in the treatment which is conceded in the Bill, the opposition of the *Matadhipathis* and the trustees of excepted temples would have been greater. The author of the Bill, the hon. the Chief Minister, told us that the message of the Governor was sent to this Council with his concurrence. If that were so, I may be pardoned for stating that he has gone back upon his word. He told us that this differentiation in the treatment would be retained in the Bill and silenced the opposition. And after the Bill is passed without opposition, for the Governor to send the Bill back removing the distinction made, if I am not mistaken and if I have correctly understood the position, comes to nothing else but that we have been treated rather unfairly in the matter."

The hon. the RAJA OF PANAGAL:—"Mr. President, I did not wish to intervene in this debate, but since my name has been dragged in, 12 noon. I think it is necessary that I should say a word or two in personal explanation. The first statement that he made was that I gave an assurance that the trustees of excepted temples and *Matadhipathis* would be shown special consideration. Yes, I said so and they are given a special treatment. It is not merely in the observance of this particular distinction that the Bill gives them a special treatment, but also in a variety of ways. In all those respects that distinction is kept up. But in this particular instance, others are also given the privilege which was exclusively theirs under the original Bill. I cannot see why they should grudge it."

The RAJA OF RAMNAD:—"My point is that the Board formulating proposals and the Board framing a scheme are two distinct matters. In the one case the Board will be the plaintiff and in the other it will be the first court. So, in the case of *Matadhipathis*, as against three courts to which they were subjected, they are now going to be subjected to four courts, the Board, the court of first instance, the High Court and the Privy Council. Is that an advantage, I ask? Then, again, Sir, the hon. the Raja of Panagal was claiming for his Bill that it would prevent costly litigation. Does he still say that because the matter is not going to rest with three courts, now, but with four courts, it is going to prevent costly litigation?

"I personally think, Sir, that the Bill contains very many good provisions and that those provisions must be passed into law and come into force very soon. I have personal experience of the working of several *Devasthanams*, being myself a member of the committees of more than one *Devasthanam* and a hereditary trustee of a large number of *Devasthanams*. I have stated my conclusions very clearly in the earlier stages of the Bill. But somehow there is the fact that public opinion is unanimous that this Bill is not to their advantage; there is no denying that fact. It may be that the vested interests are rebellious, or it may be that people are ignorant of the provisions of the Bill, or it may even be that they really apprehend some danger which the Bill does not provide for. Probably some of my Brahman friends think, Sir, that it will spell their extinction, or it may be that some of the orthodox Brahmans fear that they may be made non-Brahmans (laughter). Whatever may be the merits or the demerits of the Bill, there is no denying the fact that it has met with a universal opposition from all quarters. Are we to pass a Bill which City of ah unanimous opposition? That is my point.

ment to th ther, Sir, if there are very many good points in the Bill, there may d points too. So, if the Bill had been remitted to this House in

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full, it would have given us opportunities of removing clauses which are considered to be obnoxious, or whose removal will give the public satisfaction. But, instead of that, Sir, only a few clauses have been sent back, and I maintain that particularly with reference to clause 61 the amendment suggested is really drastic from the point of view of those affected by it.

"It may be asked, and very legitimately, what object is gained by putting off this Bill for one year. My submission is that His Excellency the Governor, who has taken one year to give his consideration to this Bill, need not have sprung this message at the eve of his departure upon a new House (hear, hear). We are shortly getting a new Governor and he may bring to bear on the consideration of this Bill a detached view, and he may take into account various considerations and, if I may say so with due respect, he may not feel bound by the 'happy family' considerations (cheers). And then, this Council will not be in session for another three or four months, and the new Governor may have an opportunity of studying the provisions of the Bill, of gauging public opinion and consulting leaders, and then he may remit the whole Bill for the reconsideration of this House, or at least modify it in such terms as would be acceptable to those affected by it. I do not think that anybody will say that I am in no way interested in this Bill. I am vitally affected by the Bill, and if I gave my assent to the passage of this Bill, it was not with my eyes shut. I do not think any one in this House can claim so much interest as I can in the matter of these religious trusts, nor do I think that anybody here possesses the advantage of so much experience in regard to these matters as I do. I think the one object which the hon. the Raja of Panagal had in so kindly appointing me as Chairman of the preliminary Committee was probably because he thought that by appointing me as Chairman I might use to the advantage of that Committee my vast experience in the administration of these institutions. I yield to none in my desire to have a Bill passed at an early date, but not this Bill unless it undergoes certain alterations. The circumstances under which this message has been hurried through, I think, Sir, have created a consternation in the minds of those who are vitally affected by this Bill.

"Therefore, in all these circumstances, I think it will be highly expedient in the interest of all parties alike to have the consideration of this Bill adjourned to a future date. The hon. the Raja of Panagal has already said that it is no longer a party question or a party measure. It is now His Excellency the Governor's message, and I do not think that His Excellency's feelings would be very much hurt if he is told that this message will be considered after some time when his successor, who will be in our midst in a few days, would have had an opportunity of learning public opinion on the matter. For all these reasons, I beg to move that the consideration of this message do stand adjourned to some date in March 1925."

At this stage the hon. the President called upon Mr. C. V. Venkataramana Ayyangar to speak. At the same time S. R. V. Ankinedu Prasad Bahadur also got up to speak, but seeing that the hon. Member, Mr. Venkataramana Ayyangar, did not get up to speak, the hon. the President said:—"I called upon Mr. C. V. Venkataramana Ayyangar because his motion came before the one moved by the hon. Member, the Raja of Ramnad. Is the hon. Member not going to speak?"

Mr. C. V. VENKATARAMANA AYYANGAR:—"I want to speak, Sir, on the motion that has been proposed by the Raja of Ramnad, but as the hon.

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Member, the Raja of Chellapalli's name has been coupled with that of the Raja of Ramnad in the agenda, perhaps I thought he might second the motion and that I could speak later on."

The hon. the PRESIDENT:—"I have called upon the hon. Member, Mr. C. V. Venkataramana Ayyangar, to speak and if he declines to avail himself of that opportunity, I am not bound to call upon him again."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I do not know, Sir, if I am to take it that if I do not speak now, I will not be allowed to speak later on."

The hon. the PRESIDENT:—"I said that I would not be bound to call upon him to speak again, because there are many hon. Members anxious to speak. Practically the whole House is anxious to speak."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I shall then second the proposition, Sir. I have given notice of a similarly worded motion."

"My reason, Sir, for asking for an adjournment of the consideration of this message is this. I was one of those who supported the passing of a Bill, although many hon. Members then on this side of the House were against me. But, as the Raja of Ramnad said, I wanted a Bill, though certainly not this Bill, and therefore, when an opportunity was given to us to have this Bill amended as much as possible and as satisfactorily as possible, I was one of those who thought it necessary to propose very serious amendments."

"The one serious objection, or the series of objections that were raised against the Bill as it was passed, was by the trustees of excepted temples and *matadhipathis*. There is an ancient Tamil proverb கணர்வெட்ட பூதம் புறப்பட்டதாம். The trustees and *matadhipathis* have spent so much of money and time in objecting to the provisions of the Bill, and the result is that His Excellency the Governor has sent this message, which, as has been very well shown by the hon. Mover of this motion, makes the Bill worse than it was when passed by this House."

"Then there is another question. The hon. the Raja of Ramnad has explained why we do not want to have this Bill thrown out but only ask for an adjournment of the consideration of this message for one year. It has been said by the other side that this is the fourth session of the House. Yes. But the difference between the third and the fourth session is this. I take it—and I speak subject to correction—that a large number of those who were in the third session are absent in this session. I tried to compute the number, and I do not think that I am wrong in saying that nearly 50 per cent of hon. Members here are new, and, therefore, is it not legitimate that the new hon. Members should be given an opportunity to consider the Bill? The Bill itself was never before the public before the last Council was elected. It was sprung upon hon. Members after the election. The hon. the Raja of Panagal, who was then in charge of the Bill said, that because there was a likelihood of some disturbance—in fact he went further and said, of some bribery and some other influence—at the general election, we should have the Bill passed. Well, the Bill was passed by the House, but the catastrophe referred to by him has never happened. I do not think that any Member here will say that the present Members have been bribed by any of the *matadhipathis* to throw out the Bill, and I do not think that the hon. the Raja of Panagal himself will dare to say that against any other hon. Member of this Council. Therefore, I take it that in spite of the challenge,

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the Council has been freely re-elected and at the time of the re-election, as has been very well said by the hon. Member, the Raja of Ramnad, the question was specifically raised in almost every place and it was suggested that the Bill as passed by the House was not to the taste of the public. With due deference to His Excellency, His Excellency has kept considering the Bill for one year, and now the 1st of April has come. It seems to me that the 1st of April is particularly connected with this Bill. Last year we took up the Bill about the 1st of April. The effect of that 1st of April continued for some days and then the Bill was passed. His Excellency kept quiet for another full year and sent this message yesterday. Of course, I do not connect that message with the 1st of April. All I say is that His Excellency cannot now be expected in the midst of his entertainments and in the midst of the arrangements he is making to go home, to devote sufficient time and attention to this. The very fact that the message which was sent to us yesterday had to be immediately amended shows that it was not as satisfactory as it was expected to be. One of us pointed out to you, Sir, yesterday, that the message seemed to infringe upon the powers of the President, but you said that no further discussion of that message could be gone into then as it had not been formally placed before the House. Then it was that subsequently we got the amendment for that message.

"Therefore, is it not desirable to satisfy the Members of this House and to satisfy the very large population outside this House who are very much interested in this Bill that we should, after all, wait for a few months more? It may be asked why we want one year. I have asked in my motion a postponement for six months as an alternative, if one year is not possible. However, in this interval, we may try to interview His Excellency. For passing a resolution in this House under our ballot system it will take some months; thus seven or eight months will naturally be taken. After the resolution has been passed, it may be necessary to interview His Excellency again, and also the Viceroy; for these things some more months will be taken. I am one of those who specifically opposed some of the stringent principles enunciated in the Bill as regards *mutts*, and I am one of those who were opposed to the payment of the members of the Board. These two or three points are very important. There are other points which are in my view secondary but in the view of others primary. We have spent many decades without a Bill of this kind; we have waited for years and months for the Bill to be passed in this House, and after it was passed we have waited for one year. Therefore nothing will be lost in waiting for a few months more, possibly for a year if not earlier; within this time the world is not going to be drowned in the Bay of Bengal (laughter). A little further delay will help us to have a solution satisfactory to all people inside and outside this House, and avoid discontent among a large majority of the population outside, if not unanimous discontent, and prevent the hon. Members of this House being always at antagonism with the outside public. Unfortunately, the Reforms Act has already created great discontent in the country, and it is also believed that in this Council our powers are curtailed and narrowed under that Act. In other Houses too, the Reforms Act has come to be subjected to very great criticism. Such being the case, is it not desirable that we should try to please the people outside, to do them justice, even at the cost of the hon. the Raja of Panagal not having the honour of having this Bill passed into law at once? He may take that credit one

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year hence, instead of carrying this Bill in the teeth of great public opposition. I spent days and nights in going through His Excellency's message and suggesting amendments, to make the Bill a little more satisfactory than it would be according to that message, which still allows litigation and includes the mutts under the scope of this Bill. Why not we be given that opportunity? Are we nobodies, or are we nowhere in regard to this matter? Is this House a debating society or a play room to which we come at the cost of the tax-payer, propose amendments, discuss them, pass them by a majority, if not unanimously for and, His Excellency then to say, 'No, it should all go into the waste paper basket,' which I think will not be carried in his ship when he goes? Therefore, I appeal not only to the hon. the Chief Minister but to all the seven Members in the front Government bench to consider this matter, and agree, as they did yesterday in regard to the 'Swarajya' debate, to our request. What we want is to postpone the Bill for some more months. My hon. Friend the Raja of Ramnad is not, I think, very particular about the month or date. In fact the hon. the Minister or the Government, or even the outside public, are not going to lose anything during this time; let not the Government want to have its pound of flesh. Therefore I appeal to this House to remember that in three years more they have to face an election and these three years will soon pass by and then they will have to search their conscience whether they were right in passing this Bill which is disliked by a very large majority, if not the whole, of the electorate."

The hon. the PRESIDENT:—"It has been moved and seconded, with reference to Standing Order No. 34, that the consideration of this message be adjourned; the hon. Member, the Raja of Ramnad, says to one year from this date."

Mr. C. V. VENKATARAMANA AYYANGAR:—"The resolution says, 'to some date to be fixed.'"

The RAJA OF RAMNAD:—"Till some date in March 1925."

The hon. the PRESIDENT:—"I have now to remind hon. Members that as so many hon. Members are anxious to take part in this deliberation, I should be very much obliged if they would co-operate with me in enforcing the time-limit which has always been agreed upon in regard to legislative business, namely, ten minutes for each speaker. I know it will be difficult for hon. Members to compress all they want to say within this time-limit; but I hope they will do so in consideration of the desire of several hon. Members of the House to take part in this debate. The bell will be rung punctually every ten minutes, and I hope hon. Members will not feel annoyed if I call on the next hon. Member to speak as soon as the bell is rung and a sentence is finished. I should ask the co-operation of the House in this matter of enforcing the time-limit."

Mr. S. R. Y. ANKINEDU PRASAD Bahadur:—"Mr. President, Sir, I have much pleasure in supporting this motion that has been moved by my hon. Friend, the Raja of Ramnad, and seconded by my hon. Friend, Mr. C. V. Venkataramana Ayyangar. Most of what I wanted to say on this motion has been already mentioned by my hon. Friends. However, I have got a few remarks to make on this motion."

"With regard to the message communicated by His Excellency the Governor under section 81-A of the Government of India Act for the reconsideration of the Hindu Religious Endowments Bill by this Council, one

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thing that strikes the attention of even a layman is whether it is a sound convention to refer for reconsideration certain provisions of the Bill passed by the last Council to this Council composed of several new Members who never had the opportunity of discussing its principles in the last Council. The section no doubt gives power to the Governor to return the whole or part of the Bill to the Council for reconsideration. But the Council that passed the Bill is not in session. On the other hand, a new Council is asked to reconsider some of the provisions of the Bill passed by the last Council. This kind of procedure appears to be novel and adopted evidently to suit the Indian conditions as against the procedure followed in the House of Commons in England and in several other western countries as well. (Laughter.)

"On the other hand, if His Excellency had referred the whole Bill for the consideration of this Council, there would have been no scope for raising any objection whatever. Now if the Council accepts the suggestions of His Excellency as expressed in the message, it may be deemed to have accepted all the other provisions of the Bill without having any opportunity for the discussion of the main principles of the Bill. If the Council does not approve the altered provisions as suggested by His Excellency, it may be deemed to have consented to the more obnoxious provisions of the Bill itself. So this Council has been placed in a very awkward position from which it can only escape if His Excellency the Governor allows it to consider all the principles of the Bill. (Hear, hear.)

"Going into the merits of the amended clauses, there are several objectionable features in them. Full jurisdiction in all matters has been restored to Civil Courts as against the wishes of the promoters of the Bill. In the Statement of Objects and Reasons appended to the Bill of 1922, it was stated:

'Care has been taken to provide that the decisions of the Committee, the Government, the Collector or the Court should be final in respect of several matters and this will, it is hoped, effectively put an end to the costly pastime which has in recent years prevailed of people engaging light-heartedly or for factious or sectarian reasons in litigation relating to religious endowments.'

"Now as I have stated above, the Courts have been given full jurisdiction in all matters with powers of appeal to higher courts. What does this change mean? It means that the trustees will hereafter be placed between Charybdis and Scylla, and the flood gates of costly litigation will again be opened, if this Bill is passed into law. It will be a hard time for the trustees to manage the affairs of the temple, if placed between two sets of investigating bodies, viz., the complicated machinery of control provided in the Bill with its thirsty agents and the highly costly litigation with its attendant worry and inconvenience. Suffice it to say that no honest and self-respecting person of status will care to be a trustee subject to the interference of the Committees as well as the Courts in session. (Hear, hear.)

"Further, the message is again being rushed through the Council without the Members having the benefit of public criticism, as it has not been long before the country. In fact, it does not seem to have been translated into vernaculars and the non-English knowing public have no idea of its contents, nor has the time been enough for hon. Members of this Council to enlighten them. Why, I ask, is this overhastiness again in a matter affecting millions and millions of our countrymen for whom religion is everything? Cannot the Government and their co-operators wait and see for some time what opinion the public will pronounce upon the message and its bearing on the other

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provisions of the Bill? Already there has been a good deal of anxiety in the country regarding the effect of this Bill, for the rural people have become much agitated over this matter. Rightly or wrongly, they believe that their sacred religion is in danger and that the Government are forging fetters to stifle its existence. It is inconceivable that all this fear has been unnecessarily caused by interested persons. Whatever may be its origin, it is the bounden duty of the promoters of this measure to allay that misapprehension by all possible ways. Nothing will be lost if this measure is delayed until that misapprehension is removed and until people understand the measure in its true light.

"Under the circumstances, the best course lying before the Council is to adjourn the consideration of the measure to another year, so that the Government may have time to clear themselves of the technical or legal objections raised and to see their way to refer the whole Bill for the consideration of this Council with the changes proposed by Government. In conclusion, I appeal to every section of the House to view the matter under discussion dispassionately and calmly to arrive at an independent and correct decision." (Cheers.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I do not know whether we ought to congratulate the hon. the Minister for this message on the Bill introduced by him. There are two outstanding features which require consideration. The Bill was passed at the very last meeting of the previous Council. It was under consideration for being amended on the lines suggested for at least five decades before the introduction of the Bill in the Council, and it evoked any amount of opposition in the country. There was an interval of at least six months before His Excellency decided to deliver a message to this House. Let me recall the circumstances under which this message was delivered. There were placed on the agenda of the meeting of this Council early in December notices of motions to be introduced by my hon. Friend, Mr. Sami Venkatachalam Chetti, asking for an address to His Excellency to withhold his assent to the Bill and to remit the whole Bill for reconsideration. When that stage was reached, we found that that motion was ruled out of order and immediately afterwards a message from His Excellency was placed before this House, communicating to it that he would remit some points of the Bill for consideration. Let us then remember that His Excellency did not on that occasion communicate the points on which a message would be sent—a very novel and unusual procedure when communicating on what grounds, for what reasons and in respect of what points the message would be sent. There was the ruling of the President on the motion of Mr. Sami Venkatachalam Chetti that it would not be considered till the message was delivered. Then, Sir, it took more than three months for a message to be communicated to this House which after all does not satisfy any section of this House.

"I would ask the hon. the Minister to consider whether he would be doing justice to this elected Legislative Council if he does not willingly co-operate to give an opportunity to this House to consider the whole Bill. In the last Legislative Council when this objection was raised, he said that if the measure was deferred it might be that the trustees or those that were in charge of the endowments might exercise their influence over the electorate and endanger legislation. Whether he willed it or not, the assent of His Excellency did not come yet. Is it fair now to say that hon.

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Members shall not have an opportunity to consider the various provisions of the Bill fully? I think, Sir, that the hon. Minister would do well to co-operate with the House in this matter. I fail to imagine, Sir, how His Excellency, even without knowing what the amendment is and before hearing it discussed in the Council, has in effect prejudged the case when he said that he would not allow any amendments."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Mr. President, may I call the attention of the hon. Member to the opening sentence of the message that was sent yesterday in which it is distinctly stated that His Excellency has seen the amendments of which notice has been given?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am aware of that, Sir. But my point is that he has not had an opportunity to watch the trend of the discussion on the amendment in the House and therefore it is like judges making up their minds before the arguments are closed. The reasonableness or otherwise of the amendments must be fully considered by allowing them to come up."

Mr. A. RAMASWAMI MUDALIYAR :—"May I also point out that when the Bill was before the last Council, the same amendments were brought in and discussed?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"May I also point out that on all these occasions opinions were expressed against these provisions and that those opinions were before us? I think in a measure of this nature which materially affects the religion and the religious customs and usages of various institutions, there ought not to be anything like a hurry. We realize as a matter of fact that with regard to two important provisions, viz., provisions regarding the Mutts and the constitution of paid Commissioners, when there has been any volume of public feeling against them and when even in regard to the Bill of Mr. Muttuswami Ayyar which has been referred to usefully, they were unanimously, or at least by a majority, against similar measures, we should consider well the whole question before committing ourselves. Even in regard to this Bill, it was passed by this House on the 3rd April 1923, it awaited His Excellency's assent until very recently, it was said that it was going to be sent back to this House for reconsideration on certain points and His Excellency has taken some time over framing the points of reference. Sir, I am not aware of the correspondence between His Excellency and the hon. the Chief Minister with regard to this. But unless it is going to be said that His Excellency before he leaves our shores on the 7th must give his assent as if his successor cannot do that, I fail to see what reason there is for this haste. Is there any one who says that the Bill has received the public assent? Is there any one here who can say that the provisions of the Bill satisfy the public feeling? If any one dares to say so, that is another matter. But the main feeling is that the people are not a little alarmed by it. We are already having costly machineries even in respect of the Ministers. Already a year has passed by and nothing has happened, and there is nothing that this Council will be losing. Sir, I would not have considered it necessary to speak at this length but for the fact that the hon. the Minister stated that the message that His Excellency is not prepared to consider the amendments, has had his concurrence. I fail to understand how the Minister himself has taken the responsibility of not accepting the amendments which may be carried by this House. That is an inconvenient position for him. If the Minister had heard the discussions on the amendments and then took the

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step he did, that would have been something. I strongly feel that it will be consulting the very wide interests of the public and the country if he gives further time for the consideration of the various provisions of the Bill and if he will also use his influence to accept the motion."

Rai Bahadur T. M. NARASIMHACHARLU:—"I also rise to support the adjournment motion. I shall confine myself to the consideration of certain questions which require deep consideration, within the time which is allowed to us for the consideration of this Bill. His Excellency and his advisers took more than nine months to come to the conclusion as to whether he should consent to the Bill or remit a portion thereof for the reconsideration of this House; and he took some further time to frame amendments and to send them here. I submit, Sir, that these amendments have not been before the public sufficiently long so that we may know actually the effect of them on the public interests which they are supposed to affect. I submit, Sir, that the time is quite insufficient for me to bring to the notice of this House two or three instances on which large disputes and acute differences of opinion would arise if the amendments as proposed by His Excellency are carried by this Council. Firstly, in clause 2 of this Bill, His Excellency proposes to except the Presidency town. Suppose we accept the amendment. What follows? The religious endowments within the town are exempt from the operation of this Act. I submit that the Government have not contemplated a very serious difficulty if this amendment is passed. Suppose the headquarters of the Ahobila Mutt is transferred to the Presidency town; suppose they have their accounts here and maintain their office here and the *Jeer* resides here. What will be the result? Now similarly there are other mutts as for instance, the Vanamamalai Mutt, the Sankara Mutt and the Madhva Mutt. They will transfer their respective headquarters to Madras. Now, the object is to redress the grievances in the case of these institutions. If the headquarters are transferred to Madras and you cannot touch them, how are you going to redress the grievances?"

Rai Bahadur N. GOPALASWAMI AYYANGAR:—"Mr. President, the answer to that question is this. The Presidency town of Madras has been excluded from this measure on account of legal reasons, of the incompetency of the local legislature to confer jurisdiction on the Original Side of the High Court. I dare say that when this Bill is placed on the Statute Book, the next step will be to move the Indian Legislature to enact a law which would bring the Presidency town within the orbit of this measure."

Rai Bahadur T. M. NARASIMHACHARLU:—"I am very glad that the Government have realized that difficulty and that they are contemplating further measures."

The RAJA OF RAMNAD:—"May I ask the hon. Member, Mr. Gopalaswami Ayyangar, why this provision was allowed to remain in the Bill in spite of the fact that my hon. Friend, Mr. Tanikachala Chettyar, already pointed out the legal difficulty? I may also draw his attention to the Agency Bill where the local legislature has enacted a measure vesting jurisdiction in other tribunals, thus interfering with the original jurisdiction of the High Court."

Rai Bahadur N. GOPALASWAMI AYYANGAR:—"Mr. President, with regard to the point raised by the hon. the Raja of Ramnad, it is no doubt true that when this Bill was under consideration during the last session of the Council, an amendment brought by the hon. Member, Mr. Tanikachala

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Chettyar was not accepted. But as hon. Members of this House are aware, legal advice does vary, and the legal advice at that time was that it was competent for the local legislature to confer that power on the City Civil Court in the shape of a limited jurisdiction. But the legal advice we have had since is to the effect that it might be construed by subtler lawyers that even so the power of the Original Side of the High Court will be affected. That is why His Excellency has proposed this amendment now."

Rao Bahadur O. TANIKACHALA CHETTYAR:—"Sir, the hon. Mr. C. P. Ramaswami Ayyar, as Law Member, conceded that my point was correct and though he did not say it in so many words, yet he stated to the effect that that inability or incompetence of this legislature existed in the matter of conferring upon the City Civil Court jurisdiction in respect of temples whose income was low and which would not admit of costly litigation. It was practically conceded though the word was not expressly included in the Bill."

Mr. S. MUTTAYYA MUDALIYAR:—"I should like to know, Sir, whether the procedure that we are adopting is quite all right. The amendment was put forward by the President and the hon. Gentleman, Mr. Gopalaswami Ayyangar, was called on to speak in support of it. Another hon. Member speaks against it and Mr. Gopalaswami Ayyangar gets up to answer every objection which is put forth against the Bill. I do not really see, Sir, under what standing order the hon. Member Mr. Gopalaswami Ayyangar does so at every stage. It may be that the President may give a reply at the end to all the objections raised by various members on this side. I submit it is not open to any hon. Member of this House to go on answering objections as soon as they are raised and I do not know if Mr. Gopalaswami Ayyangar has the right of speaking again having once finished his speech. May I have a ruling, Sir, on the point of order raised by me?"

The hon. the PRESIDENT:—"I do not understand what is the point of order. The hon. Member merely complains of Mr. Gopalaswami Ayyangar having risen to answer questions. It is always usual for hon. Members to oblige any other hon. Member who has put a question by answering it. Of course, excessive time should not be taken up in doing so."

Mr. S. MUTTAYYA MUDALIYAR:—"That is not the only point I raised. I also raised a question whether it was in order to allow Mr. Tanikachala Chettyar to go on with his explanations. I do not know if it is open to other hon. Members to do so. I certainly do not want to curtail the liberty of Members to put questions, but I do not know if it is open to every hon. Member to reply."

The hon. the PRESIDENT:—"It is also open to hon. Members to furnish an explanation. That is what Mr. Tanikachala Chettyar did in referring to his speech in the last Council."

Mr. S. SATYAMURTI:—"May I ask whether Mr. Gopalaswami Ayyangar moved the amendment or spoke on the amendment?"

The hon. the PRESIDENT:—"He has not moved the amendment at all. The amendment was put to the House from the Chair. Mr. Gopalaswami Ayyangar exercised his right of speech as a member of this House."

Mr. S. SATYAMURTI:—"Arising from that statement, I now rise to a point of order. I did not do it earlier, because I was doubtful about the form

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in which this matter was going to be placed before the House. Now that you have stated it, I submit that under Standing Order 51, it is provided that all these points shall be discussed and voted upon in the same manner as amendments to a Bill. I submit, Sir, that an amendment can be discussed in this House only when it is moved and seconded. I submit that 'the point or points shall be put by the President', means this. After the amendments have been discussed, it is up to you, as you do on every occasion, to put to the House the point for their decision and announce the decision of the House. This amendment cannot be laid before the House and cannot be discussed, unless it is moved and seconded by some members and only then a general discussion arises."

The hon. the PRESIDENT:—"It will be time enough to discuss the particular point raised by the hon. Member when we return to the general discussion. At present, we are discussing a motion for the adjournment of an item of business. When we have disposed of that, it will open to the hon. Member to raise this question."

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. Gopalaswami Ayyangar disclosed to us that the legal advisers of the Government were changing their opinions. That is the very reason, Sir, why, with the information that is now given for sending these amendments before the Council, time should be given. Time is the very essence in this case, and therefore there should be an adjournment so that we may see whether Government officers change their opinions or stick to them. They may be changing their opinion as time goes on. That is my first point.

"The second point was mentioned by the hon. the Raja of Ramnad with reference to the mutts and excepted temples. It may be seen that most of the mutts are purely Brahman mutts. So far as the Ahobilam Mutt is concerned 99 per cent of those concerned are Brahmans—and I submit, Sir, that when an innovation is sought to be made in the Bill by His Excellency, it is only fair that these mutts should be given an opportunity to see whether the innovations in the amendments proposed do not really affect them seriously or whether they are really formal. In my opinion, the amendments proposed by His Excellency with regard to the mutts and the excepted temples are very serious, in fact more serious than they hitherto have been. They have not had time to consider them and the heads of these mutts are not English-knowing gentlemen and those who advise them also do not know English. The amendments are in English, they were not even published in the gazette and no accurate translations of them have been issued. That being the case, some time must be given to them so that they may see what points are raised in the amendments. With reference to the application of the endowment funds, what section 63 proposed was that the trustee of the mutt or the temple concerned or the Board may apply to the Court. The decision with reference to the diversion of funds was always meant to be by the Court. There was no contemplation at all that the Board, as conceded under this Act, should have the decision that a particular amount should be diverted from the public religious institutions. But, under the amendments proposed by His Excellency, the initiative and the decision is given to the Board. For, it is said in clause 63, 'the Board may after consulting by an enquiry, etc., etc., declare for the purposes, etc., etc.' The Board itself is given very ample power to declare that the purpose of a religious endowment has been or subsequently has become impossible of realization or that the machinery no longer exists

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and so on. The Board is given power to declare that certain purpose has ceased to exist and is no longer existing or that sufficient sum could be spared from the funds of that particular institution. Then they are given power by which they can direct the amount available as the case may be to be appropriated to religious, educational or other charitable purpose not inconsistent with the objects of the mutt or temple. They are also given power to determine what portion of such amount or surplus shall be retained as a reserve fund and direct the remainder to be appropriated to the purposes specified. Under clause 4, 'the order of the Board under this section shall be published in the prescribed manner. The trustee or any other person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside any such order.' Under clause 5 'any decision of the court under this section may at any time for sufficient causes be modified or cancelled by the court on the application of the Board.' I submit, Sir, this is a very revolutionary amendment. Whereas the Board was given under section 63 of the Bill as it now exists the power simply to apply to the court for the diversion of funds, whereas that section enabled the court to come to a decision, whether the application was reasonable or unreasonable, the Board itself is now asked to do that very thing. Afterwards power, no doubt, is given to the trustee or other persons interested to go to the court by means of a suit. We all know what the cost of a suit means. As the hon. the Raja of Ramnad has pointed out in the case of mutts and excepted temples, four kinds of machinery are substituted for three kinds of machinery in the original Bill. The Board itself is given the power to declare the amount to be appropriated. I strongly object to the Board having this power instead of the court. What I submit is this. I have to point out that the country had not even the breathing time to see that the provision has been altered in this manner by the amendments proposed by His Excellency. I think these three points which are suggested, firstly as regards the exception of the Presidency town, secondly as regards the innovations made in regard to the excepted temples, and thirdly as regards the diversion of surplus funds, are all vital matters. The innovations proposed are more dangerous and more serious than the provisions contained in the original Bill. I would rather welcome the Bill of the hon. the Raja of Panagal than the present amendments. The country must have sufficient time. Whereas the amendments have come before the Council at a time when His Excellency is going away and there is hardly any time to represent to His Excellency the objections, I submit that the time given is not at all sufficient. It is not with the idea of throwing out the Bill that this motion is made but the object is to see that representation is made to His Excellency."

Mr. B. MUNISWAMI NAYUDU:—"Sir, I was rather amused to hear the hon. Member for Cuddapah saying that he would rather be content with the old Bill than accept the Bill as recommended by His Excellency the Governor. I was present here when the debate on the original Bill took place and several hon. Members in the Opposition very strongly urged for the retention of the powers of the courts. Since then after the Bill was passed by this House, any number of representations have been made to His Excellency the Governor and also, Sir, to His Excellency the Viceroy. Their objections were put forward in memoranda and deputations waited on Their Excellencies. And Sir, if we read His Excellency's message, it will be found that it is in deference to the opinion given by the deputations of these people that the power of the courts is now attempted to be restored. I read from the message of His

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Excellency. 'In deciding upon such a course, His Excellency the Governor was influenced by two considerations' The second consideration is 'his desire, at the same time, to give due weight to the representations which urged a reconsideration of the Bill in so far as it affected the jurisdiction of courts.' Sir, it will therefore be seen that the amendment now proposed is with a view to give effect to the opinions and representations made by the people who are entitled to express an opinion, and I trust the House will see the desirability of accepting the amendment in the manner now proposed. Now, Sir, the hon. Member for Cuddapah says, 'We do not want this amendment.' The mutts do not want this amendment. We will go to the country. We will have another deputation of Pandarasanadhis and then probably let the Bill come back on the 3rd of April next year. I submit, Sir, that, so far as the question of the reconsideration on the point of restoration of powers of courts is concerned, there is absolutely no need to go to the country. This was urged not only in the representations made in the Legislative Council last year but also in the various representations made to Their Excellencies. Therefore, Sir, it was with a view to give effect to the representations made to Their Excellencies that the power of the courts is now sought to be restored."

Mr. C. RAMALINGA REDDI:—"May I ask the hon. the Member to say
1 p.m. wherefrom he learns that representations made to His Excellency wanted resort to courts in addition to the existence of a Central Board?" (Hear, hear.)

Mr. B. MUNISWAMI NAYUDU:—"I shall answer it. The representation was that while the Board might have the discretion to pass a scheme or do other things, the power of the courts to pass judgment on the validity or otherwise of those things must be retained. In the Bill as passed what is stated is that when a district committee proposes a scheme for a non-excepted temple, the Board's decision on appeal is final. Representations made were to the effect that the Board was an executive body and its decisions should not be made final."

Mr. C. RAMALINGA REDDI:—"I want to know, Sir, whether the representations made were not slightly different. They did not want the Board at all but only wanted appeals from the committees to the courts."

Mr. B. MUNISWAMI NAYUDU:—"My hon. Friend, Mr. Ramalinga Reddi, may certainly have in his possession copies of certain representations, but I am only stating from what I found in the papers and in His Excellency's message. All that I would say is that while extreme representations went to say that there should be no Board, no committee and so on, other representations were made to the effect that certain powers should be given to the courts. We have to consider this point. Supposing the Board is there, what is the kind of amendment you would like to have? The answer is that the powers of the courts should be restored. While in the old Bill it is stated that the decision of the Board is final, His Excellency now suggests in the amendments and gives us the option, to give powers either to the Board or to the Courts. With regard to the excepted temples and mutts, the position is the same. There, a scheme has to be framed and submitted to the Board and the Board has to pass a decree. There was a hue and cry raised as to whether, when a decree was passed in these circumstances by the Board, there was a right of appeal. It was contended that a right of appeal should exist in such cases. Therefore, it is now proposed that the draft scheme proposed by the Board

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should be made subject to its being set aside or modified or confirmed by the court. The result is that when a decree is passed, there is a right of appeal to the appellate court and ultimately to the Privy Council. To give effect to the desire expressed in the representations made that the powers of the courts should be retained, His Excellency is perfectly right in suggesting these amendments. Our Friends on the opposite side now say that these representations should not be given effect to. I leave the matter at that.

"Then, Sir, it has been stated that the position of the zamindars will be seriously jeopardised."

The RAJA OF RAMNAD:—"Not zamindars, but the trustees."

Mr. B. MUNISWAMI NAYUDU:—"I mean zamindars who are trustees of excepted temples. On that point also, I submit that the position has not at all been made worse. So far as Matadhipathis are concerned, the position in the amendments is that when a scheme is framed by the Board, instead of its being objected to on its being sent to the court, provision is made to the effect that the Matadhipathis may object to it and institute a proper suit with the result that when a decree is passed, there is a right of appeal. Of course, if the Matadhipathis come forward and say that they want no appeal whatever, that the procedure already laid down is very good, I have absolutely no objection. I am speaking of those Matadhipathis who want resort to courts. I do not speak about those who think that the provisions of the original Act are good."

Mr. C. RAMALINGA REDDI:—"To the complete exclusion of courts?"

Mr. B. MUNISWAMI NAYUDU:—"I am referring to the Matadhipathis who, instead of urging a complete exclusion of courts, would reconcile themselves with something better as indicated in these amendments."

Mr. P. ANJANEYULU:—"May I know, Sir, who those Matadhipathis are?"

Mr. B. MUNISWAMI NAYUDU:—"I am not in possession of such confidential papers as my hon. Friends on the opposite side might have. All I submit is that, after reading the message, I find all the amendments are in pursuance of those representations of Matadhipathis and trustees of excepted temples and other bodies and persons. Therefore, now to say that we ought to go again and consult them whether they will accept these views, is a matter which need not be seriously considered. For these reasons, I oppose the motion for adjournment and submit that these amendments should be taken up for consideration."

Rai Bahadur T. M. NARASIMHACHARLU:—"On a point of personal explanation, Sir. My hon. Friend quoted me wrongly. My objection is not that the courts are given power instead of the Board. My objection is that the Board while it did not possess any power in the existing Bill, is now given power by this amendment to declare and decide upon the surplus. That is my objection to the present amendment. The public have had no time to consider this. The hon. Member from Chittoor did not properly appreciate my objection."

Mr. C. RAMALINGA REDDI:—"Mr. President, Sir, I rise to support this motion for adjournment moved by the hon. Member, the Raja of Ramnad. In doing so, let me say that even on the merits, I would be opposed to the amendment; because, I was one of those who thought that the institution of

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a central board like the one that is contemplated in the old Bill would not be justified, it being a costly institution, unless litigation was, in consequence, to a great extent minimized. If I recollect rightly, it was I that had suggested that some such central board should be instituted and the present amount of litigation should be, as far as possible, lessened by its means. If I understand rightly, the course actually followed with reference to the present amendments in returning them for reconsideration, has given dissatisfaction in every quarter without, as far as I can see, a single exception. The staunch adherents of the Bill are naturally annoyed that, after it was passed in this Council by a large majority, it should have been hung up for nearly a whole year and now returned to a new Council in this partial and truncated manner. I think the course adopted is open to the objection from the point of view of the friends of the Bill as also from the point of view of the opponents. The opponents are naturally dissatisfied in that the Bill has not been referred to them in whole or, as we contend, even in part and this Council has not been allowed a right to discuss the same either in whole or in part. I should like to argue this question more on the ground of setting up constitutional precedents than even on the merits of the Bill. My hon. Friend Mr. Gopalaswami Ayyangar suggested that we might treat this as a session of the last Council and when I interrupted him, he neatly retorted by saying that he was swearing by the Government of India Act. I am sure that though, as an official, he may swear by the Government of India Act, yet, as a patriot, he would swear at it if he had the liberty."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Mr. President, I take it that, at present, the point for consideration is whether this return is valid under the Government of India Act. As a patriot, the question arises as to what the proper procedure for the future might be; but so far as the present aspect of the matter is concerned, we have got to swear by the Government of India Act, and that is so not only on this side of this House but also on the other side." (Hear, hear.)

MR. C. RAMALINGA REDDI :—"I do not quite agree. I do not believe that patriotism should be reserved for future use. (Hear, hear.) Even with regard to this interpretation, I join issue with my hon. Friend, and I would like the House to record its emphatic protest by the manner in which he is going to vote against this motion, against the extraordinary convention sought to be set up, by which the meaning of general elections is going to be nullified. Sir, this return to the new Council could be challenged and contested on the following grounds which I shall very briefly summarize, and it is our desire that these grounds should be on record. As I have just now said, it nullifies the meaning attached to the word 'dissolution', which means a process by which the life of a certain Council is brought to an end. The Act itself, I believe, uses the term 'life' and further says 'that the normal life of every Council shall be limited to three years unless it is extended by His Excellency's order for another year.' Therefore, this new Council cannot in any way be regarded as bound by the commitments of the previous one and it ought to be given the fullest possible opportunity to review the decision of the previous Council. Then what is of still greater importance is, it destroys the meaning and value of the general election—the root of all responsible Government. Our responsible Government is a sham if the mandate of an electorate is not to prevail and if the procedure is adopted by which we are confronted with the dilemma referred to by my hon. Friend, the Raja of Chellapalli. That is, if you agree to the amendments you might

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be told, 'because you agree to the amendments, you agree to the Bill.' If you disagree, you might be told 'therefore you might be regarded as having approved the original Bill.' As the 'Hindu' has pointed out, quoting a very old proverb, this is like putting the question, 'have you given up beating your mother?' It cannot be answered 'yes' or 'no.' Any legislative procedure which puts the Council in a dubious and false position must stand condemned without any further reasoning. Then, Sir, it has been stated that the doctrine of lapse does not find favour with some modern publicists and arrangements have been made in certain legislatures for carrying over business from one session to another. I entirely agree; but the business carried over is from one session to another session and never from one Council to another Council for the reason pointed out by my hon. Friend Mr. Venkataramana Ayyangar. As between session and session, the personnel of the Council is stable and stationary, but as between Council and Council it need not be. As my hon. Friend Mr. Gopalaswami Ayyangar pointed out, even he, with all his optimism regarding the Government of India Act, could not probably concede that more than 50 per cent of the present Members who are here, heard a full debate on the Bill and all that was said on the principles underlying it; and are the other 50 per cent to act on the faith that whatever the ancestors did, it must be acceptable to their descendants? Another thing about this doctrine of lapse is, in every case, while provision is made for the carrying on of business, translating it from one session to another session, it is never made so as to prevent the latter session or latter Council from accepting or rejecting the Bill as by means of a third reading. That was all what this House claimed through the motion that was sought to be tabled by my hon. Friend Mr. Sami Venkatachalam Chettiyar."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"May I ask, Sir, if this doctrine obtains in the Indian Legislature?"

MR. C. RAMALINGA REDDI :—"My hon. Friend knows more perhaps about the Indian legislature than I do. So far as I am aware, there has been no exception. It is perfectly true that a certain Bill which was passed by the Legislative Assembly was, after the dissolution of the Assembly, submitted to the Council of State. The Council of State did not suffer dissolution and moreover the Council of State was given the opportunity of rejecting or accepting it. The whole charge I am laying against the present procedure is that you are adopting a procedure which is a travesty of all legislative independence and freedom and you are preventing a Council, what even a second session of a Legislative Council could not, according to the usual legislative procedure, be prevented from doing, namely, from voting on a third reading.

"Then, Sir, where possible exception might be made in the case of executive measures such as Bills, etc., which are brought by the executive section of the Government, it seems to me inadvisable that a Ministerial measure should have been the subject matter of a procedure which negatives the possibility of enforcing responsibility except perhaps by this indirect method of moving an adjournment. While I say that this reference itself is wrong, I hold that the terms of reference are even a worse violation of our rights. Section 81-A (1) of the Government of India Act says that the 'Governor may return a Bill to the Council for reconsideration either in whole or in part together with any amendments he may suggest.' It seems to me that the only interpretation that I can put is that

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the amendments should be a kind of appendix to the portions of the Bill or rather the Bill itself. Here we have nothing. These amendments were not in the Bill and what is not contained in the Bill cannot be returned. Unless we had sent up a thing how could it be returned? So I hope it will be conceded that even with regard to the terms of reference they are exceedingly unsatisfactory."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" May I invite the hon. Member's attention to these words in paragraph 8 of His Excellency's message which are as follows: 'His Excellency the Governor under section 81-A (1) of the Government of India Act hereby returns for reconsideration by the Legislative Council the clauses, sub-clauses and items in Schedule II of the Madras Hindu Religious Endowments Bill which are specified in the annexure to this message'—and annexure is only another name for appendix—'and recommends that the amendments indicated in the annexure be made in those clauses, sub-clauses and items'."

Mr. C. RAMALINGA REDDI :—" I am delighted at the corrections made by the hon. Member Mr. N. Gopalaswami Ayyangar. Notwithstanding all his corrections, I am of opinion that the proposed amendments ought to have been sent back to us with Statement of Objects and Reasons and if the whole thing had been placed before this House for our examination earlier, we could have moved amendments to them. Now our rights have been denied and what is furnished to us here is an ultimatum and we are told 'these amendments shall be accepted; only these amendments shall be discussed'. I protested against the terms of the first message which, I thought, Mr. President, infringed on your rights and privileges. Now, Sir, an amended message has been sent, amended in the direction of liberalism and constitutionalism. The first message stated 'you shall not speak because I will not listen'. The amending message states 'you may speak, but I will not listen', and that is the amount of concession that we have had as the effect of my protest. Now, Sir, what is the language in which this amended message has been couched. It says 'such and such expression shall be substituted for such and such expression'. I do not know—I may be wrong and Government may say that this is the form in which amendments are usually made—if this is the form in which amendments are always proposed. It is mandatory and not recommendatory."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" I may point out that this is quite the usual procedure for tabling motions. In fact, it is the only form in which the expert draftsmen in the Law (Legislative) Department will accept amendments."

Mr. C. RAMALINGA REDDI :—" If the hon. Member says that we are to be lowered and treated with no more courtesy than a mere department, I leave it to the hon. Member to consider whether that is a satisfactory position."

" Sir, I appeal to the House to consider the constitutional travesties and inroads that have been made in connexion with this Bill. We are trying to defend to the best of our ability the very limited and qualified liberties that have been given to us under the Reforms and what we find is something like a deliberate system of encroachments on these liberties and, under the name of conventions, the setting up of precedents which makes this House worse than an honest, sincere and straightforward bureaucracy. I am in agreement with my hon. Friend, the Raja of Ramnad, when he says that

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public opinion on this subject, so far as one could judge, is not so overwhelmingly favourable as to justify legislation being passed. I may also join issue with my hon. Colleague from Chittoor, Mr. Muniswami Nayudu, and say—I have read a fair number of representations made to His Excellency the Governor, but I have not got these documents here—that, to the best of my recollection, the proposal made in those representations was—if I may use a pedantic expression—an alternative or disjunctive proposal. They said that if there was to be a Central Board, provision for resorting to courts might not be necessary, and if on the other hand there was not to be a Central Board, then the usual procedure of resorting to courts might be allowed. As a matter of fact, the majority of those who made representations to His Excellency the Governor were against the institution of a Central Board. That was their fundamental objection. The people expected that, in place of the Central Board, a new machinery would be devised whereby the unmitigated evil of resorting to costly litigation could be avoided. Now, Sir, it is because that the door will be again thrown open to endless legal warfare if the amendments sent in the message are carried out, that I question if the amendments are consistent with the Bill and are based on any principle."

" Sir, I would like to impress upon my Muslim friends, on this occasion, that nothing has done so much to promote the possibility of a common nationality in India and made Home Rule or Swaraj a feasible aspiration for India as the Lucknow Pact. We are talking of guarantees for religious neutrality. Doubtless the neutrality of Government is one such guarantee. But for the first time in the history of India all the leaders put their heads together and arrived at a formula which not merely guarantees religious neutrality but also provides in exceptional circumstances for change and progress by general consensus of opinion. The Lucknow Pact lays down that if one-third of the members belonging to a particular denomination object to a proposal, then all castes and creeds, Hindus, Muhammadans, Sikhs, and people belonging to other religions should join together to give their vote for the *status quo* and to prevent innovations being made. I consider this, Sir, the better doctrine. Government's neutrality may be easily so interpreted as to render all changes impossible, whereas this Pact renders change possible by general consensus of opinion. Changes of this kind should not be introduced by the mere strength of majorities of a miscellaneous kind, but only when the community concerned is in general agreement regarding the desirability of introducing such changes. I would therefore appeal to my hon. Friends here to vote for this motion, irrespective of probable results. For, after all, in a measure of this kind, the final decision is not going to be arrived at by mere numbers. These numbers will have to be analysed. People ask how the communities concerned voted on this subject and how many of these elected members discharge the mandate with which they are entrusted, and how many are the members who cannot be presumed to have any such mandate. All these things will be gone into . . . "

Mr. A. RAMASWAMI MUDALIYAR :—" Will this be gone into ? "

Mr. C. RAMALINGA REDDI :—" If my hon. Friend rises to a point of order, I am willing to take my seat."

Mr. M. RATNASWAMI :—" Mr. Ramaswami Mudaliyar was saying 'will this be gone into' and wanted to refer to something. We do not know what his point is."

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MR. C. RAMALINGA REDDI :—"What the hon. Member from Chingleput makes, is a suggestion that I first voted in favour of this Bill and now I oppose it. Sir, I may say that although I did not take part in the subsequent proceedings regarding this Bill—reasons for which my hon. Friend from Chingleput must have been acquainted with and he knows I am a social reformer—I attended one meeting of the Select Committee and one of my Friends said 'what business has this social reformer here?'

"Now, Sir, I am here not to vote for a change, although change is quite consistent with me especially as the general election has given us a new chapter. ('Hear, hear'). I do hope that this question will be gone into fully and also the further question as to why a provision for open door for litigation should be introduced in the Bill. I therefore request hon. Members of this House, irrespective of parties or persuasion, to unanimously vote for this motion and thereby show to the Government and the public that the privileges of this Council shall not be infringed in this manner and that any changes in regard to those matters which affect our religion directly or indirectly shall be brought about only by an overwhelming majority of the Members of the community concerned."

The House then adjourned for lunch.

After lunch (2-30 p.m.).

MR. T. R. VENKATARAMA SASTRIYAR :—"Mr. President, Sir, I do not propose to take any part in the debate for adjournment on grounds unconnected with the legal question which the hon. Member for Chittoor has raised in the speech delivered before the House adjourned for lunch. In the speech that he delivered he promised to dwell on the legal issue, but he never later adverted either to the Act or to a consideration of the grounds upon which he urged that the remittal made to the Council by the Governor was unconstitutional, but based his arguments on the procedure obtaining in the House of Commons and similar legislatures elsewhere outside India. I submit that the analogy of the practice of the House of Commons is out of place here for many reasons. In the first place, the House of Commons is not governed by the four corners of any enactment within which its powers lie. Its practice is regulated by age-long customs and conventions, some embodied in rules, some embodied in well-understood conventions, some embodied in written orders. At the very fore-front of the question as to whether there is any analogy between the Legislative Council and its practices here and the House of Commons and the rules on which they proceed, I may say that that there is no analogy is undeniably shown by the fact that the very fundamental rules on which the House of Commons proceeds are explicitly negatived by the Act and Standing Orders on which we proceed here. The well-understood rule there is that after the session is over, the Bills lapse and cannot be taken into consideration at the next session except under any special orders or resolution that may be passed by the House of Commons. Now here, we have got this; the Bill of one session is taken on to another. The rule in England that the business of one session is not to be taken on to another session shows that the underlying reason is not the change of personnel of the House of Commons but rather grounds of convenience or expediency; not the ground that the next session of the House of Commons is different in its composition from the previous one, but the ground that it is convenient to close the business of each session and begin a new session on a fresh basis.

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Here, we proceed on a different rule. That the Bill of one session is to be taken on to another session shows that the fundamental principle on which the House of Commons acts is a principle to which we have agreed to give the go-by at the very start. Both for this reason and for the reason that I have already mentioned, viz., that we are governed by the terms of the enactment, any analogy between the House of Commons and this Council must be set aside."

MR. C. RAMALINGA REDDI :—"May I request the hon. the Advocate-General to tell us whether there is any provision for carrying on a Bill from one Council to another under the Government of India Act?"

MR. T. R. VENKATARAMA SASTRIYAR :—"If the hon. Member waits, I will come later on to that part of the argument. At present, I am in the argument that we can deal with the question on the Government of India Act and that only and not appeal to any practices of the House of Commons. The underlying principle on which the House of Commons acts is a principle which we have put aside so far as the procedure of this House is concerned. Therefore to say 'Take up all the rules, conventions, customs and practices of the House of Commons and subtract from those rules, etc., just so many as are affected by the Government of India Act and treat the rest of the rules by which the House of Commons is governed, as rules applicable to the Legislative Council here', is the kind of argument to which I object. What I am driving at is that there is no use going back to the practice of the House of Commons. You must start with the Government of India Act on which this Legislative Council has to proceed. You have rules framed thereunder, you have standing orders framed thereunder, and you may possibly, in course of time, establish practices and conventions to which you may be entitled to appeal when later similar questions might arise. Your argument must proceed on the Government of India Act and the rules framed thereunder or any standing orders that may be enacted. This is the first point I wish to make.

"Now, the hon. Member from Chittoor puts me a question whether in the Act or in the rules or standing orders there is any provision for carrying over the business of one House into another. That it could be carried from one session into another is conceded by a few sections in the Act. The objection the hon. Member takes I understand to be this, that whatever may be said about the carrying of the business of one session into another which you are entitled to do here, as against the practice of the House of Commons, you have nothing in the Act or the Rules which entitles you to carry the business of one Council into another. Now, I proceed to satisfy the hon. Member that such a provision there is in the Government of India Act. The hon. Member argued the whole thing without referring to any book, but as he challenges me as to where that provision exists in the Government of India Act, I have to argue as in a court of law. With the permission of the hon. Members of this House, I proceed to refer to the sections under which cases of this kind are provided for. Under the first clause of Section 81-A of the Act we have this Bill remitted to us. There are provisions in this section of the Act for other cases. Clause (2) refers to a similar remittal to the Council of a reserved Bill. Section 81-A (2) (c) says:

"Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, in the same way as a Bill assented to by the Governor,

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Lieutenant-Governor or Chief Commissioner, but if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period either—

(i) the Bill has been returned by the Governor, Lieutenant-Governor or Chief Commissioner for further consideration by the Council; or

(ii) in the case of the Council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session.

“Now, Sir, this clause provides for cases of the present kind. That is my contention, and I ask the hon. Members to note this, because it bears on the question that I am now putting before you.

“Let us take it that the last Bill passed in the last session of a Council is returned to the next Council within six months. The
2-45 p.m. Governor is entitled to do so under the clause which says:

‘in the case of the Council not being in session . . .’

“There being a dissolution intervening, he could not return it to the Council because it has been dissolved and a new Council was going to come into existence. Can he or can he not return the Bill to the next session, that is, the first session of the new Council is the question which the hon. Member from Chittoor has raised. The argument is this as far as I am able to understand it, though the hon. Member did not refer to it in the course of his speech. I know the articles that have been written to the papers, some of which were written by the hon. Member himself. What is suggested is ‘you can return it to a session of the same Council, but you cannot return it to a session of a new Council because that would not be the next session of the Council referred to in section 81-A (2) (a). I would ask the House to turn to section 72-B (1) (a) which shows what is meant by the next session of the Council:

‘72-B. (1) Every Governor’s legislative council shall continue for three years from its first meeting:

Provided that—

(a) the Council may be sooner dissolved by the governor; and . . .

(c) after the dissolution of the Council the Governor shall appoint a date not more than six months, or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the Council.’

“The ‘next session of the Council’ is used here to indicate the ‘first session of the new Council.’ The next session of the old Council which passed the Bill, after its dissolution, would be the very first session of the new Council. That is explicitly stated in section 72-B and it is to this that section 81-A (1) (c) (ii) refers when it says that if the Council is not in session at the time when it is proposed to return it to the Council, the Governor may issue a notification saying that he intends to return it to the next session of the Council. The real underlying reason, Sir, in the provisions of the Government of India Act is this: No doubt, the Members composing a Council are Members of Council for a certain period only; when the Council is dissolved and a new Council is convoked, it does the business of the Council. The Council run notwithstanding the change of personnel; there runs a unity through its activity. So, in cases in which under this Act, unlike elsewhere, a Bill has to be returned to the Council there being no rule in the Act by which alone we have to be guided, the next session of the Council under section 81-A (2) to which . . .”

Mr. C. RAMALINGA REDDI:—“May I offer an explanation, Sir? I believe section 72-B refers to probably a Council which is dissolved within the statutory period of three years or probably which is sooner dissolved.

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There are three types of Councils that seem to me to be referred to there: (1) a Council which lasts its normal life, (2) a Council which is dissolved sooner and (3) a Council which continues for a special period of one extra year. Further, the language of section 81-A . . .”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“May I know if the hon. Member is making a second speech or whether he is rising to a point of order?”

Mr. C. RAMALINGA REDDI:—“I am just asking the question whether the language is not quite clear, viz., where a Bill has been passed by a Local Legislative Council, that Bill may be returned to the Council for reconsideration. What other Council can it be?”

The hon. the ADVOCATE-GENERAL:—“According to me, there is but one Council contemplated in the Act. With reference to 72-B (2) with which alone the hon. Member’s question is concerned, it is clear that a dissolution is a dissolution which ends the life of the Council. Does the hon. Member from Chittoor mean that when a Council is dissolved sooner or after an additional life of one year, the dissolution is of a different kind from that when it is dissolved after the expiration of the period allotted for its span of life? The hon. Member’s argument was this: The old Council does not continue after dissolution and the convocation of a new Council. I do not think that the hon. Member means that the dissolution of a Council sooner than its allotted period of three years keeps it alive in the shape of a new Council.”

Mr. C. RAMALINGA REDDI:—“I thought that might be the confusion here.”

Mr. T. R. VENKATARAMA SASTRIYAR:—“Confusion of whom, may I know?”

Mr. C. RAMALINGA REDDI:—“Of the Act.”

Mr. T. R. VENKATARAMA SASTRIYAR:—“The Act is absolutely clear. It refers to dissolution in various ways, the three kinds of dissolution referred to by the hon. Member himself. At the end of this clause it says: ‘after the dissolution of the Council’—I take it in whatever manner—‘the next session of the Council shall be the first session of the new Council.’ It is not that the framers of this Act were not aware of the language ‘of the first meeting of the next Council.’ As a matter of fact, in May’s Parliamentary Practice, I find reference to a new House of Commons and to the first meeting thereof. The hon. Member appealed to the fact that the Government of India Act was passed by the House of Commons and therefore the interpretation of the Act by people familiar with the House of Commons must be on the lines which must be supposed to have been within the cognizance of the Members of the House of Commons. Now, I appeal to that same fact. Though they are familiar with the language ‘the first meeting of the new House of Commons,’ why did they give up the language which will make matters clear that the new Council is altogether a different body and that it ought not to be in any way connected with the old Legislative Council? Why was this language used here in explicit terms ‘next session of the Council’? Of course, I do not wish to inflict any lecture upon the House on the different sections of the Government of India Act. But generally, following the precedent of the hon. Member from Chittoor and without taking the

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House through the different sections of the Act, I may say this: In many places and in many clauses, this Act makes it clear that there is one continued entity, viz., the legislative council, functioning throughout. It may be dissolved from time to time and new men may become Members of Council, but the Council remains the same. For example, the President has to be appointed first and then, elected at the end of four years by the Council itself from among its own Members. The President appointed originally for the first Council is treated, when a new Council is convoked at the end of three years, as the President of the old Council till the end of the fourth year when the holder of that office is to be elected by the Council itself. Therefore, the section uses a language which indicates the continuity of the Council.

"In regard to the Legislative Assembly about which some question was raised this morning, I may say, we find the same thing there. There again, there is a period of six months within which both the Chambers have to agree on certain measures. If they do not agree, both may have to hold a joint session at which matters will be decided. Now, suppose at the last session of the Legislative Assembly, a Bill was passed. It passes on to the Upper Chamber. If the Upper Chamber considers that it cannot agree to the Bill, a joint session of the two Houses has to be held. One of the two Chambers which meets at that joint session may happen to be different from the one which dealt with the Bill originally. As the Act stands at present this is permitted. It states: within six months if the two Chambers cannot agree to the amendments passed in the one or the other Chamber, then arrangements may be made for the two Chambers sitting together and deciding the matter. I do not think that the hon. Member from Chittoor or anybody else can deny that. On that interpretation of the Act there is absolutely no doubt whatever."

Rai Bahadur T. M. NARASIMHACHARLU:—"Because the hon. the Advocate-General referred to somebody else than the hon. Member from Chittoor (laughter), may I point out to him that his contention occurs in the proviso to section 72-B (1) which says:

'Every Governor's Legislative Council shall continue for three years from its first meeting: Provided that

(a) the Council may be sooner dissolved by the Governor; and

(b)

(c) After the dissolution of the Council, the Governor shall appoint a date not more than six months, or, with the sanction of the Secretary of State, not more than nine months from the date of dissolution for the next session of the Council.'

"That is, within the period of three years the Governor has got power to dissolve the Council and if he does so, he ought to convene that Council after six months."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Is it permissible to interrupt and give explanations in this way, if so, I have an explanation for the statement of the hon. Member from Cuddapah? All that I wanted to say (Cries of Order, order, from the 'Opposition' benches, obligation of keeping order, is mutual. I shall speak afterwards.)"

Mr. T. R. VENKATARAMA SASTRIYAR:—"Of course, the hon. Member Cuddapah might make a speech if he does not agree with me. Nothing but a speech that intervened. It was not a point of order. I thing that can reasonably interrupt a speech."

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"Now, what I was saying was this: The whole of the Act indicates that one Council might pass a Bill and that when it returns at a later stage for reconsideration, it might come into the hands of a new Council. That was the point that I was trying to make clear. I may say that the six months' time which is fixed under section 81-A and in other sections with reference to the Legislative Assembly and the Council of State and the words 'in session' referred to in the two sections, are what make the matter clear. You will find no provision in any other legislature with which comparison is sought to be made making the intention of the legislature more clear. If, therefore, Sir, the first session of the new Council, by the very definition given in parts of the Act, is indicated as 'the next session of the Council' for the purpose of one section of the Act, the same phrase is used in the latter part of the enactment for the purpose of indicating that the Bill may be returned to the Council. My submission is that there is nothing to be found in the terms of the Act against the Local Government remitting it to the present Council.

"I want to make one matter clear. I am not saying anything about the propriety of having a rule framed to the effect suggested. If and when the matter is brought up before the Council, we might have to consider whether we can pass such a rule. Whether the rule requires any limitations or modifications is a different question altogether. At present, all that I am concerned with is this.

"On a question of legality of what can be done under the Government of India Act, taking the terms of the enactment and the terms of the standing orders and the Legislative Council rules, there is nothing to prevent what is permitted *prima facie* by the Act that the matter can be returned to the new Council. As regards the power of the remitter, there are precedents in the Parliaments of the colonies. We have precedents as early as 15 and 16 Victoria. I want to refer to them because the hon. Member for the University said that there were matters which he would raise at a later stage which might invalidate what I say. I would have left it over for discussion at a later stage when that point is raised. But as the hon. Member for Chittoor referred to the power of the Governor to return the Bill and said that this was *ultra vires*, I beg leave to mention that according to the terms of section 81-A, the Governor has such power and we find a similar section in the Constitution of New Zealand. It says that the Governor may return such Bill with such amendments to the House of Representatives or to the Legislative Council, which may be a more fitting term, in order that the consideration of such amendments may take place in such convenient manner as is usually provided under rules and standing orders. The Federal Council of Australasia Enactment of 1885 uses such words, 'he will be prepared to assent thereto.' I want the hon. Members to note the clause, 'Though he be prepared to assent thereto subject to certain amendments to be House of Representatives.' I am drawing the attention of this Council to these matters in order to show that it is exactly, though not in all its terms, at it ought to be, the same as section 81-A of the Act, and what is to be done Why was enacted by the section itself."

C. RAMALINGA REDDI:—"On a point of personal explanation, Sir, I different, make it clear that I was not thinking at all of the provisions introduced in the previous constitutions with reference to what is called the suspensory

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veto of the various heads of Governments. Such a provision also exists, I believe, in America. I was arguing on the text of the Government of India Act with reference to the particular question, namely, the form of the remittal."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I do not understand what he means by suspensory veto at all."

Mr. S. SATYAMURTI :—" Sir, the hon. the Advocate-General was referring to the Constitutions of New Zealand, Australia and other colonies. Is he aware of a single instance where the power of return has been exercised after one council has been dissolved and another council has come into existence after a general election? "

Mr. T. R. VENKATARAMA SASTRIYAR :—" In every single case apprehending that the statute would certainly permit it they have framed special rules to prevent it adapting their practice to the practice of the House of Commons as far as possible. If the suggestion now made is that similar provisions should be made with reference to the Madras Legislative Council, that question will have to be considered on other grounds. Not being on the question whether such a rule should be made or not, I am pointing out that these sections which permit the return to the Council indicate that if and when so returned by the Governor, what is to be done by the Council is to deal with the amendments and put them to the vote of the House to take its sense. And I find that if the section is not in explicit terms the same section as in those various statutes (Mr. C. Ramalinga Reddi: 'Hear, hear'), the section as well as the rules framed thereunder by which we are governed bring out the same result. I ask the hon. Member for Chittoor to have some patience and listen to the language used in this enactment. The Governor withholds such assent or reserves the Bill for the signification of Her Majesty's pleasure, or he shall be prepared to assent thereto subject to certain amendments specified by him. According to the Constitution of Australia later on in 1900 the Governor-General may return to the House from which it originated any proposal which was presented to him with any amendments he may recommend. The House may deal with the recommendations. I think that the provision with reference to South Africa with slight difference is exactly the same. 'The Governor may return the Bill so presented to him and may transmit thereto any amendments he may recommend and the House may deal with the recommendation.'

" Now, Sir, turning to the standing orders of our Legislative Council, Rule 51 says :

' When a Bill which has been passed is returned by the Governor to the Council for reconsideration, the point or points referred for reconsideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill.'

" I do not quite catch the spirit of the criticisms of the hon. Member for Chittoor with reference to the return of the Bill. He said that a Bill might be returned in whole or in part together with the amendments, and that it had not been done in the present case. My hon. Friend, Mr. Gopalaswami Ayyangar, said that it had been done under section 81-A together with the annexure. In any case, whether I exactly apprehended the objection or not, I find that the part of the Bill to be dealt with, with reference to these amendments, has been returned to the Council. And when it does so come

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before the Council, what the Council has to do is to deal with the recommendations, that is with the sections that are sought to be amended. The Council has to deal with the various amendments to the various clauses and sub-clauses that have been referred. These are the only clauses that come up for consideration, and I do not know if there is anything else really that come up before the Council.

" We find that the whole Bill is returned for reconsideration so far as the Legislative Assembly and the Council of State are concerned. But the point or points referred to here are the various clauses that are before the Council. While I am here I may state that some distinction was sought to be made between 'point or points' and the amendments referred to in the Act. My submission is that the 'amendment' referred to in section 81-A and the 'point or points' referred to in Standing Order 51 are exactly the same. It is not that the section refers to one thing and the Standing Order refers to another thing. The same thing is referred to in different language. The section refers to the amendment which the Governor proposes to return to the Council, and the Standing Order says that the point or points which are involved in these amendments are to be put before the Council, exactly as amendments will have to be put before the Council and votes taken. But according to the Standing Order it is not an amendment like any ordinary amendment to the Bill which has to be proposed by a Member and seconded by another and then put to the vote of the House. This amendment is really a special kind of amendment; it is an alteration really. If the word 'amendment' was not used in the Act, I do not think this argument would hold. This is an alteration recommended to the Council and the Council has to deal with the recommendation and determine whether the alteration is to be made or not. That is the only thing that is to be put before the Council, and according to Standing Order 51, it has to be put by the hon. the President. It is, unlike other amendments, not subject to the conditions that they should be proposed by one hon. Member and seconded by another hon. Member and subjected to other amendments from other hon. Members."

Mr. C. RAMALINGA REDDI :—" Do I understand the hon. the Advocate-General to say that no other amendments can be moved with reference to the clauses in reference to which these alterations, as he would like to put them, have been recommended? "

Mr. T. R. VENKATARAMA SASTRIYAR :—" That, Sir, is my view."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, it may perhaps be considered going out of the way on the part of one who at present does not enjoy the privilege of being the constitutional legal adviser to the Government to follow up and say something after a very lucid and remarkably interesting presentation of the case (Hear, hear, and cheers) by the hon. the Advocate-General whose presence here and contribution to the debate I certainly welcome, and it will be welcomed on all sides of the House. (Applause.) If I intervene at all in this debate it is for the purpose of making one or two observations on points in regard to which my name has been used in various public prints in criticising the procedure adopted or sought to be adopted by His Excellency the Governor and by you, Mr. President. Now, it seems to have been assumed on all hands that it is to be taken for granted that the Council after the lapse of three years dies a natural

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death. The word 'life' was in fact used by the hon. Member for Chittoor. Section 72 (b) does not speak of 'life'. I first desire to point out that according to my interpretation and the interpretation which I am glad to have to say, has the support of my hon. Friend Mr. Venkatarama Sastri, the Council is regarded as a corporation is regarded in the law. The corporation continues though the personnel of the corporation, the directorate of the corporation, may vary and differ. In emphasising that point, Mr. President, I wish to lay especial stress on the words 'the next session of the Council'. In one of the numerous criticisms that appeared it was stated that an ingenious attempt has been made to play upon the words 'a' and 'the'. If legal interpretation requires that adequate meaning should be given to the words 'a' and 'the', such meaning has to be given to them although it may not please A or B. Leaving all these *a priori* considerations aside, take section 72-B and let me address myself to the very argument adumbrated by my hon. Friend, the hon. Member for Cuddapah, who dexterously skipped over section 72 (1) (b)."

Rai Bahadur T. M. NARASIMHACHARLU :—"That refers to the extension of the Council and not to the dissolution and the subsequent summoning."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The high jump was still there, and I may illustrate it thus. Section 72 (b) starts thus:

'Every Governor's Legislative Council shall continue for three years from its first meeting; provided that, etc.'

"I may here pause and point out, Sir, that a proviso is not necessarily an exception to the section. A proviso is sometimes a continuation of the section and it is obvious that in dealing with section 72-B when you see two or three contradistinguishing parts, the better, the more logical interpretation would be to treat this proviso as an extension or continuation of the section rather than as an exception to the section. Viewing it in that light or rather paying advertence to that argument, let us see what the section says:

'Provided that the Council may be sooner dissolved by the Governor.'

"And here I invite the attention of the hon. Member from Cuddapah to the words—

'and such period may be extended by the Governor for a period not exceeding one year by notification in the official gazette.'

"Therefore (c) involves the dissolution sooner for the dissolution after the natural term and extension of that natural term. Sub-clause—

'(c) after the dissolution of the Council the Governor shall appoint a day not more than nine months . . . for the next session of the Council.'

"I pause here and ask for the appropriate meaning of it. Due importance should be given to the words: 'the next session of the Council.' The dissolution of the Council does not *ipso facto* terminate the Council. The same Council is contemplated in the other session of the Council. Keeping that in view, if we turn to section 81-A we find the words 'the Council' and let us see what these words mean together with the term the session of the Council as elucidated by section 72-B. I am not going to lay the whole of my argument on the words: 'the Council.' But let us see the practical inconveniences of any other construction and see what was really in the minds of the framers of this section. If you consider that, the

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interpretation sought to be put forward on the other side makes it impossible for any legislative business to be effectively adopted for six months before the dissolution of any Council. Hon. Members will see what their interpretation leads them to. Section 81-A says.

'the Governor may instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration.'

"On that return and a recommendation that the Council shall consider the amendments, something further takes place. Supposing a reservation takes place, clause (c) says:

'Any Bill reserved for the consideration of the Governor-General if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect unless before the expiration of that period, either the Bill has been returned by the Governor for further consideration by the Council or etc.'

"Now, supposing the process of remittal and reconsideration takes place, it is possible that six months or even one year may elapse and this means that in a case where reservation or remission is possible no legislative business can be effectively done because the moment the Council is over, supposing you exceed the time of six or nine months after the termination of the three years' period before the Governor signifies his assent or remits, or if it is reserved for consideration of the Governor-General and the period is over, it means the whole of the labour is wasted. I submit, therefore, that the whole object, the whole scheme of the Government of India Act is different from the scheme of the parliamentary procedure. On the ground that it infringes parliamentary traditions, as stated by a very competent authority in the Legislative Assembly and the Council of State, it may be necessary, it may be inevitable to revise the rule. But as the rules are, I submit, and submit with some confidence, that the Council referred to there includes the continuation of the Council. The Council is supposed to be one corporation and it is to continue notwithstanding the term of three years. Otherwise it is impossible to explain the use of the words: 'the next session of the Council' in section 72-B and the framers of the Government of India Act were competent parliamentary draftsmen and must be assumed to know their own mind."

The RAJA OF RAMNAD :—"Arising out of what the hon. the Law Member has said, may I ask him whether the Governor can return for the consideration of the House a Bill passed by one Council to the 4th Council after three dissolutions have taken place?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If my argument was at all correct, there will be no such thing as a new Council; it is then a Council at the fourth session."

Rai Bahadur T. M. NARASIMHACHARLU :—"May I refer to rule 25 of the Madras Electoral Rules which says:

'On the expiration of the duration of a Council or dissolution, a general election shall be held in order that a new Council may be constituted?'

The hon. Mr. C. P. RAMASWAMI AYYAR :—"You cannot construe the Act on the basis of the electoral rules framed under the Act. You have to look into the language of the Act."

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Mr. C. RAMALINGA REDDI :—" Does it not prove, Sir, that there has been some confusion in the Act itself and not so much in us, and how does it meet the argument that in any such reference it would be far more constitutional to refer the whole Bill, not portions thereof ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" At the moment that I spoke, it was not my object to discuss expediency or otherwise of remittal of the whole or portion of the Bill. It was only my object to point out that under the Act as it is, ' the Council ' means the Council which continues its life notwithstanding the various three years periods which may elapse and which may necessitate elections."

Mr. R. SRINIVASA AYYANGAR :—" Mr. President, rising to speak after the hon. the Advocate-General and the hon. the Law Member for whose opinions, I have the greatest respect . . . "

Mr. C. RAMALINGA REDDI :—" Sir, I may also point out that these proofs of proceedings are styled :

' Proceedings of the first session of the second Legislative Council under the Government of India Act. ' "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Greatly as I respect your directions, Mr. President, even your directions or the directions of the compositor or the proof-reader cannot serve as an adequate explanation of the meaning of the Government of India Act."

Mr. C. RAMALINGA REDDI :—" What we mean to say is, Sir, that if we think of building up healthy conventions, here are the rules framed by the Government themselves which refer to a new Council; here is the custom of the Legislative Council as established by your predecessor and as continued by you. That is good enough ground for us."

The hon. the PRESIDENT :—" I think I may cut the Gordian knot by stating that that book which the hon. Member holds in proof is after all an attempt to imitate the House of Commons procedure, whereas all the arguments advanced to-day have been to the effect that we are not bound by the House of Commons procedure in interpreting the Act."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Sir, may I point out that the hon. the Leader of the House also was wrong when he referred in the famous No-confidence Motion to the 'majority of Members of the late Council ? ' "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Speaking by a kind of power-of-attorney or authorization, may I say that it is true to call the late Council a late Council because at the end of three years the Members may come to a natural or unnatural determination of their periods of existence here."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Was His Excellency the Governor incorrect in treating the Members of this Council as Members of a new Council ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Even His Excellency's words, valuable as they are, do not serve as a guide to the interpretation of the Government of India Act."

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Mr. C. RAMALINGA REDDI :—" I thought the whole point of my hon. Friend, the Law Member, was that there was no late Council or present Council but one indivisible Council running for eternity."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" One individual Council but a number of mortal councillors."

The hon. the PRESIDENT :—" I think we had better put an end to this grammatical discussion. It is evident that the hon. the Law Member has been laying down a legal proposition whereas other Members of the House are indulging in the variations of ordinary speech about old, new, dead and living Councils."

Mr. R. SRINIVASA AYYANGAR :—" Mr. President, rising as I do after the hon. the Law Member and the hon. the Advocate-General for whose legal opinions I entertain the highest regard, I feel bound to take up a view controverting the position taken up by them. If I rise now, it is only because of the strong conviction that I have that the position which the hon. the Advocate-General has been at considerable pains to lay before the Council is one which is not warranted by the Statute. I felt the difficulty, Sir, while the hon. the Advocate-General was at his argument. I felt that he also felt as he was reading the provisions of the Government of India Act the same difficulty and that was the reason why he laboured the point taking us far into the remotest parts of the Empire, New Zealand, South Africa, Australasia and so on. Taking my stand on the provisions of sections 72-B and 81-A, the position taken up by the hon. Member from Chittoor seems to be quite unassailable. The only question for the consideration of the House at the present moment is whether the Council referred to in section 81-A of the Act, viz., the Council before which the matter is placed for reconsideration, should be the old Council which once discussed and considered the Bill and gave it a final shape, or the succeeding Council, different in composition, different in complexion, different in views regarding the fundamental scope, origin and principles underlying the Bill. If I understood the hon. the Advocate-General aright, he invoked the aid of the last words in clause (c) of section 72-B of the Act as re-enforcing the position taken up. But it seems to me, Sir, in all humility and with becoming respect, that there is a fallacy, a very strong fallacy underlying that contention. For, on turning to clause (c) we find it has been laid down to meet a particular contingency and for the purpose of meeting that contingency, appropriate words have been used. The clause only says that after the dissolution of the Council, the Governor shall appoint a day not more than six months or, with the sanction of the Secretary of State, not more than nine months from the date of the dissolution for the next session of the Council. Stress is laid upon these words: ' for the next session of the Council ' as pointing to the continuity of the Council which the hon. the Law Member was inclined, to regard as a juristic person and which, according to the hon. the Law Member, was to be placed on a par with ordinary corporations. The position I take up is this, that is, the language though not quite happy was used to indicate and mark out the period between one Council going out and another coming in. It was only to meet that contingency and for the purpose of marking that time limit . . . "

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Mr. T. R. VENKATARAMA SASTRIYAR :—“ For the first session of the new Council ' would have done extremely well for the construction which my hon. Friend is trying to place on the section.”

Mr. R. SRINIVASA AYYANGAR :—“ Therefore it was that in the course of my argument I said that this portion was not very artistically worded. It is susceptible of the interpretation which I place on it.”

Mr. C. RAMALINGA REDDI :—“ Sir, may I point out in Vol. I of the Manual at page 144, we have in the rule 26(3) the words:

‘ Before the date fixed for the first meeting of the Council ‘ after dissolution.”

Mr. R. SRINIVASA AYYANGAR :—“ For, I take it that those who drafted this Act were gentlemen who were brought up in a different atmosphere, were acquainted with a different state of things, with the British constitution, and, as the hon. the Advocate-General has said, they never apprehended such an impasse as the one that has overtaken us and therefore, other things being equal, they would have borne in mind only the normal state of things, not the abnormal factor which we feel oppressed with at the present moment. Therefore, to use the language of lawyers, it is a case of *causus omissus*. Then the hon. the Law Member in support of his position argued that the Council must be deemed to continue, but an effective answer to this position is furnished by section 72-B of the Government of India Act itself. The section begins by saying :

‘ Every Governor's Legislative Council shall continue for three years from its meeting : ‘

“ So far as the old Council is concerned, though its normal life is fixed under the section of the Statute, it was put an end to by the Local Government issuing a notification on the 11th September 1923 whereby His Excellency the Governor dissolved the Council. Therefore, it is a case of the normal period being cut short by means of a notification whereby that Council is made to cease to exist. It is a case of one Council having been dissolved for all practical purposes. If, therefore, you dissolve the Council before the normal period expires, I submit that must be tantamount to its continuity not being kept up, but being broken up. Except on that footing it is impossible to understand the meaning, the import and the significance of the dissolution which takes place before the normal period of three years for which alone its life is said to last. The Council should continue for three years; it did not continue for three years last time and the dissolution, if I may say so, put an end to that continuance.

“ Then, Sir, coming to the merits of the motion before the House, I was one of the few that strenuously opposed the passage of the Bill at all stages. I do not want to reiterate the objections that I then advanced. But, in view of the fact that as many as 50 per cent of the Members of this Council were not Members of the old Council, I may be permitted to state that a greater part of our objections were directed to very many storm-centres in that Bill. And to ask a new Council which had nothing to do with the progress, or the passage or the shaping of the old Bill, to confine its attention only to one or two points remitted to it for consideration, is doing less than justice to the new Council. And I may state that the hon. the Chief Minister also appears to have been consulted in

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this matter. For, I find that yesterday in answer to a supplementary question put in this House by my hon. Friend, Mr. C. Ramalinga Reddi, as to whether the partial return of the Bill by His Excellency was not made in consultation with the Minister or on his advice, the hon. the Minister replied that His Excellency mentioned it to him and he said he had no objection to it. My hon. Friend Mr. Ramalinga Chettiyar asked whether the individual amendments were approved by the Minister, and the hon. the Chief Minister replied in the affirmative. I am very sorry for the hon. the Minister for the kind of advice that he, as an elected representative of the people, thought it necessary to place before His Excellency the Governor. It is too late in the day to shut one's eyes and deny the existence of a strong undercurrent of irritation and discontent on the Bill itself. I may say that I used this Religious Endowments Bill in my electioneering campaigns and I used it as an important plank in those campaigns. And wherever I went I had to enlighten the people on the dangerous provisions in the Bill, and many of the electors felt that it contained provisions of a pernicious nature. And for the life of me I cannot understand why the hon. the Chief Minister did not consider it necessary to give the proper advice to His Excellency and ask him to place the entire Bill before the Council.”

The hon. the RAJA OF PANAGAL :—“ May I tell my hon. Friend the Member for South Arcot, that I gave His Excellency the advice I considered proper ? ”

Mr. R. SRINIVASA AYYANGAR :—“ Therefore he thought it necessary to give His Excellency that advice which, according to him, he considered proper. But we as representatives of the people are entitled to question the propriety or the soundness of his judgment, the soundness of the advice he gave. And it is perfectly open to us to say that in the circumstances he ought to have given quite a different advice. Probably he did not want that this Bill should go up before the new Council. For, if I remember aright, one of the reasons that he advanced about this time last year as to why he was anxious to have the Bill rushed through, was that he was afraid that the elections might be manipulated or interfered with, that some people interested in the mutts were likely to interfere with the elections.”

The hon. the RAJA OF PANAGAL :—“ Sir, I wish to make it quite clear that my anxiety was that if time was allowed, some of the trustees might abuse their opportunities and use the trust funds to try to tamper with the elections. I did not say that they would succeed in their attempts to corrupt the electorates. I only feared that if time was allowed there might have been some such attempts on the part of these trustees with the result that the trust funds are wasted ”

Mr. R. SRINIVASA AYYANGAR :—“ Therefore, the hon. the Chief Minister feared attempts on the part of some unscrupulous persons to tamper with the electorates. This is hardly doing justice either to the temple trustees, *mathadhipatis* or other persons who are administering properly the trust funds in their charge, nor is it doing justice to the electors. But anyhow, whatever it may be, if, as a matter of fact, he considers the Bill to be unobjectionable, there is absolutely no reason why the entire Bill should not be placed before this Council, so that this Council, which, if I compute aright, contains about 63 new members, 47 elected members and at least

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16 newly nominated members, may have an opportunity of discussing the Bill in all its bearings. And I cannot understand why the hon. the Chief Minister should be afraid to face the new Council unless it be that he is afraid of facing a defeat. As regards the clauses, as my hon. Friend from Cuddapah remarked, the recommendation with regard to clause 63 seems to be worse than its corresponding provision in the old Act. For, in the old Bill power was given to certain persons including the Board to apply to the court for the purpose of devoting trust funds for certain purposes. That power is now taken away. The Board is now given the power to pass orders leaving it open to the aggrieved parties to file a suit against the order of the Board. The necessity for this change is not quite apparent and I fear that in practice this will work a great hardship. It has practically reversed the process, and instead of minimising litigation, this provision will have the opposite effect.

"Before I sit down, I should like to make one or two observations on the question of the position of the Legislature. I find myself unable to subscribe to the view that the Council is a juristic body. It cannot be said to be a juristic body, nor can it be assumed to be such. Unless we pretend that it is a juristic person, there is absolutely no warrant to sustain the position that this Council is a juristic body. I submit that the terms of the reference made to this Council by His Excellency are *ultra vires*, and it is equally *ultra vires* of his Council to go into this matter."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"Mr. President, Sir, it is somewhat of a supererogation on my part, after the very learned expositions by the hon. the Advocate-General and the hon. the Law Member of the provisions of the Government of India Act and various other provisions, to speak as to the legality of the procedure of making a reference to this Council for reconsideration, or sending for consideration, portions of the Bill which was passed by this Council last year. However, I crave indulgence to supplement what has been stated by hon. Members, by a reference to section 134 of the Government of India Act in which the term 'Local Legislative Council' is defined as a Council constituted in accordance with the Act (Government of India Act). So, it is not a Council constituted or composed of A, B and C who may have sat in the previous session. It is not the question whether it consists of the same individuals or different individuals, but the question is whether it is constituted under the Act, as laid down in the Act. It has been already pointed out that the Council is like a corporation, and the component parts of it do not enter into the scheme of its constitution. Under section 81-A of the Government of India Act in pursuance of which this Bill is returned for consideration, it is stated that the Governor may 'return the Bill to the Council for reconsideration'. 'The Council' here means the Council constituted under this Act (Government of India Act). Then, I would ask the question, are we who are sitting here not constituted under the Act? If we are constituted under the Act, then section 81-A applies, and we need not turn to analogies as to what happened in England or anywhere else.

"Yesterday we found much anxiety on the part of hon. Members who are now relying on English practice in regard to the resolution that was discussed. They were very unwilling that even though the dignity of this House may be infringed in various ways and even though tribunals constituted under the Government of India Act may be treated with contempt, no

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unholy hands should be laid upon persons who are responsible for such things. Though the impartiality of the hon. the President is questioned, no action should be taken against the offender. If that is the attitude of the House, I may say that the practice in England in regard to any such persons would have been this: such a person would have been caught by the collar by the Sergeant at Arms and brought to book. But here we see we are impotent. We say we shall not take notice of such things, because what obtains in England cannot be done here. In the matter of this Bill everybody is agreed that the House has been treated with the consideration it certainly deserves. But, only for the purpose of postponing the consideration of this measure, constitutional questions and analogies drawn from various parts of the world are brought forward, which are all beyond the four corners of the Government of India Act and the Standing Orders. We are to be guided by the Act and the Standing Orders. That is all I wish to say on the constitutional aspect of the question.

"I now propose to go into the merits regarding the attitude taken up by some hon. Members on the opposite benches who have spoken against the consideration of these amendments. Sir, this reminds me of the story of two children who were crying for dolls. They were given dolls and also sweets. But still they continued to weep. In this case, if one would wade through the pages of the reports of the discussions relating to this Bill last year, one would find that the one idea, the one complaint that ran through all the speeches was that the jurisdiction of the courts was taken away, that the palladium in which we were getting justice was sought to be substituted by the temple committee or the central board. And now, I want to ask what is it that is proposed to be done by these amendments which are sent with the message of His Excellency the Governor? It is to restore, as far as possible, the influence and position of the courts over and above the committees or the central board. What is the answer of hon. Members opposite to this question? They do not face the question. But they say that they are shabbily treated. In what way? Is it by making a surrender to the clamour they have been raising on behalf of the various people who were said to be affected, the *matadhipatis*, temple trustees and various others whose chances of obtaining justice were said to be lost if the jurisdiction of courts was removed? That was their complaint then, and now, when what they wanted is given to them, they say 'No, we have not been treated in a constitutional or legal way. This is not the same Council that passed the old Bill, and the Bill cannot be returned to this House.' If that argument were to be accepted, assuming that His Excellency the present Governor goes away, it can be said that his successor, the new Governor, cannot go into the Bill at all because it was not he who administered the subject at the time the deliberations on the Bill took place, and he is not competent to assent to it. These are the straits to which we are driven by the course contemplated. I cannot, therefore, understand the attitude of some of the hon. Members who oppose these amendments. These amendments give them the benefit of adjudication by courts in certain cases. After all, the temple committees and the central board are parts of one organization. They can go into and investigate all the complaints which the worshippers or the interested public may make against the trustees. They thresh out all those matters. They do all the spade work, and like an arbitrator they give an award. Whereas under the old Bill it is said that

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as against the Committee's decision or award, there might be an appeal to the Board, and from the Board, under certain conditions only to the Court by means of an application, these amendments say that as against the Committee's decision or award, the aggrieved party may either appeal to the Board or to a court of law. This alternative provision of a right to go before a Board, which is a machinery like an arbitration court, or to a court of law is made familiar to us by the provisions of the Municipal Act where we find that when a surcharge is made, a right of appeal is given either to the Governor in Council, which means the Governor acting with the Minister in charge of the department, or to a duly constituted judicial tribunal. Here also the alternative remedy is given to be used according to the whims and fancies of the persons affected. They can appeal to the central board and ask for a decision against the award of the committee. If they think that they can get better justice in a court of law, they can have the remedy of going to a court of law.

"Again, Sir, so far as I can see, against a decision of the Board it was open to an aggrieved party to make an application to the
3-45 p.m. Court. Now, it is said that a suit may be instituted.

That means, if I understand the difference between an application and a suit, more money into the pockets of the lawyer; for, an application gives him only a few rupees, whereas a suit gives him a fee calculated on the value of the properties involved in the suit. So that this Bill is a concession to the agitation of the lawyer who clamoured for the paramountcy of the law courts instead of their being superseded by the machinery of the central board. The central board is there, and after all, courts come in only by way of appeals. Those who are in courts are familiar with the spade work which is being done on the original side. It takes a lot of time there and results in the expenditure of much money, whereas in the appellate court, it takes only a day or two for the matter to be decided; for, the matter is there already prepared on the original side. The central board shall have done their work in the first instance, and from that material, if an appeal is preferred in the form of a suit, you get a decision, either by way of confirming the original decision, or altering it or setting it aside altogether.

"So, I cannot understand the opposition of my friends on the other side, unless an explanation is to be found in the fact that my hon. Friend, Mr. C. Ramalinga Reddi, in answer to an interruption by my hon. Friend, Mr. Ramaswami Mudaliyar, said that when we have gone through a new election, we are at liberty to have our own new views; we are not bound by our old views. So, practically it comes to this. With every new Council we are having a new birth, and so far as our political ideas and our political views are concerned, we can give the go-by to them. I find it stated that as a social reformer he did not take part in the committee to which he was appointed. I do not know whether he now suggests that he has ceased to be one by the active interest he is now taking with reference to this Bill."

Mr. C. RAMALINGA REDDI:—"May I offer a word of personal explanation, Sir? That is not at all inconsistent with any activity which is directed towards preventing a change. It is none of my business as a social reformer to inflict my personal views or prejudices on this Council. What I am saying is this, that even though as a social reformer I thought so much of the will of the people in the matter that I refrained then from taking part

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in the proceedings regarding this Bill, now, after the general election, and because of the will of the people, I must refrain still more and do my best to prevent changes being made."

Mr. O. TANIKACHALA CHETTIYAR:—"Whatever it be, it was said that as a social reformer he was not taking an active part in regard to it, but, apparently, from the interest he is evincing in regard to this Bill, I was wondering whether any change had come on him as he said that some change is bound to come when one passes through a general election."

Mr. C. RAMALINGA REDDI:—"May I ask my hon. Friend to quote the passage he is now referring to? Nobody said anything of the kind, and if he wants to put commentaries, let him distinguish them from texts."

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"I am sorry that even the quick publication work done in this Legislative Council would not admit of the transcript of what was said a few hours back being made ready so as to be available for reference. But I hope when the transcript comes to-morrow, we can verify."

Dr. P. SUBBARAYAN:—"If he wanted to quote another hon. Member, he could have taken notes of what he said."

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"I cannot now get at what was said a few minutes before lunch."

"Then again, Sir, I find here that my Friend, Mr. C. V. Venkataramana Ayyangar, who very enthusiastically spoke about postponing the consideration of this measure for another year, was one of those who was very enthusiastic in congratulating the hon. the Minister for having put this Bill through, and while he deprecated . . ."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I would request him to read what I said."

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"Yes; I have got the advantage of that. I shall read it. While he deprecated the undue haste generally in passing the Bill, he derives satisfaction from the consideration of this circumstance that, after all, if sufficient time had been given, probably the same conclusions might have been arrived at. He wants me to remind him of the passage, and I shall do it. This is what he said:

'There is no use in quarrelling over what might have been and must have been. The Bill has been passed clause by clause and I should congratulate not only the Minister but the House also for having brought to this stage a Bill which has been contested for several years. I venture to think, Sir, that if only sufficient time had been given to the House and to the public for considering the questions involved in the measure, the very same provisions might have been probably deemed to be satisfactory.'

"He derived satisfaction from the fact that given sufficient time, the change would not have been better than that. He concluded as follows:

'With these words I once more congratulate the hon. the Minister for the measure that he has successfully introduced.'

"Then again, Sir, this is what my hon. Friend, Mr. R. Srinivasa Ayyangar, said on that occasion, and his sole lamentation was that the lawyer was deprived of the forum which he was accustomed to:

'I refer to the creation of the Board and the ousting of the jurisdiction of the civil courts. When I go through the Bill, I notice a strong under-current of irritation and suspicion against the judiciary running through the Bill.'

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Mr. R. SRINIVASA AYYANGAR:—"Will you kindly read the earlier passages wherein I have attacked the Bill vigorously in all its aspects?"

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"After all, I find it is the same thing running through." (Laughter.)

Mr. C. V. VENKATARAMANA AYYANGAR:—"I clearly stated in my speech that I congratulated the hon. the Minister, but I was against two points throughout the Bill and I stick to them. Even to-day I say that if those two points are satisfactorily dealt with in the course of the discussion, I would be satisfied."

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"If, in those days, he thought that even a year's adjournment or six months' adjournment would not have had any other effect, and that the Bill as then passed would be the same Bill even if six months' time had been given for consideration, I now begin to wonder why he now thinks that after a year's delay or deliberation, we shall be better off than we were then, or would be, according to his calculation."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Because the House is new and the Governor also will be new."

Rao Bahadur O. TANIKACHALA CHETTIYAR:—"If the objection to this Council considering this Bill is because it is not the same Council which passed it last time, then after one year, the Governor to come will be different from the Governor who gave his assent to have this Bill considered, and the same objection will hold good in his case also."

"With these words, I oppose this proposal for adjournment, for no useful purpose will be served thereby except it be that it will give an opportunity to those who wish to see no Bill passed to have the satisfaction of seeing no Bill passed."

Rao Sahib U. RAMA RAO:—"Mr. President, Sir, I do not intend going over the points raised by eminent lawyers, because I am not a lawyer myself, but I am going to place before the House a few facts which are very peculiar to South Kanara and which were not brought before the last Council."

"While supporting the other hon. Members who have preceded me, Sir, I have to make a special mention of the district which I represent. There the position of temples and their trusteeship are rather peculiar. The Jains are, and have been trustees, hereditary and otherwise, of Hindu temples from 1200 A.D., when they began to rule in South Kanara district, having in many cases established temples and endowed them and in many other cases being votaries and subscribers and even maintainers of the same. There is an ancient vested interest. Their connexion with Hindu temples adds to the dignity and prosperity of the Hindu temples. But under section 46 of the new Bill, as amended now by the Governor, none but persons following Hindu religion can be appointed or can succeed to the said trusteeships. They cannot be members of the Board, or of the Committees or be even voters [vide sections 5 (12), 21, 22, 50 and so on]. Such being the case, their vested rights are actually confiscated by the Bill without any reason of any kind. In many cases they were not exclusive trustees. Some Hindus are associated with them as hereditary or non-hereditary trustees. Only endowments can be exempted under proviso to section 2 (1) and not partially."

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[Dr. U. Rama Rao]

Old Act XX of 1863 and other connected Acts are repealed. If so, this exemption of the endowment will leave the whole temple without any law governing the same, because such temples of mixed trusteeships will have no control either of old committees or new ones. Hence the exemption will be unjust. If not exempted, Jains will suffer along with the temples. Therefore, the Bill shall have to be considered from the standpoint of the Jains. This is not the first time the objection is raised. It was urged before the Special Committee and in all other places, such as before Their Excellencies the Governor and the Governor-General. But somehow the point has been overlooked. Therefore, the Bill shall have to be sent back as a whole to be reconsidered with respect to the bearing it has on the Jains, apart from any other valid objections raised by other hon. Members.

"With these few words, I strongly support the motion for adjournment."

Mr. J. A. SALDANHA:—"Mr. President, Sir, I shall not contribute any legal lore of mine to the discussion, but I shall approach this question from a common-sense point of view. I am new to this Council and I am also new to this Religious Endowments Bill. I am representing the Indian Christian constituency, but at the same time I have not ceased to be an Indian. I take an interest in these religious endowments from an Indian as well as from a Christian point of view. Now, I owe some obligation to my brethren of the Hindu community and I have to judge this question to some extent from a Christian point of view."

"Now, let me ask myself what shall be my attitude if a similar Bill is brought into this Council with reference to the Catholic religious endowments? We have got a large number of them, not merely endowments which are supported by European money, but endowments established and maintained in India. In South Kanara especially we have got a number of them. A question has arisen in our community as to how to deal with questions of irregularities in the management, or breach of trust in connexion with our Catholic Trusts. In fact, I have before me just now the exact question in connexion with an important Religious Endowment in South Kanara. How are we going to approach this question? In connexion with the irregularities that are taking place in those institutions, we will not ask Government to interfere at all either by means of a Board or by means of any other agencies. For, we find that if there is a Board, there will surely be interference with the religious autonomy of our institutions. What applies to the Christians applies equally to the Hindus also."

Mr. S. ARPUDASWAMI UDAYAR:—"The Bishop is the head of the Church, and laymen have no right whatever over matters ecclesiastical."

Mr. J. A. SALDANHA:—"That is the point of view of my friend Mr. Arpudaswami Udayar. I do not take the same view at all. We have got an interest in our religious endowments. From a purely civil point of view, let me ask my hon. friend, the Member from Trichinopoly, whether he will not severely resent any interference with the autonomy of our religious institutions by means of a Bill like this. We have to deal with the Hindus in the same way. 'Do unto others as ye would be done by.'"

Mr. M. RATNASWAMI:—"Is it not a fact that within the Church to which my hon. friend, Mr. Saldanha, belongs there are provisions in the organization for dealing with any question that might arise out of the administration of religious endowments?"

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Mr. J. A. SALDANHA :—"I am glad that this question has been put. We have got a remarkable organization for dealing with these questions. We have got rules and the Canon Law for dealing with these questions. I had been dealing, as a Judge, with several cases of this sort, and I found that our law was ample enough. Our religious endowments have got a set of rules of their own. In the same way, the Sastras of Hindus provide for the management of these Hindu temples and there is ample provision for the protection of their religious endowments."

4 p.m. Mr. A. RAMASWAMI MUDALIYAR :—"Is the hon. Member speaking of the law in Bombay or in Madras?"

The hon. the PRESIDENT :—"I think the hon. Member would do well to make room for Hindu Members to speak."

Mr. J. A. SALDANHA :—"I have no objection to be plied with any number of questions."

"I am going to refer to a matter which was referred to only once, I think, in the debates of the last Council. I beg to refer you to Act No. XIV of 1920, passed by the Indian Legislative Council. This Act is called 'An Act to provide more effectual control over the administration of Charitable and Religious Trusts'. This Act applies to all sorts of charitable endowments, Hindu, Muhammadan, Christian, or other. It seeks :

'to provide facilities for the obtaining of information regarding trusts created for public purposes of a charitable or religious nature, and to enable the trustees of such trusts to obtain the directions of a Court on certain matters, and to make special provision for the payment of the expenditure incurred in certain suits against the trustees of such trusts.'

"It says :

'any persons having an interest in any express or constructive trust created or existing for a public purpose of a charitable or religious nature may apply by petition to the Court within the local limits of whose jurisdiction any substantial part of the subject-matter of the trust is situate to obtain an order embodying all or any of the following directions, namely :—

(1) directing the trustee to furnish the petitioner through the Court with particulars as to the nature and objects of the trust, and of the value, condition, management and application of the subject-matter of the trust, and of the income belonging thereto, or as to any of these matters, and

(2) directing that the accounts of the trust shall be examined and audited.'

"He has only to apply to a court of justice on a twelve-ann stamp paper, and he can at once get the necessary steps for the control of a charitable institution, and the Court on receipt of the application is bound to call upon the trustee to produce the accounts, get them audited, and if they are not satisfactory, the Court itself may direct that a suit may be filed against the trustees for the irregularities. There is also another provision there which says :

'If a trustee without reasonable excuse fails to comply with an order made under subsection (5) of section 5, such trustee shall, without prejudice to any other penalty or liability which he may incur under any law for the time being in force, be deemed to have committed a breach of trust affording ground for a suit under the provisions of section 92 of the Code of Civil Procedure, 1908; and any such suit may, so far as it is based on such failure, be instituted without the previous consent of the Advocate-General.'

"Those are the provisions of law already existing in regard to these charitable endowments, which I wanted to bring to the notice of this Council"

Mr. S. SATYAMURTI :—"Sir, I think it will be an infliction if, at this late hour, after the legal disquisitions on the points raised, I were to enter into that field. But, Sir, perhaps, sometimes it may be useful when we want to get away from the main point, to return to the point, reading the section

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[Mr. S. Satyamurti]

in the Government of India Act carefully,—and I am only going to do it. I will leave it to the good sense of the House to say whether, apart from analogies based upon Australia or New Zealand, or upon other sections or rules, section 81-A, read with commonsense and without any prepossession, does not support the position taken up by my hon. Friends on this side of the House. The section says :—

'Where a Bill has been passed by a local legislative Council, the Governor, Lieutenant-Governor or Chief Commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration . . .'

"The hon. the Law Member was so impatient over the subtle distinction made between the definite and the indefinite articles. I do not share that impatience. After all, a statute has to be construed as it is worded, and I do suggest that the common, plain meaning of the word 'reconsideration' means consideration again by a man or body who has considered it before. It seems to me, Sir, somewhat of a strange anamoly of which only the Madras Government is capable, that a Council which had no part or lot in the earlier consideration of the Bill should be asked to indulge in the pastime of re-considering a matter, which it has never had the opportunity of considering at all.

"Then, Sir, with regard to the use of the word 'session' in section 72-B, on which the hon. the Advocate-General very cleverly laid very great stress, may I point out that in section 72-C the word 'session' is used in reference to the life of one Council, and the words 'current session' and 'the next ensuing session' are used with regard to the tenure of *your* office? At any rate, Sir, there is no doubt whatever that the word 'session' is used in that Act in more senses than one, and I do suggest that to base this whole interpretation, different from what is admitted to be the practice of the House of Commons—if time permitted I might have quoted May's Parliamentary Practice on this matter that all Bills lapse not only by dissolution but by prorogation—and for the hon. the Advocate-General or the hon. the Law Member to ask us to ignore the whole Parliamentary procedure—on a doubtful phrase 'the next session of the Council' used in an Act which hon. Members will remember was not enacted as a whole Act but was enacted in the form of a separate Bill and which was afterwards drafted into an earlier Act,—as a matter of fact this very phrase found place in the older Act—is, I think, an argument that we cannot easily swallow. Before I proceed to go further into the matter, I do want to place before the House one consideration.

"Mr. President, Sir, the hon. the Advocate-General himself and the hon. the Law Member both conceded that it might be worth while for this House to lay down a rule or a convention that no new Council ought to be asked to reconsider a Bill considered by an earlier Council. Now, Sir, the Governor has sent to a new Council a Bill which, we consider, whatever the legality of it may be, he had no moral right to send to this Council, and the only way in which this Council can assert and express its opinion of the unconstitutionality of the procedure employed by the Governor will be, by voting for the resolution of my hon. Friend the Raja of Ramnad and telling the Governor and his advisers that we refuse to be consenting parties to this outrage on commonsense and constitutional practice that obtains in the Mother of Parliaments and elsewhere. That is all I want to say with regard to the legal aspects of it.

[Mr. S. Satyamurti]

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"On the merits, I only want to say a few words. I think I may safely appeal to every self-respecting Member of this House that there can only be one answer to this message of the Governor received yesterday, especially to paragraphs 3 and 4, which say :

'He trusts that the Council will realize this aspect of the matter, and regrets that he is unable to accept any further amendments save those which are indicated in the message. His Excellency feels that he cannot assent to any further modifications in the Bill except in the manner and to the extent suggested.'

"It certainly seems to me, Sir, that it is inverting the process. Undoubtedly, the Governor has got powers of not accepting any amendments we may propose. But to extend that power and tell us beforehand, without waiting and seeing what amendments he might or might not accept, 'whatever you do, I shall not accept' amounts merely to reducing the position of the Members of this House to the position of those who have got to come here to register the decrees of the Governor. Say either 'Yes' or 'No'.

"Sir, this House is divided into two parties on this Bill, those who believe that this Bill is the best and those who do not think so, and I appeal to both the sections to say whether it is consistent with their responsibility to their electors, or with their sense of self-respect and their duty to this House, to sit here under duress and say 'because the Governor would not accept any amendment I will swallow his amendments.' Let us remember, after all, that if the Governor has got his responsibility to Parliament under the Government of India Act, we have got our responsibilities to our electors ('hear, hear'), and I ask with what face members would go to them and tell them 'We accepted these amendments under duress, because the Governor told us he would not accept any other amendment'. Apart from the merits of the amendments, therefore, any Member here who consults the freedom of this Council such as it is under the Government of India Act, and the freedom of his own action, can have only one answer to this message, and that is 'I refuse to consider the amendments. You take the responsibility for them upon yourself. Either accept the Bill or reject it. We will not on these unfair conditions be parties to amendments which you consider desirable and for which you want us as a matter of form to give our *ex post facto* approval.' That, Sir, is the real point with regard to these amendments.

"His Excellency claims that he has given this message in response to popular clamour. I humbly submit that this message is not in response to the popular clamour against the Bill. Sir, the popular clamour was concentrated on five or six points, namely, that maths ought not to be included, that there ought to be no central salaried Board, that the jurisdiction of the courts ought not to be ousted, that the cypres doctrine ought not to be applied to the Hindu religious endowments, that there ought to be no interference with these religious endowments, and that the charitable and religious endowments ought not to be made a department of the State. I do submit that except in regard to one matter—and that too in a very minor way—by substituting, as one of my hon. Friends said, four courts for three courts, and constituting the Board into a court both in its original and appellate jurisdiction, its appellate decree being made coeval with the decrees of appellate courts on the civil side,—excepting that, this message has not really been given in response to popular clamour.

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"Sir, I have no time to go into these clauses and I do not propose to go into them in detail. But, as the hon. the Raja of Ramnad himself has suggested, we are anxious that this Bill should lie over for calm, dispassionate consideration. According to His Excellency Lord Willingdon himself, it took him nearly 12 months aided by an expert staff to consider the popular representations and to make up his mind as to what amendments should be suggested to this House. Then, is it unfair, is it too much to ask that we, the Members of this House,—I do not know how you feel, Sir, but after a whole month of budget debate my brain is somewhat fagged (laughter)—that we ought to have some time to consider this message, and as I have been saying more than once from the floor of this House that we ought not to express our *ex cathedra* opinions, because 'we know what is good for the people.' To the extent to which it is given to us, we ought to come here and express the opinions of the people whom we seek to represent ('Hear, hear'). I trust, Sir, that no Member of this House will try to play the role of the autocrat or play Deputy Providence to his electors. We are here to find out their opinions and express them here, and I put it, as a pure honest question, to my colleagues in this House as to whether they have had time themselves to read, ponder, digest these amendments, to communicate them to their electors, even to a few of them, and to get their opinions. As my hon. Friend the Raja of Chellapalli put it, I do not think the message has yet been translated into the mother tongues of the Presidency ('Hear, hear'), and yet what is it we are asked to do to-day? We are asked to consider them without any reference to our electors. We are therefore asking for some time to do it. Sir, a new Governor is coming in. Is it right that we should meet him with this *fait accompli* on a matter which has been the subject of fierce agitation, and I prophecy this fierce agitation will continue? Just on the eve of his taking office, you face him with this *fait accompli* and say 'this Bill you shall have to work'. I do suggest that it is unfair to him that this Bill should not stand over for some time, so that he may bring a fresh mind to bear upon the question, examine the whole Bill and place it before the House.

"Sir, people have been attacked for their previous commitments. But, luckily, I was not a member of the last Council, and nobody can put to me any former commitment. Let me make a frank confession. I am for a religious endowments Bill; I believe there ought to be some Bill to control these Hindu religious endowments. But I do suggest most respectfully that such great measures affecting the religious beliefs of the vast millions of our Hindu countrymen should be put through, as all other countries do, after calm, cool, dispassionate, deliberation, consultation with all the interests concerned, after free, full opportunity being given for all possible representations and after taking the opinion not only of the party in power but also of the party in Opposition. That is how Bills of this kind are put through in the House of Commons. I know, Sir, that the four education Bills, for example, which Mr. Fisher put through the House of Commons, were not forced down the throats of the Opposition by him. He sent for those on the other side, the Opposition side of the House, and consulted them. So did Mr. Montagu on the Government of India Bill. May I then venture to say . . .

The hon. the RAJA OF PANAGAL :—"Mr. President, the hon. Member for the University admitted that he was not a member of this Council in the last session. Sir, I may tell him that when the Bill was under consideration,

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the members on the Opposition were taken into confidence, and they helped the passage of the Bill in the several stages. (Mr. C. Ramalinga Reddi: 'No, no.') The then Leader of the Opposition, Mr. Ramachandra Rao, was one of those who took part in the Select Committee: there was Mr. Govindaraghava Ayyar, there was my hon. Friend Mr. Narasimha Raju, and several others, all of them giving the Council the benefit of their advice."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Merely sitting there."

Mr. S. SATYAMURTI:—"I thought the hon. the Minister for Local Self-Government would understand me aright. When I spoke 4-15 p.m. of the party in power consulting the party in Opposition, I was not thinking of 'the Governor acting with the Ministers' but I was referring to the party in power consulting really and fully the party in Opposition, gauging their criticisms, satisfying them if necessary, accepting their criticisms, and producing an agreed Bill. Surely, Sir, I was not thinking of that kind of consultation which I know goes on between the Ministers and the Governor in the matter of appointments, but I was speaking of a more real and a more solid consultation and exchange of thoughts and acceptance of views and so forth. But, Sir, the point I was just concluding with was this: I put it to the hon. the Minister that Bills of this kind, laws of this kind ought to, to the extent to which we can, approximate to the wishes, the collective will of the people whom it seeks to govern. No man is so potent, not even the Ministerialist party is so potent, that it can for all time force down the throats of the Hindu millions of this Presidency a Bill which they do not want. If the hon. the Minister does not want to add one mere legislative feather to his cap, he should satisfy the legitimate desires of the Hindus. I believe he is a pious Hindu. At the same time as my hon. Friend Mr. C. Ramalinga Reddi admitted—I am very glad that he did so—we have no right to impose our preconceived notions on our people. We are here and the hon. Minister for Local Self-Government is here not to do what his bureaucratic colleagues on the other half of the Bench may do, not to do what he thinks is good for the people, but to convince the people as to what is good for them, make them ask for those things, and then put them into law. I was suggesting that that would be a fair and proper procedure. But we on this side of the House are content to take the vote of the House. We know we are fighting a winning cause; whether we succeed to-day or not, this Bill is not going to be on the Statute Book permanently (hear, hear) unless it expresses the will of the people. I know it does not and I therefore appeal to the Hindu members of this House and tell them that religion is sacred and that they ought not by sheer tyranny of numbers deal with it in this fashion.

"I have a last word of appeal to make to my Mussalman brethren here. Sir, the famous Lucknow compact provided for the basis of a real Hindu-Mussalman unity throughout the country. It recommended that where questions affecting the Hindus and Mussalmans come up, if one-third of either community object to the proposals, it ought to be dropped. I submit to them that that proposal is a rational proposal, and will conduce to real Hindu-Mussalman unity, and I appeal to them as a minority community not to vote on a question on which Hindus are largely varied, and to show that they are on the side of those who plead for consultation and deliberation and would not be parties to forcing down something which many Hindus do not want.

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"One last word to the Ministerialists. Either they want the Bill as last passed by the Council or they do not. I remember the hon. the Chief Minister swearing by the Bill, the I's and T's included. May I appeal to him to adopt the phrase that he used yesterday by quoting the famous politician Henry Asquith, 'wait and see' and not use his influence against those who want some more time, some more breathing space for consideration? I very strongly support the motion for the adjournment proposed by the hon. the Raja of Ramnad."

Diwan Bahadur P. KESAVA PILLAI:—"I move that the question be now put."

The motion for closure was put to the House and carried.

The motion for adjournment of the consideration of the amendments suggested by His Excellency, to some date in March 1925, moved by the Raja of Ramnad, and duly seconded, was then put to the House and declared lost.

A poll was taken with the following result:—

Ayes.

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| 1. Mr. S. R. Y. Ankineedu Prasad Bahadur. | 22. Mr. V. C. Vellingiri Gounder. |
| 2. " C. D. Appavu Chettiyar. | 23. " A. Ranganatha Mudaliyar. |
| 3. " B. Mahabala Hegde. | 24. " J. A. Saldanha. |
| 4. " Madhava Raja. | 25. Sriman Sasibhushana Rath Mahasayo. |
| 5. " O. M. Narayanan Nambudripad. | 26. Mr. M. Sitayya. |
| 6. " K. Prabhakaran Tampan. | 27. " M. R. Seturatnam Ayyar. |
| 7. Rao Bahadur C. Natesa Mudaliyar. | 28. " B. Srinivasa Ayyangar. |
| 8. " T. A. Ramalinga Chettiyar. | 29. " Sami Venkatachalam Chettiyar. |
| 9. Mr. C. Ramalinga Reddi. | 30. " C. V. Venkataramana Ayyangar. |
| 10. Rao Bahadur A. S. Krishna Rao Pantulu. | 31. The Raja of Ramnad. |
| 11. " C. V. S. Narasimha Raju. | 32. Mr. S. Satyamurti. |
| 12. Mr. A. Chidambara Nadar. | 33. " T. Adinarayana Chettiyar. |
| 13. " K. Koti Reddi. | 34. Rao Sahib U. Rama Rao. |
| 14. " P. Anjaneyulu. | 35. Mr. G. Rameswara Rao. |
| 15. Sriman Biswanath Das Mahasayo. | 36. " P. C. Venkatapati Raju. |
| 16. Mr. M. Gangaraju. | 37. " B. Venkataratnam. |
| 17. " S. Muttayya Mudaliyar. | 38. " P. M. Moidu Sahib. |
| 18. Dr. P. Sabbarayan. | 39. " Muhammad Moosa Sait Sahib. |
| 19. Mr. C. Gopala Menon. | 40. " T. N. Muhammad Sahib. |
| 20. Rai Bahadur T. M. Narasimha Charlu. | 41. " K. Uppi Sahib. |
| 21. Mr. P. Peddiraju. | |

Noes.

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| 1. The hon. Sir Charles Todhunter. | 18. Dr. John Mathai. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib Bahadur. | 19. Mr. Ari Gowder. |
| 3. " Sir Arthur Knapp. | 20. " P. K. S. A. Arumuga Nadar. |
| 4. " Mr. C. P. Rameswami Ayyar. | 21. " A. V. Bhanaji Rao. |
| 5. " the Raja of Panagal. | 22. Diwan Bahadur Sir P. Tyagaraya Chettiyar. |
| 6. " Rao Bahadur Sir A. P. Patro. | 23. Mr. N. Devendrudu. |
| 7. " Diwan Bahadur T. N. Sivaganam Pillai. | 24. Rao Sahib S. Ellappa Chettiyar. |
| 8. Mr. R. W. Davies. | 25. Rao Bahadur P. C. Ethirajulu Nayudu. |
| 9. " E. W. Legh. | 26. Rao Sahib P. V. Gopalin. |
| 10. " P. L. Moore. | 27. Rao Bahadur K. Krishnaswami Nayudu. |
| 11. " G. F. Paddison. | 28. Hon. Lieut. Madurai. |
| 12. " F. Noyce. | 29. Mr. T. Mallesappa. |
| 13. " T. R. Venkatarama Sastriar. | 30. " P. N. Marthandam Pillai. |
| 14. Rai Bahadur N. Gopalaswami Ayyangar. | 31. " B. Muniswami Nayudu. |
| 15. Mr. Abdulla Ghatala Sahib. | 32. " C. Muttayya Mudaliyar. |
| 16. " S. Arpudaswami Udayar. | 33. " B. Obalesappa. |
| 17. Rao Sahib T. C. Tangavelu Pillai. | 34. " C. Ponnuswami Nayudu. |
| | 35. " K. S. Ponnuswami Pillai. |

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Noes—cont.

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| 36. Mr. G. Premayya. | 49. Diwan Bahadur K. Suryanarayanamurti |
| 37. „ A. K. Raghuchandra Bellala. | Nayudu. |
| 38. „ P. T. Rajan. | 50. Rao Bahadur O. Tanikachala Chettiyar. |
| 39. Rao Bahadur P. Raman. | 51. Mr. K. Venkatachala Padaachi. |
| 40. Mr. A. Ramaswami Mudaliyar. | 52. „ M. Ratnaswami. |
| 41. „ P. Sagaram. | 53. Diwan Bahadur M. Krishnan Nayar. |
| 42. „ J. D. Samuel. | 54. Rao Sahib C. Venkataranga Reddi. |
| 43. „ K. Sarabha Reddi. | 55. Mr. W. Vijayaraghava Mudaliyar. |
| 44. „ K. Sitarama Reddi. | 56. „ Abbas Ali Khan. |
| 45. Diwan Bahadur P. Kesava Pillai. | 57. „ Haji Abdulla Sahib. |
| 46. Mr. R. Srinivasan. | 58. „ Hamid Sultan Marakkayar. |
| 47. „ Chavad K. Subrahmanya Pillai. | 59. Khan Sahib Saiyid Diwan Abdul Razack |
| 48. „ P. V. S. Sundaramurti. | Sahib. |
| | 60. Mr. Janab Muhammad Yahya Ali Sahib. |

Neutral.

1. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 2. Mr. R. Veerian.

41 hon. Members voted *for* the motion, 60 *against* it and 2 remained *neutral*.

Mr. J. A. SALDANHA :—“ May I know, Sir, how many who have voted against this motion are elected members? ”

Mr. S. SATYAMURTI :—“ May I know also how many are officials? ”

Mr. C. RAMALINGA REDDI :—“ May I request you, Sir, to favour us with an analysis of the poll list: you will remember that your predecessor was good enough to oblige us with such an analysis on a previous occasion.”

The hon. the PRESIDENT :—“ If the hon. Member would inform the Secretary as to the form of analysis that is required, it will be ready for him to-morrow.”

4-30 p.m. The hon. the PRESIDENT :—“ The amendment to clause (2) will now be proceeded with.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I do not know, Sir, if I will be in order now to move that the message be sent back to His Excellency the Governor . . . ”

The hon. the PRESIDENT :—“ Does the hon. Member move for an address to the Governor? ”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I do not move it in the way of an address. In effect it will be the same thing.”

The hon. the PRESIDENT :—“ What is it that the hon. Member wishes to move? Is it a motion or is it an amendment? ”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I leave it to you, Sir, to decide whether it is an amendment or not. It is here as a motion. I have given notice of alternative motions, in case my first motion is not carried. I cannot now move the second motion. The third motion is that the message be sent back to the Governor with a request that His Excellency may be pleased to send the whole Bill to the Council for its consideration. It has been included in the agenda.”

The hon. the PRESIDENT :—“ I do not think that is the interpretation to be put on the entries in the agenda. I must first of all explain to hon. Members that I allowed all these notices to be placed on the agenda in order that hon. Members might have a conspectus of all points of view. I think the House knows my views on the various points of order that emerge

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[The President]

from the notices. These views were briefly set down in a letter sent by the Secretary to Mr. Venkatachalam Chetti. The only motion that I was prepared to admit was the motion which has just been before the House, viz., the adjournment of the business of the House. But as regards other motions and amendments I do not at all think that they will be in order. But I do not like to foreclose the matter in such a summary manner. We will take them in some order. There is first of all the notice of Mr. Ramalinga Reddi and then that of Mr. R. Srinivasa Ayyangar. I have already informed one of the hon. Members if not both that I was not going to allow the address. First of all, this is not the time when addresses can be moved. Even supposing it had been moved at the proper time, that is, after question time, I do not think I should have allowed it in preference to the procedure already adopted, viz., to move for the adjournment of the House, which was the correct procedure. Having said that, I do not think it is necessary to consider any further the question of an address to His Excellency the Governor. Then there are several amendments of which notices have been given. As the point has already been referred to by the hon. the Advocate-General in the course of his speech, perhaps it will serve to clear the ground in respect of the amendments which have been proposed in addition to His Excellency's amendments if he were to make a statement on the matter. Would the hon. the Advocate-General kindly enlighten us on the point? ”

Mr. T. R. VENKATARAMA SASTRIYAR :—“ I did not catch the question.”

The hon. the PRESIDENT :—“ There have been a number of amendments of which notices have been given besides the amendments of His Excellency the Governor. The House would like to have a ruling as to whether these amendments are admissible or inadmissible as a whole. It is a matter in which they are interested and I do not want to foreclose the question by giving a summary decision.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Mine will not be an amendment. It is a motion, Sir.”

The hon. the PRESIDENT :—“ As regards Mr. Venkataramana Ayyangar's motion, I have not the slightest hesitation in ruling it out.”

Mr. S. SATYAMURTI :—“ So far as my amendments are concerned . . . ”

The hon. the PRESIDENT :—“ I am asking the Advocate-General to speak on the amendments in general.”

Mr. T. R. VENKATARAMA SASTRIYAR :—“ According to section 81A (1) of the Government of India Act the Bill may be returned for reconsideration either in whole or in part together with any amendments which the Governor may recommend. The amendments have to be put before the Council under Standing Order 51. Standing Order 51 says :

‘ When a Bill which has been passed is returned by the Governor to the Council for reconsideration the point or points referred for reconsideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill.’

Sir, the amendments sent down by the Governor are not really amendment to the Bill in the ordinary sense of the Standing Orders. The Governor is not really a second Chamber exercising a part of the functions of the second Chamber suggesting amendments to be sent down to be considered by another Chamber. It is part of the function of assenting, or vetoing or suggesting

[Mr. T. R. Venkatarama Sastriyar] [2nd April 1924]

amendments before he finally accepts or rejects a Bill. Under Standing Order 51, they are not amendments in fact. They are put, discussed and voted upon in the manner in which ordinary amendments to a Bill are put, discussed and voted upon. They cannot be treated as amendments which can be subjected to further amendments by the Council and voted on. This is borne out by the language used in section 81 A (1) and partly by the analogy of the language used in other similar enactments. So far as the Madras Council is concerned, there are two precedents. At page 1657 of Volume IV of the Council Proceedings for the year 1921 clause 12 of the City Tenants' Protection Bill came up for consideration. This is what Mr. Tanikachalam Chettiyar says:

'Standing Order No. 51 says: "When a Bill which has been passed is returned by the Governor to the Council for reconsideration, the point or points referred for reconsideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill. We have no notice of this so that we can raise the necessary objection for our not giving our assent to this amendment. The amendment was, for the first time, circulated to us yesterday or the day before and we have not had sufficient time".'

"The President gave a ruling on that which runs as follows:

'I have no discretion in the matter. I have to put the point to the House. If any hon. Member considers that for lack of adequate notice or for any other reason it would be undesirable to discuss to-day, he should formally move for the adjournment of the consideration of the subject to a later date.'

"Ultimately a motion was made for the adjournment and the matter again came up in page 1895 later and the hon. the President says:

'Under Standing Order 51 I now put the question to the House. The question is that for clause 12 the following be substituted as suggested by His Excellency the Governor.'

"There is another precedent in Volume VII in connexion with the Court Fees Act. The amendment to that Bill was suggested nearly in the same form as the present one. The President took the vote upon each amendment and sent them back to the Governor. These are the only two precedents that we have. I am not in a position to say whether any amendments were moved, admitted or rejected. But I find that the particular point, or the amendment of the Governor, was put, vote taken and the motion passed. So far as the language of the Standing Order and the practice of the Council go, the President can put such amendments to the Council and take the vote upon them. No doubt it says: 'in the same manner as amendments to a Bill'. That does not mean that further amendments can be proposed."

Mr. S. SATYAMURTI:—"As one who has given notice of some of these amendments, I should like to submit to you that my amendments fall under two classes. One class of amendments relate to clauses of the Bill which have not been returned to this Council. Another class relates to clauses which have been returned to this Council. I will first of all ask you, Sir, to treat these classes distinctly before you give your ruling. Coming to the actual point animadverted upon by the hon. the Advocate-General, I want to say this. What is now before the House is the message of His Excellency the Governor returning a Bill in part for reconsideration together with any amendment which he may recommend. I submit that the substantive matter before the House is the part of the Bill which has been returned to this Council for reconsideration together with certain amendments which he has recommended in paragraph 8 of his message, viz.—

'Under section 81 A (1) of the Government of India Act, hereby returns for reconsideration by the Legislative Council, the clause, sub-clauses and items in Schedule II of the Madras Hindu Religious Endowments Bill which are specified in the annexure to this message and recommends that the amendments indicated in the annexure be made in these clauses, sub-clauses and items.'

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[Mr. S. Satyamurti]

"His Excellency has done two things. First of all he has returned the clauses of the Bill specified for reconsideration. He has also recommended certain amendments. I put it to you, therefore, that the matter before that House is the message according to the Act and the clauses remitted for reconsideration. So far as the Standing Order is concerned, I admit, as the Advocate-General stated, that it is ambiguous because the Standing Order says that the amendments shall be put by you and discussed and voted on as amendments. I am sure he will agree that the Standing Orders cannot take away the power which the Statutes vest in this Council. Therefore, except as a mere guide for interpretation which you may like to place upon the wording of the section, the principal wording of this section cannot admit of any other extraordinary construction.

"Sir, lastly the Advocate-General read from two previous reports of this House. I was not able to follow him closely. He will correct me if I am wrong. I believe that so far as this question is concerned, namely, whether amendments can be moved to clauses returned to the Council, so far as this Council is concerned, it is absolutely new. There is no previous ruling by your predecessor or by you on this matter. It comes for the first time before the Council and I put it to you, as one who is interested in building up conventions, that, under the Act, it will be taking away even the liberty we have if you are to say that we are prevented from reconsidering not only the other portions of the Bill which have not been referred to us—on which you have already given your ruling—but also the parts of the Bill referred to us and that we should merely confine ourselves to saying 'yes or no' to the amendments suggested by His Excellency the Governor. I submit that this is against the letter of the Statute and the spirit of the conventions which ought to govern such a procedure. I request you, therefore, to rule that at least the amendments of which notice is given and which refer to parts of the Bill referred to us by His Excellency the Governor, are absolutely in order."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"Mr. President, Sir, I think you have already given a ruling in the shape of a reply letter through the Secretary when I raised this particular question whether I might be permitted to move amendments either to particular clauses remitted by His Excellency the Governor to the Council, or to other parts as well. In the latter case you said that amendments were not permissible and as to the former, I remember you said that amendments are permissible.* I am speaking subject to correction, because I have not got here the copy of the letter which you were kind enough to send to me through your Secretary. I only remind you of this fact."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I think there is no doubt whatever that the amendments of which notice has been given in so far as they bear on the amendments remitted to us by His Excellency the Governor for consideration, are according to the Standing Orders. I do not think we need indent upon convention or precedent when the Standing Orders themselves help us in the construction I place before the House. Standing Order No 51 says:

'When a Bill which has been passed is returned by the Governor to the Council for reconsideration, the point or points referred to for reconsideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill.'

* The hon. Member subsequently withdrew the statement by letter.

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"When we find the words 'in the same manner', we have to refer to other Standing Orders to see what the procedure is to be adopted when amendments to a Bill are under consideration. There are other Standing Orders to which reference has been made to satisfy you that when amendments to a Bill are under consideration, it is open to Members to move other amendments."

Mr. T. R. VENKATARAMA SASIRIYAR:—"The language 'in the same manner as amendments to a Bill' itself indicates that they are not amendments and what is to be done is that they are to be dealt with in the same manner in which the amendments are dealt with in respect of discussion and voting and not in respect of moving further amendments."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"May I point out that if the right of moving amendments to amendments under consideration is to be taken away, we would require other express provisions for that purpose, that is, for taking away the existing rights? I do not understand why the wording 'in the same manner as' is to be construed in that limited and narrow sense which the Advocate-General tries to put upon it. 'In the same manner as' indicates the procedure to be followed by you in dealing with these amendments. Suppose there is an amendment placed before us in accordance with the message which is absurd on the face of it. Is it to be construed that because it has come in accordance with a certain message of His Excellency and placed before the Council, even a verbal amendment ought not to be made? I do not think any one could have contemplated such an absurd position as that. 'In the same manner as' is to be construed liberally. The procedure to be adopted in dealing with these points is to be the procedure which is contemplated in the case of amendments to the Bill. Standing Orders Nos. 31 and 32 give the right to move amendments when amendments to a Bill are under consideration subject to certain restrictions. Therefore, I submit that in accordance with the general rules of procedure, with regard to amendments to be moved in this connexion, the same procedure is to be followed as with regard to amendments under Standing Order No. 51. As far as any analogy is concerned, this question was not specifically raised at any time. But there must be something more specific in the rules than what the Advocate-General has interpreted. If a liberal construction is adopted, I think the amendments are in order."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, if we had concentrated attention on what we were actually doing, perhaps the discussion would not have proceeded so far as it has done. The position is this: Here is a Bill which has gone through a certain number of stages and has been sent up to His Excellency the Governor for assent. He can either assent to the Bill or dissent. He says 'I do not propose to assent to the Bill unless the Council is prepared to accept certain modifications of the Bill'. The analogy that is applicable is not the analogy of two co-ordinate Houses of Legislature, one House making suggestions or recommendations by way of amendments to the other. But the position is that of a functionary who has been given certain definite statutory powers either of assent or of dissent. Now what he says is 'if such and such changes are made, I assent'; and the only reason which I elaborated yesterday for His Excellency's second message is this: after having considered the amendments he has seen he has come to the conclusion that those amendments are such that he cannot assent to the Bill with those inserted therein. If discussion proceeds on the

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basis that this is a matter pending the assent of His Excellency, that His Excellency is willing to assent if certain modifications are made and not otherwise, then the question will be crystallised and the interpretation that has been placed upon the section and Standing Order, I submit, is the interpretation most consonant with the idea which I have indicated. Standing Order 51 when it proceeds to say that 'the point or points referred to for re-consideration shall be put' obviously indicates in the first place this: namely, that the House will consider whether the modifications that His Excellency considered to be a condition precedent to the exercise of his assent are modifications which meet with the concurrence of this House. It is open to this House to say that they will accept them. It is open to this House to say that they will not. In the one case the result is assent and in the other case that result does not follow. If that point is prominently placed, then I submit that the discussion may not proceed further."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"From what took place yesterday, we are now in darkness as to the correct procedure to be followed. You will remember, Sir, that when the message of His Excellency was read out, the words used were that no amendments would be allowed to be discussed. The hon. the Law Member made us understand that no further amendments could be accepted with the result that the first message has been altered in the course of the day."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As a matter entirely of personal explanation, I stated that no message from His Excellency can alter the rules of debate of this House fixed by Standing Orders or by Legislative Council rules. Therefore, in order that there might be no misunderstanding on the point, His Excellency has stated that he could not accept any further amendments. That is what he has stated. The question is whether under Standing Order 51 and the rules, the point or points referred to in Standing Order 51 are the points which have been communicated in the message. Further, the modification of the message means no more or no less than this, that while His Excellency cannot constitutionally prevent any discussion, His Excellency in virtue of the powers inherent in him will not accept any amendments such as are now contemplated."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I quite understand the interpretation of my hon. Friend the Law Member. I am trying to show that in the course of the discussion yesterday, the position made clear from his speech was that His Excellency would only say about the acceptance or non-acceptance of the amendments; but that so far as the amendments are concerned, he could not shut out discussion. It was as a result of that that the correction was made in the message, and even the speech of the hon. the Law Member does not clear up the point as to whether Members are or are not in order in moving amendments to the amendments proposed by His Excellency in his message. He only pointed out, in consequence of the declaration of His Excellency that he will not accept any further amendments, in view of the fact that the Bill is before him for the purpose of giving or withholding assent, whether it is worth while to consider these amendments. I think, Sir, with due deference to the opinions expressed, that the matter is entirely in your discretion under Standing Orders 31, 32 and 51 and so far as these amendments are concerned, if they have any bearing upon the amendments moved by you, all the rules of procedure

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under these Standing Orders apply to this case and the amendments have to be considered. There is nothing in the Standing Orders which fetter your discretion in allowing these amendments to go forward. I only want to remind you that the speech of the hon. the Law Member, or the impression created by his speech, shows that you cannot object to the amendments being moved, though perhaps His Excellency may not approve them."

The hon. Mr. O. P. RAMASWAMI AYYAR:—"All that I said is this: His Excellency can only say he will assent or will not assent. It is for you, Mr. President, under the Standing Orders to rule whether it will be in order to discuss these amendments, having regard to the fact that His Excellency sent a message yesterday to the effect that he will or will not pursue a certain course of action."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"I think that when His Excellency made the statement that he would be unable to accept any amendments from this House, he considered the possibility of every amendment being passed by the House; and the hon. the Law Member cannot shirk his share of responsibility along with that of His Excellency. The first message and the subsequent correction, that he would not accept any further amendments, clearly show that the House cannot be denied the right of moving amendments or modifications to the particular clauses referred to or remitted by His Excellency. This is an important question and the right of the House is sought to be curbed by it. Of late I am getting accustomed to the change of statements made from time to time by the Treasury bench Members. It is necessary that you, as President, should lay down a particular ruling, a strict ruling, as to the interpretation which the Standing Orders are capable of."

Mr. S. MUTTAYYA MUDALIYAR:—"Sir, I submit that I do not want to add any arguments to what has been already stated. The point now is whether, under the Standing Orders, it is open to us to consider all these amendments. Apart from the terms of the message His Excellency the Governor sent us, he also sent us clauses and sub-clauses to be considered by us. I submit that, on the terms of the message, it is open to this Council to consider every one of those clauses and sub-clauses; and we can not only consider the amendments sent by His Excellency, but also consider those clauses and sub-clauses in this Council, and if it comes to the conclusion that those clauses and sub-clauses ought to be even rejected, it is open to the Council to reject those clauses and the Bill then will be the Bill that will be actually sent back to His Excellency the Governor. You will observe, Sir, that the recommendation is that these amendments be also considered. His Excellency does not say that these are the only things that we have to consider. He remits the clauses and it is open to the House to consider all the clauses in all aspects and to reject, modify, or accept them, in whichever way it suits the convenience of the House."

Mr. J. A. SALDANHA:—"Mr. President, if there is a doubtful point about a particular section or clause of an Act, we have to take the Act as a whole and see what the object of the Act is. Now the object of this Act is to give some sort of responsibility to this Government. Therefore, if there is any idea on the part of the Government to whittle down that responsibility, I think the interpretation should be in favour of the other view, that is, that

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the Act gives certain responsibility and certain amount of dignity and status to this Council.

"There was a good deal of talk yesterday about the dignity and status of this House. If Government seek to reduce the powers 5 p.m. of this Council and its status to a nullity, I am sure we will be placing ourselves in a very ridiculous position. What I would urge therefore is, that when a certain section has given us powers to reconsider the decision arrived at by the last Council, it also gives us power to bring in amendments to particular clauses that are remitted for our reconsideration. Of course, His Excellency the Governor has got the liberty to accept our amendments or not, just like any other amendments, because the final power of sanction and veto lies with him. I may also point out that the final power of sanction to the Bill vests in His Excellency the Viceroy and I am sure that any amendments which we may bring at this moment will be carefully considered by him in the interests of the electorate. I hope, Mr. President, that, under these circumstances, you will allow us to bring in any amendments and to discuss them in harmony with the so-called dignity, if we have any dignity at all." (Cheers.)

The hon. the PRESIDENT:—"Before I give my ruling on this point, I shall give an opportunity to the hon. the Advocate-General and the hon. the Law Member to reply to the points raised by the hon. Member Mr. S. Muttayya Mudaliyar as to whether it is open to this Council to throw out the clauses in which amendments are asked to be made. I would, therefore, like to have their views before I give my ruling."

Mr. T. R. VENKATARAMA SASTRIYAR:—"I referred in the course of my first speech to other enactments which use a similar expression as the one we have here. I think in the Australian constitution, there was a section which stated that if a Bill was returned with amendments recommended, the Council should proceed to consider the recommendations. Language to the same effect occurred in the Australian Statute of 1900 and the South African Statute of 1909. The language used in the Standing Order of the Legislative Assembly and that of the Council of State under section 67 are very similar in terms to the language I referred to. Section 81-A (1) of the Government of India Act says that the Governor may return a Bill for reconsideration. The Rule under this section says the point or points recommended shall be put to the vote and the Council shall consider the recommendations. The Standing Order here is in the same terms. Now the question is this: when there is a remission of the Bill for reconsideration of the Council what is it that it is asked to do? The language of the Statute is 'It should deal with the recommendation', and it is on the model of these Statutes the Government of India Act has been framed.

"Now with regard to the Legislative Assembly and the Council of State, when a whole Bill is returned under the terms of section 67 of the Government of India Act, it is the point or points that are asked to be considered in the message. Now His Excellency the Governor returns this Bill for reconsideration with a message that such and such points are to be considered. I am of opinion that it is only those points that are to be considered, discussed and voted upon, and not the whole Bill that has to be voted upon with or without amendments. So that, the Statutes which use the words 'the Council shall proceed with the recommendations,' and the

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language of the Standing Order with reference to the Legislative Assembly and the Standing Order of this Council all put together lead to the conclusion that the particular recommendations made by His Excellency the Governor—that 'such and such amendments be introduced to such and such section or that such and such sections be altered by such and such amendments'—it is only these recommendations that are to be put to the Council and voted upon, and not any further amendments, nor the clauses as a whole with or without amendments, as the case may be, passed by the Council that is intended in the Standing Order and Rules. That is the impression that one derives from the language of section 81-A and from the corresponding section of the Legislative Assembly Standing Orders and also from the practice recommended in the Statutes referred to above."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not propose to repeat what has been stated by the hon. the Advocate-General. I wish to refer to only two considerations which may influence the decision in this matter. Mr. President, you will remember the procedure laid down for putting points before the House. The procedure can only be that the hon. the President reads these things one by one and suggests to the House that they do consider those points. There is no procedure for the manner of tackling with these amendments."

Mr. J. A. SALDANHA :—"May I refer the hon. the Law Member to the word 'reconsider'? It is not 'consider'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" 'Reconsider' means 'this House has considered a certain Bill and come to certain conclusions. Will you, having regard to certain messages or statements of His Excellency the Governor who is the final assenting authority, reconsider your decision in regard to particular points?'

"Now considering the difficulty of working the system of amendments, it being clear that there is no particular mover or seconder of original points, the whole procedure as regards amendments to amendments would be obviously out of place. Moreover, it is clear from the language not only of our Standing Order but of Standing Order No. 53 of the Legislative Assembly that when a Bill is returned by the Governor-General, the point or points shall be put before the House by the President. That is the Legislative Assembly Rule. Taking all these rules together, it is obvious that the only point which is before the House, or can be before the House, is the point, which His Excellency the Governor has made the condition *sine qua non* for his assent or non-assent and therefore no other procedure is contemplated or can be otherwise worked."

Mr. SAMI VENKATACHALAM CHETTIYAR :—"What will be the position of the House, if without any particular recommendations, parts of the Bill alone are remitted by His Excellency?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The point is this. What is it that is sent to the House? The section says 'the Bill shall be returned together with amendments if any' by His Excellency the Governor. Suppose the Governor does not remit it with certain recommendations, but returns the Bill in part or in whole, then it may be that this House is at liberty to introduce amendments. But if His Excellency makes certain recommendations, it is different. That is the point."

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Mr. J. A. SALDANHA :—"We are all rational beings. Does the reconsideration of the recommendation prevent us from thinking of other alternatives or wording the clauses in a better manner?"

Mr. S. SATYAMURTI :—"On this point, Sir, may I invite your attention to Standing Order No. 48? Standing Order No. 51 no doubt governs this matter, but, Sir, Standing Order No. 48 says :

'Notwithstanding anything in the foregoing orders, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question that this clause or, as the case may be, this clause as amended, stand part of the Bill.'

"Now, Sir, Standing Order No. 48 in the case of normal Bills gives discretion as to whether you have to put the Bill as a whole or clause by clause. Standing Order No. 51 comes to our help, so far as Bills returned to this Council for reconsideration are concerned. According to this Standing Order you have to put the point or the points suggested in the message as amendments and this morning you put to us the first clause."

The hon. the PRESIDENT :—"I read it out."

Mr. S. SATYAMURTI :—"Well, Sir, we are now dealing with the first clause. I wish to know whether you are going to deal clause by clause, or whether you are going to take votes on the first point as soon as the discussion on that, in your judgment, is reasonably over. I wish to suggest that once you put the points to vote, Standing Order No. 48 becomes operative and then you have got under that Standing Order to put the question that this clause or those clauses as amended, as the case may be, stand part of the Bill. I therefore submit that the question as to whether these clauses and sub-clauses as amended should be put to the vote or not will have to be decided by you."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"The hon. the Law Member quoted Standing Order No. 51. No doubt the first portion of it says 'the point or points referred to for reconsideration shall be put before the House by the President.' But if he refers to the portion lower down in that section, he will find that 'it shall be discussed and voted upon in the same manner as amendments to a Bill.' I am only trying to point out that these provisions contemplate that the President has discretion to allow such amendments for clearly obtaining the opinion of the House. I do not say that we should vote on every clause. But what I say is that amendments bearing on these amendments should be allowed to be made. Otherwise there is no meaning in using the word 'discretion.' What is the meaning of having the power of voting if Members have not got full freedom to consider particular amendments? Suppose the amendments suggested are faulty or defective, are we shut out from suggesting 'this portion of the Bill is not good, and we want to consider the whole Bill'? I think there is no meaning in using the word 'discretion' unless the President exercises his discretion as to what amendments can be made to the clauses under discussion."

Mr. S. MUTTAYYA MUDALIYAR :—"The hon. the Advocate-General and the hon. the Law Member referred to the procedure that is being adopted in the Legislative Assembly. I submit that that procedure has absolutely no bearing so far as our Council is concerned. The Legislative Assembly, so far as its procedure is concerned, is governed by sections 67-B

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and 68, and we are governed by section 81-A. Section 81-A states 'it is open to the Governor either to give his assent or return it for reconsideration together with such amendments he may recommend.' So far as Legislative Assembly is concerned, I need not tell the House that there are two bodies, the Legislative Assembly and the Council of State, and when a measure is opposed by one House, it can be introduced in the other House with the recommendation of the Governor-General. When it

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is passed by one House as introduced into it on the recommendation of the Governor-General and the other House refuse to pass it, or if both the Houses refuse to pass it, it is open to the Viceroy to certify the Bill and then it becomes an Act. In this case, when both Houses pass it, the Viceroy has no farther power to remit the Bill for reconsideration; this is considered in section 68. Section 67-B (1) and (2) considers cases in which either of the Houses passes the Bill or both the Houses pass the Bill. What we have now to consider is, when both Houses have passed the Bill, whether the Viceroy has power to remit the Bill to the Assembly or the Council of State for reconsideration. When a Bill is passed by both the Houses, the Viceroy can either give consent or not, but he has not the power to remit back the Bill. He may give his assent or refuse it or reserve it for His Majesty in Council."

Rao Bahadur N. GOPALASWAMI AYYANGAR:—"May I draw the hon. Member's attention to sub-section (4) of section 67, which says 'without prejudice to the powers of the Governor-General under section 68 of this Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either Chamber'?"

The hon. the PRESIDENT:—"I shall allow hon. Members to make any further remarks to-morrow. I am not going to give a final ruling now. I have considered the matter very carefully but I do not want hon. Members to be prejudiced in any manner by my giving a ruling before they have had a full discussion. After the ruling is given, it will be a settled fact and it will not be open to hon. Members to question it. The points are no doubt very important. My own conclusions are contained in the reply sent by the Secretary to the hon. Member Mr. Sami Venkatachala Chettiyar. I have no doubt, for one thing, that the clauses have not to be put after the amendment, for the reason that in the ordinary procedure when a clause is taken up and there is an amendment, the amendment is put first and then the clause not having been put till then is put once for all. In the present case the clauses have been put already, and therefore the only questions that can be put will be about the amendments. In the next place His Excellency the Governor is the only person who has a right to amend a Bill which the Council has passed. The Members of the Council have done with it. They have done all that they could do by way of amending it. His Excellency the Governor, under a very special power, communicates certain proposed alterations, as the Law Member put it, to be passed as amendments. The fact that the law gives him the power to make those extraordinary proposals cannot be construed as giving power to any Member of the House to propose an amendment at that stage. The stage of amendment by Members *proprio-motu* is long past. We can only do one thing with regard to these amendments which are proposed by His Excellency the Governor, and that is

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to take them or leave them. That is all that can be done; and that is what I mean to allow. I have given full opportunity of discussion to hon. Members, and if necessary any hon. Members who care to do so may make one or two remarks to-morrow. After all, when these points are settled, I do not think the substantive business before us need take a very long time. I do not wish, as I said before, to prejudice hon. Members in any way by tying their hands in discussion. I take it that yesterday's message from His Excellency the Governor is to be interpreted to this effect. I understand His Excellency as saying: 'The House may do what it likes with the amendments that I have proposed. It may propose further amendments, but I cannot receive any new amendments hereafter. I have done with them.' We can quite understand that to introduce further amendments at this stage, supposing it were legal, would complicate the situation seriously. His Excellency the Governor, in order to avoid those complications, has told us that he wants to finish this matter now, having considered it for such a long time and arrived at these amendments. He has told us that whatever the House may do with regard to the amendments, he is not prepared to consider any other amendments. That is from his point of view. From our point of view, likewise, I do not think that any hon. Member of this House has a right to propose an amendment merely because His Excellency the Governor has, under an extraordinary provision contained in the Act, proposed an amendment. I find the opinions expressed by the hon. the Advocate-General and the hon. the Law Member support me on these points."

Mr. J. A. SALDANHA:—"May we understand you to have given a final ruling?"

The hon. the PRESIDENT:—"I have not given a final ruling. I have promised to give my ruling to-morrow morning, and probably before I do that, if hon. Members want to put forth anything else they can do so to-morrow."

The House adjourned at 5-22 p.m.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX

[Vide item II at page 323 supra.]

Message to the Legislative Council from His Excellency the Governor of Madras.

At the meeting on 17th March 1924 the Legislative Council by a Resolution reduced Demand I—Land Revenue Department—by a sum of Rs. 97,661 representing the pay and allowances of one Assistant Secretary and the establishments in the Land Revenue and the Court of Wards sections of the office of the Board of Revenue.

It appears from the speeches of the hon. Members that their desire in passing this Resolution was that the Board of Revenue should be abolished. Similar views have been expressed more than once in the last 100 years. The question was last raised on a Resolution passed by the

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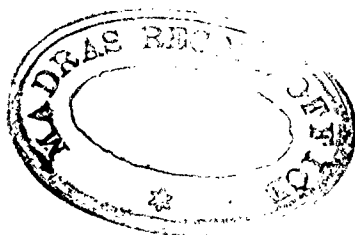
Legislative Council in February 1921 when a committee was appointed which decided that the retention of the Board of Revenue was necessary. The House is no doubt aware that the Board of Revenue is a statutory authority under a score or more of Regulations or Acts in the Madras Presidency all of which would require amendment by the Legislature in case it were desired to substitute some other authority for the Board.

Again, in order to justify the abolition of the Board of Revenue it would be necessary to show that the work which is now done by that body is either totally unnecessary or could be more efficiently and more cheaply performed by some other agency.

While refraining from expressing any opinion as to the policy underlying the Resolution, I consider it necessary in the interest of administration to restore the provision and accordingly certify under section 72-D (2) (a) of the Government of India Act that the provision of Rs. 97,661 made in Demand I in the Schedule of Demands for the year 1924-25 under the head "22. General Administration—Secretariat and Headquarters establishment—Board of Revenue" is essential to the discharge of my responsibility for the administration of the Revenue Department.

30th March 1924.

WILLINGDON.



THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 3rd April 1924.

The House met at 11 o'clock, the hon. the President (Diwan Bahadur L. D. SWAMIKANNU PILLAI, C.I.E., I.S.O.) in the chair.

I

QUESTIONS AND ANSWERS.

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

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

(2) The questions and answers shall be arranged in order of subjects.

The Secretary shall call the name of each interpellator in the order in which the names are printed, 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.]

Office Procedure.

Disposal of papers at the Secretariat by a head of department.

868 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Finance and the hon. the Minister for Education be pleased to state whether there is any department other than the Public Works Department in which the head of the department has got a voice in the disposal of papers at the Secretariat?

A.—There is no other case in which the head of a department is also a Secretary to Government, but there are instances in which a Secretary to Government performs the functions of a head of a department. Also all heads of departments are consulted from time to time as circumstances dictate upon the disposal in the Secretariat of proposals relating to their departments.

Public Services.

Europeans and Indians in Government service.

869 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Finance be pleased to give a statement showing the number of Europeans and Indians drawing a salary of Rs. 1,000 and above in the years 1902-03, 1912-13, 1922-23, giving the number of persons and the salary received under each heading?

A.—A statement is appended.*

* Printed as Appendix I on page 415 infra.

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Staff Selection Board.

870 Q.—Mr. R. VEERIAN: Will the hon. the Member for Finance be pleased to state—

- (a) whether the Staff Selection Board has already been created;
- (b) if not, when this is likely to be created;
- (c) what are the functions of this Board; and
- (d) whether it is a fact that applicants will only be selected and appointed for different posts in the Government Service only after getting through certain competitive examinations?

A.—The hon. Member is referred to the answer to question No. 772.

Depressed Classes.

Admission of the depressed classes into the Law Courts of Tanjore and Chingleput districts.

871 Q.—Mr. R. VEERIAN: Will the hon. the Home Member and the hon. the Law Member be pleased to state—

- (a) whether the attention of the Government has been drawn to the fact that the members of the depressed classes are refused admission into the Law Courts situated in Tiruvādi and Tiruturaipundi, Tanjore district, and in Ponneri, Chingleput district; and
- (b) if not, whether the Government will be pleased to make inquiries into the matter?

A.—(a) The answer is in the negative.

(b) Yes.

Forests.

Forest panchayats in the Nellore district.

872 Q.—Mr. MUHAMMAD YAHYA ALI SAHIB: Will the hon. the Home Member be pleased to state—

- (i) the extent of forest under each of the five classes in the Nellore district; and
- (ii) whether it is proposed to extend the jurisdiction of the Forest Panchayat Officer to the Nellore district and if so, when and how many Inspectors will be allotted to that district?

A.—(i) Of the 718 square miles of reserved forests in the Nellore district, 172 square miles have been placed in the first class, 164 in the second, 4 in the third, 326 in the fourth and 52 in the fifth.

(ii) The matter is under the consideration of Government.

Irrigation.

Extension of the Periyar project.

873 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member be pleased to state—

- (a) whether there is any prospect of extending the Periyar project to Tirumangalam taluk which is mostly inhabited by Kallars; and

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(b) whether any suggestions have been made to that effect by the special officers appointed for Kallars?

A.—(a) None at present.

- (b) Yes; but on further investigation it was found that extension of irrigation to Kallarnad with the available water-supply was not feasible.

There are some Kallar lands in the Suruliyar valley in the Periyakulam taluk and the question of improving this tract depends on the negotiations with Travancore about the Kallar scheme.

Removal of pipes in the Godavari Western division.

874 Q.—Mr. P. PEDDIRAJU: Will the hon. the Law Member be pleased to state whether the attention of the Government has been drawn to the fact that orders were issued in the Godavari Western division for the removal of pipes which supply water to garden crops?

A.—The Government have no information. A report will be called for.

Decision about the Kannambadi dam.

875 Q.—Mr. S. MUTTAYYA MUDALIYAR: Will the hon. the Law Member be pleased to state—

- (a) whether the mirasidars of Tanjore and Trichinopoly districts were given an assurance that they would be consulted before arriving at a final decision about the Kannambadi dam; and

- (b) if so, whether the said mirasidars were consulted before the settlement said to have been arrived at with the Mysore Government?

A.—The hon. Member is referred to the answers given to clause (b) of question No. 34 on 14th February 1921 and to clauses (e) and (f) of question No. 260 on 7th February 1924.

Local Boards and Municipalities.

Power of the municipal councils to grant remission of tax.

876 Q.—Rao Bahadur CRUZ FERNANDEZ: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the power vested in the municipal councils under the old Act to grant remission of tax on account of poverty has been taken away under the new District Municipalities Act, V of 1920; and

- (b) whether the Government intend to take steps in the near future to amend the provisions of the new Act so as to re-invest the municipal councils with the power which they exercised in the pre-reform days?

A.—(a) The hon. Member is referred to section 51 of the Madras District Municipalities Act, 1884, and section 117 of the Madras District Municipalities Act of 1920.

(b) There is no such intention.

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Registration.*The manner of addressing the members of depressed classes.*

877 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that official communications to the members of the depressed classes are being addressed in a very reproachful and degrading manner, viz., “Chinna Parayan, son of Mari Parayan” and so on by the Sub-Registrar’s office, Coonoor; and

(b) whether the Government will be pleased to make inquiries?

A.—(a) & (b) The Government have no information and have no reason to believe that communications are addressed in any manner other than indicated by the writers themselves.

Agriculture.*Improvement of cattle-breeding in the Presidency.*

878 Q.—Mr. S. R. Y. ANKINEDU PRASAD Bahadur: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that agriculture in this Province is handicapped by deficiency of live-stock;

(b) what is the quantity of pasture-land in the Province available for grazing cattle, and whether it is a fact that owing to lack of grazing facilities cultivators are obliged to sell their prime cattle to butchers;

(c) what is the area of land on which fodder crops are grown in this Province;

(d) how many cattle-breeding centres and breeding bulls there are in the Province and what steps the Government propose to take to improve cattle-breeding;

(e) whether the Government will be pleased to inquire into and publish for public information the causes which have given rise to an abnormal increase of prices of cattle of all sorts within the past few years making it very difficult to purchase even a sufficient number of cattle for agricultural purposes on the part of the ordinary cultivators;

(f) whether it is a fact that milk cows of superior sort are purchased for fancy prices in the Northern districts, especially in Nellore, Guntur and Kistna, by cattle dealers of the southern Presidency and are maintained for getting as much milk as possible for selling it, realizing abnormal profits by its sale in the market; and

(g) whether it is a fact that their calves are invariably made to die by under-feeding, more especially in the City of Madras, thereby putting an end to a considerable proportion of the best kind of cattle altogether?

A.—(a) The hon. Member is referred to the answer to clause (b) of question No. 653 given on the 19th March 1924.

(b) The Government have no information as to the total extent set apart as pasture land. Village cattle usually graze on patta lands, unoccupied assessed lands, unassessed lands and communal porambokes and also in such reserved forests as are open to grazing. The Government are not aware that prime cattle are sold for want of grazing facilities.

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(c) The area that was grown with fodder crops during 1922–23 was 347,573 acres.

(d) For the answer for the first part of this question, the hon. Member is referred to the answer given to clause (b) of question No. 655 on the 19th March 1924.

The steps which are being taken in regard to cattle breeding are—

(1) The opening of cattle breeding farms in suitable localities;

(2) the maintenance of stud bulls at select agricultural stations;

(3) the payment of premia to private persons for the maintenance of breeding bulls.

(e) An enquiry on this point will be made.

(f) The Government have no authoritative information on the subject.

(g) The Government understand that this is the case. The only remedy is educative propaganda and this is being undertaken as far as possible.

The growth of Cambodia cotton in the Presidency.

879 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Development be pleased to state—

(a) whether any, and if so, what progress in the growth of Cambodia or American cotton has been made since the Agricultural Department began to encourage its cultivation in this Presidency;

(b) the districts in which experiments were tried and whether they were successes or failures;

(c) whether the results so far achieved are conducive to a really good new crop being raised by the cultivating classes in this Presidency;

(d) if the answer to (c) is in the affirmative, whether he will be pleased to make a statement as to why attempts have not been made to achieve greater success especially in view of the fact that the interests of the spinning and weaving classes have been greatly handicapped owing to the shortage of the world’s supply of raw cotton; and

(e) if the answer to (c) is in the negative, whether he will be pleased to make a statement as to the success of the endeavours of the department in the first quinquennial period as compared with the second?

A.—(a) The cultivation of Cambodia cotton was introduced by the department in 1904. For progress in regard to its cultivation, attention is invited to

(1) Indian Cotton Committee’s report (paragraph 140).

(2) Publicity Bureau Leaflet No. 35, being a paper read by Mr. H. C. Sampson on the ‘Madras Cotton Crop’.

Early trials on black cotton soils were unsuccessful. The crop succeeded, however, remarkably under well irrigation with the result that ryots in the Southern districts took to its cultivation eagerly and indiscriminately, regardless of soil suitability, irrigation facilities and crop rotations. The area under Cambodia went on increasing until about 1911–12; and then

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came the inevitable reaction as the soils got exhausted and the yields began to diminish. The crop disappeared from wet lands under tanks and from black soils but persisted under wells, especially in Coimbatore and the Southern districts, and on the red soils. The cultivation under wells was on sound lines; but on the red soils the habit of the Cambodia plant in giving an indifferent picking with the seasonal rains even when left on the ground for 2 or 3 years induced ryots to keep it on as a perennial. This state of affairs between 1912-13 and 1916-17 led to the rapid multiplication of insect and fungus pests. In 1918, the area under Cambodia reached the maximum due mainly to the stimulus of high prices; but the yield was low and the quality poor as the lint was badly damaged by insect attack, especially by the pink bollworm. In 1919, the damage was even greater than in 1918. The situation began to improve with the application to Cambodia Cotton in 1919 of the Pest Act whereby cultivation of Cambodia as a perennial was prohibited and all such cotton was required to be pulled out by 1st August in each year. The Pest Act has greatly improved the quality of Cambodia lint since then. At present the real need in the districts where Cambodia is largely grown is not so much an increase in the area as an improvement in quality. The department has been working to this end. It is also distributing throughout the Southern districts improved strains of Cambodia raised on seed farms in the Coimbatore district.

- (b) The crop has succeeded in all the districts south of Madras. Attempts have been made to introduce it in the Northern Circars, but with indifferent success.
- (c) The answer is in the affirmative subject to the limitations referred to in (a) above.
- (d) Subject to the limitations of staff and funds, the maximum efforts have been and are being put forth, in the direction of improved methods of cultivation, seed selection, prevention of insect damage, and better marketing of the crop. The area in 1922-23 under improved strains of Cambodia Cotton irrigated was 23,000 acres. The estimated gain per acre is Rs. 9 so that the total gain is estimated at Rs. 2,07,000.
- (e) The question does not arise.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the Pest Act was in force only for one year in Coimbatore so far as the 1st August is concerned? It is stated in the answer 'cultivation of Cambodia as a perennial was prohibited and all such cotton was required to be pulled out by 1st August in each year.' Is it not a fact that this order for 'pulling out by the 1st August' was in force only for one year and not afterwards and therefore, may I know if definite conclusions can be drawn from that fact?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The orders that were issued in the first instance were for the pulling out of cotton on the 1st August of each year and those orders remained in force for two years. In the third year, in deference to the representations received from the ryots the 1st of September was substituted."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" My question was not that. If I may presume to correct the hon. the Minister, it was whether the rules under the Act prescribing the date for the pulling out of cotton as 1st August was in force for two years or if in one year only and if the latter, whether in that one year it can be satisfactorily asserted that the crop showed an improved quality?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" By special sanction the date was altered to 1st September; according to the general rule, the date remains as the 1st of August."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The rule can be modified. The rule was in force fixing the date as the 1st of August for one year and 1st of September for two years. It is stated that because this rule was brought into force on 1st August, the quality of the cotton improved. I say that that conclusion cannot be drawn so early by the Government, because the rule remained in force, fixing the 1st of August, for one year only."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I have not yet grasped the difficulty of the hon. Member."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The answer runs: 'The Pest Act has greatly improved the quality of Cambodia lint.' Immediately preceding that sentence we are told that 'cotton was required to be pulled out by 1st August in each year.' The order requiring this to be done was no doubt in force, but it has been modified for two years fixing the date as 1st September. During the three years the Act has been in force, the date was 1st of August for one year and 1st of September for two years. I appeal to the hon. the Minister to say if he can necessarily draw the inference that the fixing of the date as the 1st of August was responsible for the improvement in quality."

Mr. F. NOYCE :—" The answer to that question is there has been a slight improvement on account of the fixing of the date as the 1st of September, but that the improvement would have been very much greater if the date had been fixed as 1st of August."

Mr. C. V. VENKATARAMANA AYYANGAR :—" What are the reasons for altering the dates within a period of three years? What again are the reasons which induced the Government to say that there was slight improvement in fixing the date as 1st September and that the improvement would have been greater if the date had been fixed as 1st August?"

Mr. F. NOYCE :—" The opinion of the Government is based on that of its expert advisers."

Mr. C. V. VENKATARAMANA AYYANGAR :—" That expert advice has gone wrong in two years."

Mr. F. NOYCE :—" The Government received representations from the ryots and they considered it advisable to give a special concession for two years."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I think Government have very well understood that my object is to know what has become of representations made by a large number of ryots to the hon. the Minister recently that the time might be extended this year also."

Mr. F. NOYCE :—" The representation is at present under consideration. Orders will be passed within the next few days."

[3rd April 1924]

Scholarships granted to Mussalman students for agricultural study.

880 Q.—Mr. ABBAS ALI KHAN: Will the hon. the Minister for Development be pleased to state—

(a) the number of scholarships granted to students for agricultural study since 1912 up to date;

(b) how many of them are Mussalmans and what is the amount of scholarship for each; and

(c) how many scholarships are available for the members of the Mussalman community for the current year and how many for next year?

A.—(a) Forty-three such scholarships in all have been awarded since 1920 in which year these scholarships or stipends were first instituted. They are of the value of Rs. 25 each and are tenable for three years. Two candidates were also sent to Pusa for training in 1922 with a stipend of Rs. 75 each.

(b) None.

(c) One scholarship annually is specially reserved for members of the Muhammadan community but no student from that community has come forward to avail himself of it.

Mr. G. PREMAYYA:—“ May I ask the hon. the Minister for Development whether he has reserved any scholarships for the members of the depressed classes? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ There certainly is one scholarship now. I am not certain; there may be more than one.”

Chintaldevi Cattle Farm in Nellore district.

881 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Development be pleased to lay on the table a statement of the following details regarding the Chintaldevi Cattle Farm in Nellore district for the last three years:—

- The annual expenditure and receipts;
- the number of calves produced and the number sold till now;
- the amount of sale-proceeds of the calves;
- the average cost of each calf; and
- the average cost of maintenance for each calf per annum?

A.—(a) The annual expenditure and receipts for the last three years are—

Year.	Expenditure.	Receipts.
	RS.	RS.
1921-22	32,466	1,448
1922-23	25,289	1,294
1923-24 to the end of January	18,218	4,712

(b) The number of calves born on the farm up-to-date is 100 and the number sold or transferred is 17. Fourteen bull calves over two years of age are at present available for sale.

(c) Rs. 3,615.

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(d) & (e) The average cost of each calf at 2½ years old is Rs. 229 which is made up as follows:—

	RS.
Average cost of maintenance for first six months...	60
Do. for second six months.	44
Do. for second year ...	80
Do. for first six months of third year.	45

The cost of keep of the cow for the first six months is included in the cost of maintenance of the calf.

Fisheries.*Industrial and commercial fishery concerns.*

882 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to place before the Council a statement showing the receipts and expenditure and profits past and expected of the several industrial and commercial fishery concerns in the years 1923-24 and 1924-25 and to state on what basis the expected receipts and profits are framed in the Budget Estimates for 1924-25?

A.—Two statements are laid on the table.*

The estimates for 1924-25 have been framed as usual on the basis of the actuals for 1922-23, the revised estimates for 1923-24 and the departmental estimates for 1924-25.

Diwan Bahadur M. KRISHNAN NAYAR:—“ Is it not a fact that the Beypore Cannery is working at a loss? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ This year it is working at a small loss, but last year it was working at a considerable profit.”

Diwan Bahadur M. KRISHNAN NAYAR:—“ In view of the fact that the Retrenchment Committee has recommended that the cannery may be closed, will the hon. the Minister be pleased to state whether the Government have any idea of doing so? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ It is just beginning to show some profit. The cannery was established with several objects in view. Anyhow, in the course of this year, we will come to a decision.”

Diwan Bahadur M. KRISHNAN NAYAR:—“ Is it not a fact that the Pulicat Oyster Farm is working at a loss? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ No.”

Diwan Bahadur M. KRISHNAN NAYAR:—“ Having regard to the recommendation of the Retrenchment Committee that as it is working at a dead loss it should be closed, will the hon. the Minister be pleased to say whether the Government will be pleased to close it? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ It worked at a loss in the previous year. It is not now working at a loss.”

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Diwan Bahadur M. KRISHNAN NAYAR :—" Am I to understand the hon. the Minister to say that Government have no intention of accepting the Retrenchment Committee's recommendation on this point? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It amounts to that."

Diwan Bahadur M. KRISHNAN NAYAR :—" Is it not a fact that the inland pisciculture farm worked at a loss? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" They are not run on commercial lines."

Diwan Bahadur M. KRISHNAN NAYAR :—" Having regard to the recommendation of the Retrenchment Committee that it should be closed, have the Government any intention of closing it? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The matter is now under consideration."

Diwan Bahadur M. KRISHNAN NAYAR :—" Seeing that the Fisheries department as a whole has been working at a loss ever since 1908 or 1909, have the Government any intention of transferring the activities of that department to the Industries department as recommended by the Retrenchment Committee? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The whole question of the management of the Fisheries department is now under consideration."

Diwan Bahadur M. KRISHNAN NAYAR :—" Will the hon. the Minister be pleased to say with regard to this particular question, whether the question of transferring the activities of the Fisheries department partially to the Industries department is under consideration? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" This is included in the whole question now under the consideration of Government."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Will the hon. the Minister be pleased to consult this House before final orders are passed? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes."

Rao Sahib U. RAMA RAO :—" Is it a fact that in the South Kanara district, the Government have raised the price of salt supplied to the fish-curing yards there? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" If the hon. Member gives notice, the matter will be investigated."

Diwan Bahadur M. KRISHNAN NAYAR :—" Have the Government any idea of transferring the chank department which is now under the 11-15 a.m. Fisheries to any other department having regard to the recommendations again of the Retrenchment Committee? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" That is also receiving consideration at the hands of the Government."

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Rao Sahib P. V. GOPALAN :—" Is it not a fact that new machinery has been got down in the Government cannery at Chaliyam and fitted up and that there will be heavy loss if the cannery is to be closed down now? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes; certainly."

Rao Sahib P. V. GOPALAN :—" Sir, is it a fact that there is no demand for the output of fishery products from that cannery? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" No."

Rao Sahib P. V. GOPALAN :—" Will the hon. the Minister for Industries be pleased to state whether any steps would be taken to develop the scientific research work at the Marine Biological Research Institute at Calicut? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Very little research work is being done at Calicut at present. The question of developing it must await the decision regarding the future of the Fisheries department and the provision of funds."

Rao Sahib P. V. GOPALAN :—" Sir, in view of the fact that all fish-curing yards are brought under the Fisheries department, will the hon. the Minister for Development be pleased to consider the claims of graduates and undergraduates of the fishermen community of Malabar and South Kanara for service as subordinate officers of the fish-curing yards? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Even otherwise the claims of the depressed classes will always receive careful consideration."

Rao Sahib P. V. GOPALAN :—" Sir, I am in possession of facts to show that not less than half a dozen members of the fishermen community of the west coast had applied, and that not a single person among them has been taken as an officer in the fish-curing yard."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" No new appointments have been made. And when they are made, these matters will be taken into consideration."

Rao Sahib P. V. GOPALAN :—" In view of the fact that there are two appointments of assistant inspectors of fish-curing yards which have to be filled up, will the hon. the Minister be pleased to appoint one of the graduates of the fisherman community? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The matter will be considered when the appointments are made."

Mr. R. VEERIAN :—" May I know who is the appointing authority? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It depends upon the scale of pay."

Mr. R. VEERIAN :—" May I know the amount of salary they will get? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I want notice of the question."

[3rd April 1924]

Industries.*Policy of the Government in regard to the undertaking of any pioneer industry.*

883 Q.—MR. MUHAMMAD YAHYA ALI SAHIB: Will the hon. the Minister for Development be pleased to state—

(a) whether the Government have considered the proposal of the Retrenchment Committee suggesting the desirability of laying down for the Industries department a definite policy on the lines suggested by the Committee in paragraph 250 of their report;

(b) whether any orders have been issued declaring the policy of the Government underlying the undertaking of any pioneer or demonstration industry by the department; and

(c) if so, whether the orders will be laid on the table of the House?

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

(c) The orders are laid on the Council table.*

MR. S. SATYAMURTI:—“Sir, referring to the policy of the department as laid down at page 9 of this paper, may I know whether any single industry undertaken by the Government has been closed?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“No industry has as yet been closed.”

MR. S. SATYAMURTI:—“May I take it, therefore, that the Government are satisfied so far that no enterprise undertaken by them has proved a commercial failure?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“The whole matter is under investigation and final orders will be passed soon.”

MR. S. SATYAMURTI:—“Sir, the Government Order appended says ‘that the policy laid down therein has been the policy of the Government and they have no intention of departing from it’. May I know whether the Government consider the time and the money so far spent are not enough to enable the Government to make up their minds as to whether to close down a particular industry or not?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“Sir, we are not in possession of complete information to decide that question.”

MR. S. SATYAMURTI:—“May I know what is the sort of information that the Government should like to possess after running a particular concern for a large number of years before they can make up their minds to close it down?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“That, Sir, depends upon the nature of the particular concern.”

MR. S. SATYAMURTI:—“May I know in what category the lace industry that has been started comes, a pioneer enterprise or a commercial enterprise?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“It has not yet been started.”

* Printed as Appendix III on pages 416-417 infra.

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MR. S. SATYAMURTI:—“May I know then why there is a provision in the budget for this industry?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“We wanted to have provision if the industry were to be started.”

MR. S. SATYAMURTI:—“May I take it then that the provision is made, but the department has not made up its mind to start it?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“It is for the starting of the industry that the provision is made.”

MR. S. SATYAMURTI:—“Do the Government at all intend to start it?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“Yes.”

MR. S. SATYAMURTI:—“Sir, may I ask whether the hon. the Minister for Development is aware of the fact that a large amount of lace lies undisposed of with the Salvation Army, and that really there is much greater supply of the commodity than there is demand for it, and may I know the reason why Government want to start this as a cottage industry?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“In the first place, it cannot be considered as a supplementary question, because a lot of information has been asked for, for which I can very well ask for notice; however, as I am in possession of the information, I will answer the question. The lace industry is intended to benefit a number of families living from the southernmost portion of the Presidency right up to the district of Kistna. The kind of lace that is now available is not of a good pattern. Our object in starting the lace industry with the provision that has been made is, to select the kind of pattern which will find a ready market in England and other places and to get the right kind of yarn from England so that the lace made from it can find a ready sale in foreign markets. And I am assured on reliable authority that the experiment is bound to prove a success.”

MR. S. SATYAMURTI:—“In view of the very long piece of information given to us, may I know what the reliable authority is that has been considered enough to assure the success of the undertaking?”

RAI BAHADUR SIR K. VENKATAREDDI NAYUDU:—“May I ask the hon. the Minister for Development whether it is not a fact that there is a great demand for Indian lace both in America and in England?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“That is part of the information that I have.”

RAI BAHADUR SIR K. VENKATAREDDI NAYUDU:—“Is it not also a fact that in recent years owing to the want of adequate supply of raw material, this demand could not be met?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“It is a fact; but all the same the other matter mentioned by the hon. Member Mr. Satyamurti is also a fact.”

RAI BAHADUR SIR K. VENKATAREDDI NAYUDU:—“Is it not a fact that this industry is chiefly carried on by the members of the depressed classes?”

THE HON. DIWAN BAHADUR T. N. SIVAGNANAM PILLAI:—“Not only by the depressed classes but also by the Christian communities all along the sea coast.”

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Is it not a fact that certain families in the Kistna district and in the taluk of Narsapur which originally were making lakhs of rupees are not now able to make much money for want of supply of raw materials and the patterns required in England and will the Government be pleased to consider the fact that if good material is supplied there would be a great demand for this article?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"It will be borne in mind when the industry is going to be started."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, as it is found from the report of the Retrenchment Committee that the Soap Factory at Calicut has passed the demonstration stage and is not working at a profit, will the Government think of closing down the factory and selling it to a private individual."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"I am afraid my hon. Friend's premises are not quite correct."

Diwan Bahadur M. KRISHNAN NAYAR :—"I assert, Sir, that they are correct. They are based on the statement of the Retrenchment Committee whose report says that the Soap Factory has passed the demonstration stage and is working at a loss. The Committee suggest that the Government should sell it to a private individual if any comes forward. I assert therefore that the premises are right."

Mr. G. F. PADDISON :—"Is there no time limit for speeches on supplementary questions, I mean for each individual speech?"

Diwan Bahadur M. KRISHNAN NAYAR :—"The hon. Member may take it from me that my premises are quite correct, and having regard to them, will he be pleased to say whether the Government have any idea of selling the concern?"

Mr. F. NOYCE :—"Sir, I may explain that all the industrial enterprises under the Department of Industries are at this moment under the most careful examination."

Diwan Bahadur M. KRISHNAN NAYAR :—"Do I understand the hon. Mr. Noyce to say that the idea of selling this concern is also under consideration?"

Mr. F. NOYCE :—"Yes."

Diwan Bahadur M. KRISHNAN NAYAR :—"Having regard again to the observation of the Retrenchment Committee that the industrial institute at Madura is working at considerable loss, will the Government think of closing it down?"

The RAJA OF RAMNAD :—"May I ask the hon. Minister whether large expenditure has been incurred in previous years on permanent structures or buildings?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"Recently I inspected the institute myself and after a careful consideration, the Government have come to the conclusion that it is not necessary to close the institute but to reduce the expenditure, steps are being taken in that direction."

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Diwan Bahadur M. KRISHNAN NAYAR :—"Is it a fact, as stated by the Retrenchment Committee that the institute is turning out only half-trained artisans of a low order?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"It certainly meets a need which is very badly felt in the southern portion of the Presidency."

Diwan Bahadur M. KRISHNAN NAYAR :—"My question, Sir, is whether it is a fact that this institute is turning out only half-trained artisans of second or third rate."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"That is not my view of the case."

Diwan Bahadur M. KRISHNAN NAYAR :—"Having regard to the recommendation of the Retrenchment Committee again, will the Government be pleased to think of closing down the glue factory as it is found to be working at a loss?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"I have already stated, Sir, as a general proposition, that all these matters are under consideration, and the public will know definitely whether a particular institution is to be continued or closed when the Government comes to a definite conclusion."

Diwan Bahadur M. KRISHNAN NAYAR :—"With reference to the Industries Department and the policy of it, having regard again to the recommendations of the Retrenchment Committee, will the Government think of dispersing with the system that obtains at present of appointing Indian Civil Service officers as heads of the department and for the purpose of continuing the policy of the department, and with a view to effecting economy, employ experts as permanent heads of the department instead of having Indian Civil Service officers who are constantly changed from department to department?"

Mr. F. NOYCE :—"Sir, I rise to a point of order. As I have already stated, I am a junior member of the House, and as such may not be acquainted with the rules of the House. But I fail to see how this can be considered to be a supplementary question arising out of the original question which was regarding the position of the Government Fisheries concerns."

The hon. the PRESIDENT :—"It is always open to a Member of Government or to a Government official in replying to a question to take that objection. It is not always possible for me on the spur of the moment to judge whether a question is one which the answerer will regard as properly supplementary or not. I request very much a certain amount of co-operation on the part of hon. Members of Government in this matter. When they think that a question has proceeded beyond the allowable limit, it is quite open to them to say that they want notice or that they object to the question as not being supplementary. It very much depends upon the nature of the question. I do recognize that, in this particular case, the question exceeds the limit."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"With reference to the soap factory, Sir, is it not one of the objects of the Government to try and see if candles could not be made in this country?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"That is so."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Is it not also a fact that owing to insufficient equipment in the past and want of buildings, the objects could not be achieved?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"No doubt we were seriously handicapped for want of accommodation."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Sir, is it not a fact that a number of students asked that they should be trained in this institution, and facilities were not given to them?"

11-30 a.m.

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"The answer is in the affirmative."

Mr. S. SATYAMURTI :—"On a point of order, Sir, may I ask whether leading questions for the purpose of giving particular information to the House are in order in regard to supplementary questions?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I do not know if this is a court of law in which I am examining my own witness, for it is only in such cases that, I understand in law, leading questions are disallowed. I put these questions not so much for information, but with a view to see that a certain policy is followed in the future. The object of my hon. Friends is to show that these institutions are not doing their work. My purpose is to show that these institutions have yet to do it."

The hon. Sir ARTHUR KNAPP :—"I rise to a point of order, Sir. Am I not right in taking it that a question is asked for the purpose of obtaining information, and not for the purpose of suggesting a policy to the Government?"

Mr. C. RAMALINGA REDDI :—"Also on a point of order. Sir, may I ask you to give a ruling as to whether the hon. the Minister could be used as a kind of dummy medium for the communication in the case of . . . (Cries of 'Order, order'), or as a medium of communication between two hon. Members? I want to ask whether he could be so used."

Diwan Bahadur M. KRISHNAN NAYAR :—"I was sorry that I was not able to hear you when you gave the ruling some time back with reference to the point of order raised by Mr. Noyce."

The hon. the PRESIDENT :—"I only referred to some question that the hon. Member (Mr. Krishnan Nayar) was putting about the head of the department being an I.C.S. officer permanently or otherwise, or on some such matter. I thought that that was not a supplementary question. But the hon. Member may ask any other question he likes."

Mr. M. RATNASWAMI :—"Sir, to go back to the lace industry if I may, (laughter), may I ask whether the Government of Madras are of opinion that in regard to the lace industry, India can at any time compete with such countries as France, Belgium and Ireland, where the lace industry has been established for centuries? What is the use of competing with foreign countries in regard to such a luxury for which India has no demand at present?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"The object of starting that industry is to find employment for many of our ladies who are without employment at home and the success of the enterprise

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would depend upon the suitability or otherwise of the patterns that are given for adoption. I may assure hon. Members and other people interested in the subject that there is a good and bright future for that kind of industry in India, and particularly in some parts of this Presidency."

Mr. M. RATNASWAMI :—"Are we to understand therefore that the Industries department is also a philanthropic institution for finding work for women without employment, widows and others?"

The hon. Sir CHARLES TODHUNTER :—"May I ask Mr. Ratnaswami a question, and that is, whether he framed his question about the possibility of competition with other countries in the matter of lace, after seeing the exhibit of lace which is going to the British Empire Exhibition, or without seeing it?"

Mr. C. RAMALINGA REDDI :—"May I also ask the hon. the Minister for Development whether the encouragement of export trade is not also one of the objects in promoting this industry?"

Mr. S. SATYAMURTI :—"May I ask the hon. the Finance Member whether this exhibit of lace to the British Empire Exhibition may not be a sample produced at extraordinary cost which may not compare with the actual price at which lace is ordinarily produced and sold in France, Belgium, Ireland and other places?"

The hon. Sir CHARLES TODHUNTER :—"The answer, I can confidently assert, is in the negative."

Mr. T. ADINARAYANA CHETTIYAR :—"If the hon. the Minister is so solicitous for the employment of women, may I suggest to him the charka ('hear, hear'), which has this additional advantage; we would not have to depend upon foreign taste and foreign demand, as all that is produced would be used locally."

The hon. the PRESIDENT :—"I think we have had enough supplementary questions on this."

The Madras State Aid to Industries Act.

884 Q.—Mr. C. GÓPALA MENON: Will the hon. the Minister for Development be pleased to state—

(a) whether he has perused the following advertisement by the Director of Industries which appeared in the Daily Press of Madras recently with reference to an application for a loan under the Madras State Aid to Industries Act V of 1923 :—

"The Madras State Aid to Industries Act, Act V of 1923.

Notice is hereby given that Mr. R. Ramachander, Bar-at-Law and Proprietor, Bellary Brick and Tile Works, Workshop and Foundry, has applied under section 6 of the Act for a loan of Rs. 1,10,000 for the improvement and development of his concern. Any person who may have objection to the grant of the loan is required to send to the undersigned a notice of his intention to appear and object, with his name, address and calling and a short statement of the grounds of his objection. The notice should reach the undersigned within

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thirty days of the publication of this notice. Objections, if any, will be heard by the Director of Industries at his office, Old Engineering College Buildings, Chepauk, Madras, at a date to be notified hereafter.

Madras, 8th March 1924.

E. F. THOMAS,
Director of Industries."

and

(b) under what clause of section 5 (1) the "Tile and Brick Works" referred to in the advertisement is placed for the purpose of the Act?

A.—(a) The Government have now perused the advertisement.

(b) The Government are not prepared to express an opinion on a matter which is still under investigation by the Board of Industries.

Mr. C. V. VENKATARAMANA AYYANGAR :—" With regard to the answer to clause (b), I want to know whether the matter has been disposed of by the Department of Industries? I see in the answer that the matter is under investigation, but the answer might have been sent out early, and I want to know if it has been disposed of since."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The hon. Member wants an opinion from the Government, and I have nothing to add to the answer already given in (b)."

Mr. S. SATYAMURTI :—" May I know in regard to the answer given to this question, whether such advertisements or notices are sent to the press the moment any application is received for a loan, or whether the applications are examined on some standards with regard to which the department is to be satisfied before these notices are issued to the press, or are the Government inviting objections, as a matter of course? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The interests of business require that the course which has been adopted should be followed."

Mr. S. SATYAMURTI :—" Therefore may I take it that if any man applies to the Industries Department, whether his application comes under the purview of the State Aid to Industries Act or not, publication will be made of advertisements in the press by paying public money without any previous examination of the applications? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is a matter in regard to which a small expenditure for advertisements would not do any harm."

Mr. S. SATYAMURTI :—" I am simply asking, not to see whether the department is spending money economically, but for information as to whether, as a matter of course, whenever any application is made on a piece of paper and put into the post-box, notices will be sent to the press without any examination being made of the matter in the office? "

Mr. A. RAMASWAMI MUDALIYAR :—" May I ask the hon. the Minister for Development whether, in view of the fact that at one stage he thought it undesirable that applications for loans under the State Aid to Industries Act should be published, if he will now reconsider his decision and advertise these applications for loans in the newspapers? "

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The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The advertisement has been made with reference to the provisions of the rules made under the Act."

Mr. F. NOYCE :—" May I explain, Sir, that the applications to which my hon. Friend Mr. Ramaswami Mudaliyar refers were not applications under the State Aid to Industries Act, but they were applications which had been received before that Act was passed."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Is the Government of opinion that the Brick and Tile Works Workshop and Foundry are not one of the kind of concerns that come under the State Aid to Industries Act? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" That has already been answered."

Finance.

Additional taxation since 1921.

885 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Finance be pleased to state the additional taxation imposed by the Local Government on the people of this Presidency since 1921?

A.—Under Land Revenue revised assessments have been introduced in the Tanjore district and in parts of the districts of South Arcot, Bellary and Anantapur, but in the last two cases full effect has not yet been given to them.

Under Excise, duties on country spirits have been raised in the districts of Ganjam, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore and parts of South Arcot, and tree-tax in the districts of Madras, Chingleput, Tinnevely, Ramnad, Malabar and South Kanara. The issue price of opium has been raised throughout the Presidency.

Under Stamps and Court fees revised rates were introduced under the Madras Stamp (Amendment) Act, 1922, the Madras Court Fees (Amendment) Act, 1922 and the Amendment of the High Court Fees Rules published on pages 1002-1003 of Part II of the *Fort St. George Gazette*, dated 9th May 1922.

Under Registration increased fees have been introduced as detailed in the notifications published in the issues of the *Fort St. George Gazette* mentioned below :—

Page 1247 of Part II of the *Fort St. George Gazette*, dated 5th July 1921.

Page 778 of Part I of the *Fort St. George Gazette*, dated the 26th July 1921.

Pages 194-5 of Part I of the *Fort St. George Gazette*, dated 21st February 1922.

The Education Cess has been introduced by 16 municipalities and 71 local boards.

Sundry fees.—Increases have been made in the fees for licences of drivers of motor vehicles, fees for the inspection of steam-boilers, fees for vessels and rafts other than steamers and motor vessels plying in certain reaches of the West Coast canals, Landing and Shipping dues in certain minor ports.

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Mr. S. SATYAMURTI :—" Sir, I recognize that I have not given notice of what I am now about to ask, but may I ask what is the total amount of money raised in each year after the Reforms by this extra taxation? "

The hon. Sir CHARLES TODHUNTER :—" I must not only ask for notice of this question, but must also point out that a calculation of that kind cannot be exactly correct. If we, for instance, take the case of the stamp duty, it is very difficult to make an estimate of what the stamp duties would have been under the old rates of taxation, and to compare them with what they are under the new rates. It is very difficult to make anything like an exact estimate in such a matter. However, with the considerable time which we have got before the House meets again, if the hon. Member gives notice, we will endeavour to make a calculation of the figures, as far as possible."

Mr. S. SATYAMURTI :—" Excepting Stamps and Court-fees, was not all the other taxation levied by executive order? "

The hon. Sir CHARLES TODHUNTER :—" Of course, it is a question of opinion whether these things are rightly called taxation or not. Some people call the revenues derived from land rent, while some others think that they are fees for services rendered. They interpret the term taxation in so many ways."

Mr. S. SATYAMURTI :—" Since the hon. the Finance Member has answered the question in which I used the words 'additional taxation', I may take it that the Court-fees and Registration fees, etc., come under additional taxation. And I now ask whether the bulk of this taxation except stamp duty and Court-fees, has not been levied by executive order without reference to this House."

The hon. Sir CHARLES TODHUNTER :—" I may say, Sir, that I was anxious, knowing the hon. Gentleman's insatiable appetite for information, to give him all possible information bearing on the subject. Therefore in my reply I did not restrict myself to any narrow interpretation of the term 'taxation'."

Mr. S. SATYAMURTI :—" On a point of personal explanation, Sir, may I say that I am sorry that the hon. the Finance Member should characterize my request for information as 'insatiable appetite'? I may say that personally I do not want the information at all, but I have reason to know that every answer given here is read by thousands of people and it is for that that I wanted information from the Government."

The hon. Sir CHARLES TODHUNTER :—" I am very gratified to learn that at least the hon. Gentleman's appetite is satiated."

List of Government servants classified according to salaries.

886 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Member for Finance and the hon. the Member for Revenue be pleased to give a statement of Government servants under the following heads :—

- those who receive more than Rs. 1,000 as monthly pay,
- those who receive above Rs. 500 up to Rs. 1,000,
- those who receive above Rs. 100 up to Rs. 500,
- those who receive below Rs. 100,
- peons and other servants,

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- village officers,
- village menials,

with the total number and the total salary under each heading in the years 1902-03, 1912-13, 1922-23?

A.—A table is put up giving the nearest figures that are readily available, the years 1901-02 and 1921-22 being taken for purposes of comparison. It will of course be understood that the table does not compare the same officers, as some of the officers in a lower grade in 1901-02 have since been moved up to the higher grade in consequence of the revision of pay.

A further table is attached comparing the increase in the total strength and cost during the period 1901-02 to 1921-22 in respect of Imperial, Provincial and Subordinate Services respectively.

Increase in respect of Imperial, Provincial and Subordinate Services.

Class of service.	1901-02.		1921-22.		Increase in	
	No.	Annual Cost.	No.	Annual Cost.	No.	Annual Cost.
Imperial services ..	368	LAKHS. 50.40	569	LAKHS. 95	201	LAKHS. 44.60
Provincial services ..	628	22.28	1,134	52	506	29.72
Subordinate services (excluding menials and village staff but including constables and forest guards.)	48,680	111.38	64,192	300.27	15,512	188.89

Pay of post.

Grade of officers.	1901-02.		1921-22.		Total increase in	
	No.	Cost.	No.	Annual Cost.	No.	Annual Cost.
(a) Officers on Rs. 1,000 and over.	168	LAKHS. 34.07	423	LAKHS. 88.11	25	LAKHS. 54.04
(b) Officers on Rs. 500 to Rs. 1,000.	244	18.99	497	38.70	253	19.71
(c) Officers on Rs. 100 to Rs. 500.	1,143	45.98	4,772	106.32	2,629	60.34
(d) Officers below Rupees 100.	47,121	85.02	60,222	227.22	13,102	142.20
(e) Peons and other servants.	27,172	21.23	23,530	46.59	3,642	25.36
(f) Village officers ..	31,484	25.94	49,783	51.43	18,299	25.49
(g) Village menials ..	56,190	24.48	70,791	61.64	14,601	37.16
Total ..	1,64,522	255.71	2,10,018	620.01	45,496	364.30

Note.—Items (f) and (g). The figures for 1901-02 relate to ryotwari villages while those for 1921-22 include also village officers (17,023) and village menials (12,376) in Proprietary estates.

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Land Revenue.*Remission of land revenue in South Kanara.*

887 Q.—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state what the orders of the Government are as to remission of land revenue in regard to lands affected by the floods in South Kanara as a result of the hon. Member's recent visit to that district?

A.—Remission of assessment will be granted in the case of (1) single crop wet lands on which the wet crop completely failed owing to the floods and (2) double crop wet lands on which the first crop was destroyed by the floods and the second wet crop could not be raised owing to the deposit of sand or silt or also failed.

The concessions will be extended to all pattadars who have suffered without reference to their other holdings or the amount of assessment they pay.

Mr. J. A. SALDANHA:—"May I ask what is the total amount of remission that was granted? I hear that it is about Rs. 25,000."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"The hon. Member's information is very nearly correct." (Laughter.)

Simplification of jamabandi village and taluk accounts.

888 Q.—Mr. L. C. GURUSWAMI: Will the hon. the Member for Revenue be pleased—

(a) to lay on the table all orders passed by the Government on the simplification of jamabandi village and taluk accounts and the retrenchment of expenditure effected thereby;

(b) to state—

(1) whether it is a fact that the jamabandi (both preliminary and final) is generally held in all the districts in the kistbandi months of February, March and April when the village officers' time and attention are solely occupied in the work of collecting kists and the preparation of cultivation accounts—B. memoranda and water rate items; and

(2) whether it is the intention of the Government to consider the desirability of reducing four kist collections to two instalments of eight annas each commencing from the month of February and ending with the month of March in all the districts of this Presidency when the harvest of paddy and other food-crops will be almost over and when the ryots will generally have surplus money on hand?

A.—(a) The hon. Member is referred to G.O. No. 8, dated 2nd January 1914, which was placed on Editors' Table. With reference to the recommendations of the Salaries and Retrenchment Committees, a special officer has recently been appointed to re-examine the question, among others, with a view to secure reduction of work and expenditure.

(b) (1) Ordinarily jamabandi is held between January and June. It has to be completed before the close of the fasli year.

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Cultivation accounts are written up every month. Orders on B memoranda and water rate dues are so far as possible passed before the commencement of the jamabandi.

(2) There is no such proposal.

Grant of loans to the depressed classes in Dindigul.

889 Q.—Mr. P. T. RAJAN: Will the hon. the Home Member be pleased to state whether any representation for the grant of loans to the depressed classes of Dindigul town for building houses was made by the Chairman of the Dindigul Municipality in January 1924 to the Commissioner of Labour, Madras?

A.—Yes.

Mr. S. SATYAMURTI:—"May I ask whether the hon. the Home Member proposes to take any action or whether any action has been taken on this representation?"

The hon. Sir ARTHUR KNAPP:—"I am sorry, Sir, that I have only just received the copy of questions and answers, and I am afraid that, in regard to any further question, I must ask for notice."

Mr. R. VEERIAN:—"May I know, Sir, whether the Government have sanctioned any grant, and if so, how much?"

The hon. Sir ARTHUR KNAPP:—"I have already stated, Sir, that I must ask for notice."

Rao Sahib P. V. GOPALAN:—"May I ask the hon. the Home Member whether he has received an application from the Secretary of the Depressed Classes society in Perintalmanna requesting for a grant of Rs. 20,000 . . ."

The hon. the PRESIDENT:—"Is the hon. Member referring to Dindigul? We are now dealing with a question which relates to Dindigul. I heard the hon. Member saying something about Perintalmanna."

Settlement.*Resettlement in the Tanjore district.*

890 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) the annual land revenue kist amount in each taluk of the Tanjore district before and after the recent resettlement;

(b) what was the amount collected by way of revenue kist in every taluk of the Tanjore district in January 1923 and in January 1924;

(c) how many warrants of attachments were issued for the collection of and kist and what amount was realized as the result of the same in every taluk of the Tanjore district in January 1923 and January 1924; and

(d) whether the Government will be pleased to lay on the table a memorandum showing the progress of the no-tax campaign in the Tanjore district and the difficulties realized by them regarding the collection of the newly settled rates of Government kist collection in the Tanjore district?

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A.—(a) & (b) The information is furnished in the following statement :—

Names of taluks.	Annual land revenue.		Amount collected.	
	Before recent resettlement.	After recent resettlement.	January 1923.	January 1924.
	RS.	RS.	RS.	RS.
Tanjore	5,55,586	6,99,239	71,056	85,002
Papanasam	6,49,737	8,33,736	1,15,728	1,25,575
Kumbakonam	6,56,890	8,57,684	1,34,987	1,24,035
Mayavaram	7,46,347	8,71,589	1,09,599	1,88,636
Shiyali	3,40,753	4,18,597	77,086	1,00,251
Nannilam	9,57,910	11,87,971	1,79,170	1,79,116
Negapatam	5,09,162	6,08,466	1,00,021	1,18,319
Tiruturaipundi	4,34,985	5,12,394	95,263	95,423
Mannargudi	5,24,985	6,31,184	66,987	1,55,481
Pattukkottai	87,303	1,03,322	10,439	9,995
Arantangi	65,006	76,631	14,042	16,612
Total	55,28,664	68,00,813	9,74,378	11,98,445

(c) The Government have no information.

(d) The Government do not see any necessity for such a course at present.

Local Boards and Municipalities.

Election of the President of Ganjam District Board.

891 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether in connexion with interpellation No. 66 at the last February sitting, the Government have seen resolution No. 9, dated 25th February 1922, of the Ganjam District Board, unanimously requesting the Government (a second time) to confer on them the franchise of electing their own President;

(b) if the answer to (a) is in the affirmative, whether the Government will be pleased to state the orders passed thereon?

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

(b) The orders passed in September 1922 took into consideration the resolution of February 1922, as well.

Education.

Exclusion of Panchama girls from the Municipal Girls' school at Tiruvannur, Calicut.

892 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that five Panchama girls sought admission to the Municipal Girls' school at Tiruvannur, Calicut Municipal Council, but were refused admission by the Headmistress after keeping these girls waiting on the veranda for four days;

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(b) whether it is a fact that the matter was represented by one of the friends of the pupils to the Chairman and the Secretary of the Calicut municipality and that both of them refused to take any action; and

(c) whether the Government will be pleased to call for information regarding the whole affair?

A.—The Government have no information but will call for a report.

Registration.

Sending of registered documents to parties by post.

893 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Education be pleased to state—

(a) when was the system of sending registered documents to parties by post changed into cash collection of As. 5 from them for postage;

(b) whether it was so changed because service postage stamp could then carry more weight than non-service postage stamp;

(c) whether it is now proposed to revert to the old system, as the carrying capacity of postage stamps is the same whether it is service stamp or non-service stamp;

(d) whether even under the existing system the postage actually spent for the party is less than what is in fact collected from him;

(e) whether there is a separate account maintained by the sub-registrars and district registrars showing receipts and expenses under this head; and

(f) whether the Government will be pleased to place on the table (1) the amounts collected from parties in each district, (2) the amount of postage actually incurred in despatching the documents, (3) the number of documents so despatched within the last three years?

A.—(a) 20th June 1921.

(b) No.

(c) There is at present no such proposal pending before the Government.

(d) Information has been called for.

(e) Yes.

(f) Information has been called for.

The office of the Inspector-General of Registration.

894 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Minister for Education (Registration) be pleased to state—

(a) whether the office of the Inspector-General of Registration has been left out of "A class" in the matter of the scale of pay for ministerial establishments;

(b) if the answer to (a) is in the affirmative, whether the work of the said office is in any way inferior, in quality or in quantity, to those turned out by the "A class" offices such as the High Court, office of Director of Public Instruction, Surgeon-General's office, offices of the Inspector-General of Police and the Revenue Board; and

(c) whether this is the only Presidency Central office which has been classed as "B class"?

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A.—(a) Yes.

(b) The office of the Inspector-General of Registration is considered to be smaller than any of the five offices referred to by the hon. Member.

(c) No.

Preparation of the Tamil Lexicon.

895 Q.—Mr. P. T. RAJAN : Will the hon. the Minister for Education be pleased to state—

(a) under whose orders and on whose recommendations the appointment of an assistant Editor of the Tamil Lexicon was created and will the Government be pleased to publish the correspondence on the subject;

(b) whether the Vice-Chancellor consulted the Government before he advertised for an assistant Editor as well as for a Chief Editor?

(c) what amount has actually been spent during the last 10 years towards the cost of Tamil Lexicon up to the 31st December 1923 and what portion of this amount was spent in maintaining the services of the Rev. Chandler till the end of 1921;

(d) how many forms of printed matter of the Tamil Lexicon have been published till now;

(e) how many forms are still in the press;

(f) how many forms are ready with the printers waiting to be composed;

(g) up to what letter of the alphabet the total number of forms in each of the above items will carry the work of Tamil Lexicon; and

(h) to state the names of persons who have been selected to the aforesaid offices?

A.—(a) & (b) The strength of the editorial staff of the Tamil Lexicon has undergone changes from time to time. The Government have perused the advertisement of the University published in the *Fort St. George Gazette* of the 18th December 1923 calling for applications for the post of an *additional* editor as well as the chief editor. The Government were not consulted in respect of the appointments.

(c) In regard to the expenditure on the Lexicon up to 31st December 1923, the hon. Member is referred to the answer to clause (a) of question No. 385. The information required in the second part of the question is not available.

(d), (e), (f) & (g) The Government have no information.

(h) M.R.Ry. C. P. Venkatarama Ayyar, M.A., L.T., Headmaster, Secondary Training class attached to the Teachers' College, Saidapet, has been appointed as editor. The Government have no information as to who has been appointed as *additional* editor.

Mr. S. SATYAMURTI :—“With regard to clauses (d), (e), (f) and (g), will the Government be pleased to call for the information, because they have spent a lot of money over this?”

The hon. Rao Bahadur Sir A. P. PATRO :—“The information is available in the University and I am sure the hon. Member, as representing the University, can obtain it from the University.”

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Mr. S. SATYAMURTI :—“I want your ruling on this matter really, Sir. The money has been spent by a department responsible to this House and I am asking a question as to whether the Government will call for information and place it on the table of the House in order to satisfy the House that the money spent has been spent properly. The hon. the Minister asks me to go to the University and get the information. I know I can get it from there and I am trying to get it by to-morrow. In the meantime, may I not ask whether this House could not be given this information where a lot of public money has been spent?”

The hon. Rao Bahadur Sir A. P. PATRO :—“The money is given to the University. It is the University that spends it and, as such, it is the University that is responsible for it. The Government is not responsible.”

Mr. S. SATYAMURTI :—“Is not the money given specifically for the Tamil Lexicon? My information is that it is given for the Tamil Lexicon.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Is not the Government to satisfy itself that the money that has been given has been spent properly?”

The hon. Rao Bahadur Sir A. P. PATRO :—“It is audited.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“It is not merely audit that is required. It is the way in which the money is spent that has to be examined, and the Government have to satisfy themselves with regard to that.”

The hon. Rao Bahadur Sir A. P. PATRO :—“If Government are to interfere with the University, it will be interfering with the autonomous power of it.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“It is not with the internal affairs of the University that the interference is sought. But, in a matter like this where the original estimate costs a lakh of rupees and now we are spending three times the amount—and it was said the other day that it will take another five years to bring it to completion—is it not necessary for the Government to satisfy themselves that the work has been done properly?”

The hon. Sir CHARLES TODHUNTER :—“May I, from the point of view of the Finance Department, ask this question whether it is their desire that a closer control should be kept over the expenditure of the University as if it were a Government Department?”

Mr. C. RAMALINGA REDDI :—“May I ask the hon. the Minister for Education whether it is not a fact that this grant is of the nature of a lump sum grant to be expended by the University for the purpose for which it is intended at its discretion, and whether Government have not got full confidence that the University will carry out its duties properly?”

The hon. Rao Bahadur Sir A. P. PATRO :—“Government have handed over the money to the University. As the hon. the Finance Member said, the University is not a department of the Government, and they trust that the University will exercise proper discretion in the matter.”

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Mr. S. SATYAMURTI :—"I am very much interested in this question as representing the University, and I ask the hon. the Minister for Education whether, as a matter of policy, any grants made by this Government to the University are at the absolute discretion of the University, subject only to the audit by Government?"

The hon. Rao Bahadur Sir A. P. PATRO :—"That depends upon the nature of the grant made."

Mr. S. SATYAMURTI :—"Because I know some correspondence has gone on between the Government and the University, I asked this question."

Dr. P. SUBBARAYAN :—"May I ask the hon. the Minister for Education to say under what category the grant to the Tamil Lexicon comes?"

Mr. C. RAMALINGA REDDI :—"Tamil Lexicon Grant."

Co-operative Credit Societies.

Reduction of the rate of interest on loans in the Co-operative department.

896 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the Co-operative department is advising primary societies in the Presidency to reduce the rate of interest on loans to a very low and uniform rate of $9\frac{3}{4}$ per cent per annum, thus bringing down to a dangerously low figure, the margin between the borrowing and lending rates in the district banks as well as the provincial banks;

(b) whether such low margin has been condemned by the findings of the Government of India (Maclagen) Committee of Co-operation;

(c) whether it is a fact that the Registrar and his assistants have not consulted the district banks in taking this step, but have been issuing peremptory orders to district banks insisting on such reduction in the rate of interest;

(d) whether it is a fact that already a large number of primary rural societies are not able to build up an adequate reserve fund; and

(e) what proportion of the rural co-operative societies in the Presidency has not contributed anything to the reserve fund in each of the co-operative years 1919-20, 1920-21, 1921-22 and 1922-23?

A.—(a) It is not a fact that the department is advising primary societies to reduce the rate of interest on loans to a uniform rate of $9\frac{3}{4}$ per cent. Some primary societies have reduced the rate to $9\frac{3}{4}$ per cent; others, in accordance with departmental advice have reduced it only to 10 per cent. $9\frac{3}{4}$ per cent was the rate which prevailed up till 1920. In that year owing to stringency in the money market the rate was temporarily raised to $10\frac{1}{2}$ per cent. When the stringency passed and more money came into the movement than could be utilized at the enhanced lending rates, the question of reducing the lending rate was taken up and examined both by the department and by non-official co-operators with the result stated above. The margin between the borrowing and lending rates in the district and provincial banks is no lower than it was prior to 1920.

(b) The Committee on Co-operation have expressed the view that while the rate of interest charged on loans by primary societies should not be fixed so low as to retard the growth of

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the reserve fund, it should be below that charged by the outside money market. It was on this principle that the interest charged by primary societies for loans was fixed originally in 1904 at $9\frac{3}{4}$ per cent and now that the financial stringency has passed, has been reduced from $10\frac{1}{2}$ per cent to 10 per cent in some societies and $9\frac{3}{4}$ per cent in others.

(c) No such orders have been issued. In such matters the Registrar can only advise.

(d) The hon. Member has not given any indication what he considers an adequate reserve fund. The reason why many primary rural societies do not build up a reserve fund more quickly is due not to the margin between the borrowing and lending rates being too low but to the fact that year after year there are heavy uncollected arrears of interest which are not included in the divisible profits and therefore do not contribute to the reserve fund until they are actually collected.

(e) The percentage is as follows :—

Year.	Total number of rural societies in the Presidency.	Percentage which did not contribute anything to reserve fund.
		PER CENT.
1920-21	5,207	58.56
1921-22	6,206	49.68
1922-23	7,100	53.01

Figures for the year 1919-20 are not available. The percentages are swelled by the large number of new societies started every year. New rural credit societies cannot as a rule make any divisible profits in their first year of working.

APPENDIX I.

[Vide answer to question No. 869 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 3rd April 1924, page 387 supra.]

Statement showing number of European and Indian officers drawing a pay of Rs. 1,000 and above.

Officers.	1902-03.		1912-13.		1922-23.	
	Number.	Annual cost.	Number.	Annual cost.	Number.	Annual cost.
Europeans	159	LAKHS. 32.96	187	LAKHS. 38.76	345	LAKHS. 70.51
Indians	13	2.53	28	5.94	78	17.60
Total ..	172	35.49	215	44.70	423	88.11
<i>Percentage.</i>						
Europeans	92.44	92.87	86.98	86.71	81.56	80.02
Indians	7.66	7.13	13.02	13.29	18.44	19.98

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APPENDIX II.

[Vide answer to question No. 882 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 3rd April 1924, page 395 supra.]

(1)

Statement showing the receipts, expenditure and profits in respect of the industrial and commercial fishery concerns in the official year 1923-24.

Serial number and name of concern.	Receipts.	Expenditure.	Profits.
	RS.	RS.	RS.
1. The Experimental Cannery, Chaliyam	21,524	18,557	2,967
2. The Tanur Experimental Station	27,453	15,146	12,307
3. The Pulicat Oyster Farm	2,505	1,961	544

NOTE.—The above figures represent the actual figures for the first eleven months of the year and the estimated figures for the last month.

(2)

Statement showing the estimated receipts, expenditure and profits in respect of the industrial and commercial fishery concerns in the official year 1924-25.

Serial number and name of concern.	Receipts.	Expenditure.	Profit or loss.
	RS.	RS.	RS.
1. The Experimental Cannery, Chaliyam	(a) ..	(a) ..	+ 2,000
2. The Tanur Experimental Station	(b) 20,000	20,659	— 659
3. The Pulicat Oyster Farm	3,000	2,500	+ 500

(a) Under the new system of accounts which has now been introduced in the cannery, the concern will work on a working capital of Rs. 3,000 and will meet its expenditure from the sale-proceeds. Hence no figures of receipts and expenditure are given.

(b) The estimated receipts, Rs. 20,000 represent money expected to be paid into the Treasury in 1924-25 and as such do not include outstandings and the value of stock on hand at the end of the year which two items amounted in 1922-23 to Rs. 10,145. If these are included the estimated loss of Rs. 659 on the station will be converted into a profit. The figures for 1923-24 were abnormal mainly on account of the sale of a large quantity of oil to the Controller of Contracts.

APPENDIX III.

[Vide answer to question No. 883 asked by Mr. Muhammad Yahya Ali Sahib at the meeting of the Legislative Council held on the 3rd April 1924, page 398 supra.]

G.O. No. 231, Development, dated the 8th February 1924.

The Government are in entire agreement with the view expressed by the Retrenchment Committee in paragraph 250 of their report. The work of the Department of Industries in regard to the promotion of industrial development falls into two stages, the demonstration stage and the pioneer stage. In the first of these, the object of the department is to demonstrate that an article not hitherto manufactured in the Presidency can be produced of a standard

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high enough to enable it, as far as quality is concerned, to compete successfully in the market. Once this is established, it has to be decided whether Government should undertake the manufacture of the product on a commercial scale or should leave this to private enterprise. If Government undertake pioneer manufacture, their policy should, as stated by the Retrenchment Committee, be directed to the ascertainment of the possibility of manufacture on a profitable basis. If commercial success is attained, the enterprise should be transferred to private hands. If it proves impossible of attainment, the experiment should be terminated. The policy herein laid down has hitherto been the policy of Government and they have no intention of departing from it.

(By order of the Government, Ministry of Development)

F. NOYCE,
Secretary to Government.

To the Director of Industries.

Copy to Finance Department.

.. the Director of Fisheries.

II

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL.

Mr. P. ANJANEYULU :—“ Mr. President, Sir, I am very grateful, to you 11-45 a.m. for the great courtesy you have shown to me, and also to this House for having given me an opportunity of saying a few words regarding the Message from His Excellency the Governor on the Religious Endowments Bill.

“ Sir, we, the new Members of the Opposition, feel somewhat embarrassed as regards the purpose for which we may remain in this House when the Religious Endowments Bill has to be discussed in the form in which it has to be discussed under the Message delivered and executed by you, Sir, yesterday. We first hoped, when His Excellency gave us to understand that a certain Message would be sent to us, that the Bill as a whole would be returned to the House, because there was a new Council, and some of us new Members at the request of our respective constituencies would have an opportunity of representing the people's views on this very momentous question of the Religious Endowments Bill. You know, Sir, as a matter of fact, that of all the Bills that may fall to the lot of any Legislative Council to discuss, the Bill touching the religion of any community is by far the most troublesome, if not the most momentous. In the name of religion, Sir, great atrocities were committed, and for the sake of religion a great many lives are willingly sacrificed. At least we hoped that we would have the privilege of having an adjournment of this for a little breathing time so that we may have occasion to get back to our respective constituencies, sound them, tell them what has been happening here, and take their views after giving them a proper presentation in our own humble way of the Religious Endowments Bill. In this connexion, Sir, I crave your indulgence and that of the House to make a small reference to a Bill newly introduced the other day by the hon. the Law Member, viz., the Irrigation Bill. Sir, when that Bill was first introduced in this House, there was any amount of consternation among the ryots in the mufassal. But when the hon. the Law Member was pleased to assure us that every opportunity would be given to us to discuss the Bill in public and that much time would be allowed before it is brought again to the House for consideration, the ryot population was entirely satisfied. For the ryot, his

[Mr. P. Anjaneyulu]

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field is almost his temple, and he almost lives for the field and for the temple. And in this case of the Religious Endowments Bill also, if only His Excellency had for one reason or another thought it fit to return the whole Bill, possibly much of that chagrin and much of that disappointment which is now felt would not have been caused. But it is most unfortunate that on the eve of the departure of His Excellency from the shores of this land, it was not thought fit by His Excellency that he should return the whole Bill. Therefore, at least we the new Members of the Opposition are heavily handicapped. We are feeling how best we can show our disappointment . . .

Mr. A. RAMASWAMI MUDALIYAR :—"On a point of order, Sir, I do not know where we are. We have not come here to be inflicted with a lecture on the old idea of the Religious Endowments being taken up by this Council, and to discuss whether we will have this sort of Bill or another and the like."

The hon. the PRESIDENT :—"I thought that the hon. Member would have made an explanation at the very outset; but since he has not done so, I think it is due to the House that he should wind up very soon and with as few words as possible. Yesterday, the hon. Member for Guntur told me that he wanted to make a statement to the House as to why certain Members left the House—I believe just before division—and I told him that it was usual for hon. Members who wanted to make a personal statement to do so with the permission of the Chair after question time, and that I would allow him to make a statement now. I am afraid the hon. Member has taken the occasion to make a very long speech instead of merely stating what was the object with which he and certain other hon. Members left the House."

The hon. the RAJA OF PANAGAL :—"May I know, Sir, whether it was at division time they left the Council?"

The hon. the PRESIDENT :—"I do not quite know what happened, but I understood from the hon. Member that he wished to make a statement to the House as to the reason why certain hon. Members left the House. I thought it was just before division."

Mr. P. ANJANEYULU :—"With due respect to the Chair, Sir, it is not in my habit to make long speeches even if it were possible for me to make them interesting, and much less when I know that I cannot make them interesting. It was far from my intention to inflict a speech on this House. I am very sorry, Sir, that perhaps I did not make myself more clear to you when I sent a note. It was this. We intended to leave the hall, but if I remained, I asked the President with due deference whether he would give me an opportunity of making a small statement on behalf of the new Members of this Council who felt heavily handicapped and who, with due deference to the Chair and to the hon. Members of this House, have presumably nothing to do with the sort of message delivered to the House by His Excellency. We thought we could leave the House, and yet we desired to make a statement that though we were bodily present here, we could not take any part in this Bill which we cannot adopt, though the new Members, we are told, are practically identical with the old members of the old Council which is still, by a legal fiction, supposed to be in existence. That was what I intended to convey in my small note, Sir, and if words, like nature, did not reveal my soul fully, I request I may be pardoned for that. Even now I want to be very brief and to be very clear and definite as far as it is possible for me to do so."

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[Mr. P. Anjaneyulu]

"I desire to submit to the House and to you, Mr. President, that even though we are remaining here, we cannot legitimately and with any justice to ourselves, or to the constituencies which we represent, take any part in the deliberations on the Religious Endowments Bill for the reason that we were no parties to it before. That is all the statement that I wish to make."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"May I inquire whether the hon. Member voted yesterday on the resolution relating to the same measure?"

Mr. P. ANJANEYULU :—"I did vote, but it was only for adjournment and I have explained why I voted for the adjournment. That is why I went a bit out of the way and said that we got some concession regarding the Irrigation Bill and that in the same way some little more time might be given in this case also."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—"That also involved considerable time, and the Bill came up after one year."

Mr. P. ANJANEYULU :—"Even then, the hon. the Law Member was pleased to give us more time."

III

THE FINANCE COMMITTEE.

The hon. the PRESIDENT :—"I have to inform the House that the following Members have been elected as Members of the Finance Committee at the election held on 2nd April 1924 :—

- | | |
|---------------------------------|--------------------------------------|
| 1. Mr. M. R. Sathuram Ayyar. | 4. Mr. C. V. Venkataratnam Ayyangar. |
| 2. " A. Ramaswami Mudaliyar. | 5. " Yahya Ali Sahib Bahadur. |
| 3. Sir K. Venkataratnam Nayudu. | 6. " P. N. Marthandan Pillai." |

THE PUBLIC ACCOUNTS COMMITTEE.

The hon. the PRESIDENT :—"I have to inform the House that the following Members have been elected as Members of the Public Accounts Committee at the election held on the 2nd April 1924 :—

- | | |
|--|--------------------------------|
| 1. Sriman B. S. Sathuram Ayyar. | 4. Mr. Abbas Ali Khan Bahadur. |
| 2. Rao Bahadur O. Tanikachala Chettiyar. | 5. " A. Chidambaram Nadar. |
| 3. Rao Sahib P. V. Gopalan. | 6. " V. Madhava Raja. |
| | 7. " C. Nicholson. |

II—cont.

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL—cont.

The hon. the PRESIDENT :—"In regard to the speech made by the hon. Member from Guntur, I should have had no objection to his speaking now because I intimated yesterday that I would hear any other hon. Member who desired to speak on the matters on which a ruling was required, viz., the admissibility of the several notices of amendments which appear on the paper. I think he said that no Member left the House but that certain hon. Members intended to leave it because of certain grievances and certain impressions they had with regard to this Bill. I wish now to ask if any other hon. Member wishes to speak on the general subject before I give my ruling on the points adverted to yesterday? (After a pause.) No other hon. Member having risen to speak, I take it that I am at liberty to close this matter and give my ruling."

[The President]

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"On the 10th December 1923, His Excellency the Governor sent a message to the Council, intimating that he would return the Madras Hindu Religious Endowments Bill, which was passed by this House on 3rd April 1923, together with certain amendments recommended by him.

"On 17th March 1924 His Excellency the Governor sent a message indicating the points for reconsideration in the shape of amendments to the Bill already passed by the House. On the 1st April 1924, His Excellency the Governor transmitted a further message intimating that the amendments already recommended were the only ones which he was prepared to accept.

"Yesterday, as soon as the first amendment recommended by His Excellency the Governor was read out to the Council, the hon. Member the Raja of Ramnad moved, and the hon. Member Mr. C. V. Venkataramana Ayyangar seconded the motion, that this business be postponed for a year until some date in March 1925. This blocking motion was fully discussed for practically a whole day and was eventually rejected.

"Points of order have been raised as to—

(1) whether a motion can be made for an address to His Excellency the Governor requesting him to return for reconsideration the whole Bill and not merely a part together with specified amendments;

(2) whether the message can be sent back to the Governor with a request that His Excellency may be pleased to send the whole Bill to the Council for its consideration;

(3) whether amendments can be moved to parts of the Bill not referred for reconsideration;

(4) whether amendments can be moved to the amendments recommended by His Excellency the Governor;

(5) whether it is open to the Council to consider the clauses referred to in His Excellency's message, after the amendments to the same, recommended by him, are carried or rejected.

"As regards (1) and (2), I advised the hon. Members who gave notice of such motions that it would be more in conformity with the ordinary procedure of the House if they would concentrate their opposition on a blocking motion for adjourning the business for a year or any other period. They elected to do so, and having exhausted this remedy it is not, and should not be, open to them to try any of these other extraordinary expedients.

"Points (3) and (4) have been fully discussed as to *pros* and *cons* and the House is especially indebted to the hon. the Law Member and the hon. the Advocate-General for contributing valuable legal advice on the subject. My ruling is, that on the date when the House passed the Bill, it exhausted its right to move amendments thereto, and such right cannot be held to accrue a fresh merely because the legislature enables the Governor to propose certain amendments which the hon. the Law Member has rightly characterized as alterations. And there is equally no room for amendments to the amendments recommended by His Excellency the Governor. This, I consider, is quite apart from His Excellency's declared intention not to accept any further amendments beyond those recommended by him.

"It has to be remembered that in proposing alterations for the adoption of the House, His Excellency the Governor is denied the ordinary facilities of a Member who can get another Member to second his amendments and who can himself address the House in support of them. The Standing Order

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[The President]

which provides that the present class of amendments shall be discussed like any other amendment and put from the chair must therefore be construed without prejudice to the altogether exceptional character of these amendments.

"It remains to deal with point (5), whether the clauses to be reconsidered with reference to the amendments recommended by His Excellency the Governor should be put to the House after the amendments themselves have been discussed and disposed of. The ordinary procedure of Standing Order No. 48 is, I consider, inapplicable to these clauses because they have been already passed by the House in the last session and whether the alterations now recommended are carried or not, the clauses do not require to be passed again.

"I am not required for the purpose of executing His Excellency's message to construe the expression 'for reconsideration together with any amendments which he may recommend' which has provoked a good deal of comment in the course of this discussion, but it seems to me hardly consistent with the general purpose of such legislation as the Government of India Act that any Bill should be returned by a Governor for reconsideration in whole or in part without amendments to be recommended by him. Returning a Bill in whole for reconsideration would practically mean to reintroduce it, and returning it in part without any recommendation would be tantamount to introducing an amending Bill. It is not necessary for the Governor to reintroduce or introduce a measure by his own act when his Government could far more conveniently effect that purpose.

"Lastly I may perhaps endeavour to throw some further light on the contention of the hon. the Advocate-General, based on the last six words of section 72-B (1) (c) of the Act, that this Council is a permanent entity. The Executive Council of the Governor is a standing Council and the members of the Legislative Council were for a long time known, and legally recognized, only as "additional members of the Council for making laws and regulations." The Government of India Act has changed all that (Mr. S. Satyamurti: 'hear, hear', but the old order of things probably gave rise to the view reflected in many parts of the Government of India Act, that the Governor's Legislative Council is a permanent entity. This view is patent from the words 'the next session of the Council' employed in section 72-B of the Act, and there is no reason to suppose that the expressions 'a Council' and 'the Council' employed in section 81-A mean anything else than that permanent entity, or that they mean the particular Council of persons who concurred by a majority in passing a particular Bill. Still it is equally in consonance with modern ideas to regard the Legislative Council as acquiring a new lease of life after each general election and to number separately the sessions of each renewed term of the Council's life.

"I now proceed to put the amendment to the House."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I wish to point out, Sir, that the amendment has not been discussed. Immediately after the amendment was moved by the hon. Member Mr. Gopalaswami Ayyangar, the hon. Member the Raja of Ramnad moved his motion for the adjournment of the consideration of these amendments which was the subject discussed yesterday. I may point out, Sir, that we should be given an opportunity to speak on that amendment before it is put to the House."

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The hon. the PRESIDENT:—"Yes, any hon. Member that wishes to speak on that amendment may do so."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, the amendment proposed is to insert the words 'except the Presidency town' after the words 'the Presidency of Madras' in sub-clause (1) of clause 2. I submit, Sir, that this amendment proposed will land us in many difficulties. I have alluded yesterday to one of the difficulties which cannot be welcomed by the Government though it may be very largely welcomed by the parties affected. I shall mention another difficulty which will be clear when we peruse clause (4) of this Bill. Clause 2 of this Bill before the amendment proposed by His Excellency applied to the whole of the Presidency of Madras. Consequently clause 4 was enacted in this way:

'The Religious Endowments Act, 1863, and the Madras Endowments and Escheats Regulation, 1817, in so far as they apply to Hindu Religious Endowments, are hereby repealed.'

"This is a repealing section and not an enabling section. This clause 4 absolutely repeals both the Act of 1863 and the Regulation of 1817. So if the amendment proposed by His Excellency were passed the result is that these two Acts are absolutely repealed in so far as they affect the Presidency town of Madras, so that the town will have no law regulating the religious endowments in the town. It cannot be contended that it shall be read subject to section 2. I submit that the one has absolutely no bearing on the other and they cannot be said to be controlled by section 2. The Government may contend that if the amendment proposed by His Excellency is carried, then we must read section 4 along with the subject of section 2. I submit that the contention cannot hold water. The object may still be that they will repeal the two Acts both in the mufassal and in the Presidency town.

"The object of the legislature may still be that they wish to repeal those two Acts absolutely both in the mufassal and in the Presidency town. My point is that it is not necessary to suppose that, when this section exists as it is, these two Acts are repealed only so far as the mufassal is concerned and not the Presidency town. It may be that the court may not go into the question of the intention of motive of the legislature. It will simply consider section 4 as it is, and say that the Madras City has no law relating to religious endowments. Therefore, the Madras town will become lawless, absolutely lawless, so far as religious endowments are concerned, and the High Court of Madras or any other court in the Presidency town will have no Act to administer so far as the religious endowments go. I have got one other argument to put forward. If the Government would contend that this must be read with . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"We do not contend any such thing. At present, there is no law in the Madras City applicable to religious endowments."

Rai Bahadur T. M. NARASIMHACHARLU:—"I submit, Sir, that the Religious Endowments Act is a general Act . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It has been definitely held that the Act would not apply to the Madras City. That is so far as Act XX of 1863 is concerned. As for the regulation, no regulation can apply to the Presidency town, because it could not apply except to the provinces administered under the jurisdiction of the Sadr-adalat, and to-day except the jurisdiction vested in the Advocate-General and that vested in the High Court

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analogous to the jurisdictions of the Attorney-General and the Chancery Court respectively, there is no law in the Presidency town so far as religious endowments are concerned."

Rai Bahadur T. M. NARASIMHACHARLU:—"I understand there is a Committee for the town of Madras."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is an entirely local committee and that has also been held to be not based on any legal enactment."

Rai Bahadur T. M. NARASIMHACHARLU:—"With due deference to the opinion of the hon. the Law Member . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is not a question of opinion. It has been decided by three learned judges of the High Court that such application of the Act and the constitution of a Committee are absolutely *ultra vires*. The Devasthanam Committee in Madras is therefore not a legal body, though it was doing some good work and we do not want to disturb it."

Rai Bahadur T. M. NARASIMHACHARLU:—"Still, Sir, opinions might change. The Judges may decide one thing to-day and they may constitute a Full Bench to-morrow and decide another way. So far as we see, there is a Committee working, and there is no restriction in Act XX of 1863 itself limiting its jurisdiction only to the mufassal."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In 24 Madras, page 219, in the judgment of the Chief Justice and Dr. Justice Subramania Ayyar, it was held that Act XX of 1863 did not apply to the Madras City. It was 17 or 18 years ago, and ever since that time the Act has not applied to the Presidency town."

Rai Bahadur T. M. NARASIMHACHARLU:—"I am only pointing out that notwithstanding the eminent opinion of the Judges who decided 24 Madras, there is room to think—so far as the Act itself goes it does not say anything—that the Act does not apply to the Madras City, that being a Government of India Act. I submit, Sir, that we must make due allowance for the change of opinions even in courts. Therefore, I think that the alteration proposed, namely, to except the Presidency town, is not at all free from difficulty."

"Secondly, Sir, the reason given, namely, that it will affect the jurisdiction of the High Court, I submit, is not very convincing. Thirdly, I submit that by introducing this thing we shall be introducing an invidious distinction between the mufassal and the Madras City. The mufassal will feel all the more why attacks should be made only on their institutions and not on the Madras institutions, as if the Madras institutions are managed very well and as if the Madras people are all very highly honest and moral and very religious also. I submit, Sir, that this aspect of the question must be very deeply considered by the Government when they wish to make this invidious distinction between Madras and the mufassal."

"Then, as I pointed out yesterday, the only remedy will be for all mufassal mutts to have their headquarters in Madras, and evade this law altogether. Therefore, what is the use of putting forward an amendment which will land us in difficulties? Therefore, I oppose the amendment on those grounds."

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"I must own to a feeling of envy, as the hon. Member feels much more free from the shackles of the High Court decision than I for one can have the temerity to feel. But let me deal with the points in the way in which they were raised. Act XX of 1863 starts thus:

'Whereas it is expedient to relieve the Board of Revenue and the local agents in the Presidency of Fort St. George from the duties imposed upon them by Regulation 19 of 1810

"Without inflicting upon this House any lecture on the early legal and constitutional history of this Presidency, may I just be permitted to point out that there was a sharp distinction drawn in the three great settlements of Calcutta, Madras and Bombay between the Presidency towns where the jurisdiction of the King's Bench Division and the Chancery Division in a kind of extended form applied, and the rest of the places which were regarded as subsequent conquests? These three places, Madras, Bombay and Calcutta were regarded as so many islands or rather transplantations of England. The rest were viewed as conquests, and acting on that basis various doctrines have been definitely laid down in a series of cases, and I have only to cite the authority of Dr. Justice Subramania Ayyar than whom there has not existed a more learned and more comprehensively cultured jurist. He has come to the conclusion in the case, 24 Madras, that Act XX of 1863 is not in essence applicable to the City of Madras, and no doubt under the mistaken notion or idea that it was applicable, about 40 years ago a Committee styling itself as the Devasthanam Committee of Madras has been functioning. It so happened that I was elected a member of that Committee by an electorate which was illegal. After I had served on that Committee for about six months, I was asked to appear gratis for that Committee and to apply to the High Court for the appointment of a Darmakarthi for a certain temple. Then the whole question was discussed, and I submitted to the court which consisted of Mr. Justice Wallis and later on of Mr. Justice Kumaraswami Sastri that the Act did not apply, and they concurred with me. Therefore the short cut they adopted was to pass various decrees in the form of scheme decrees saying that such and such a Committee is in existence and that it may recommend to the High Court the nomination of trustees for a particular Devasthanam, and in the case of Mylapore that device or expedient was adopted. So we have not till now been acting on the footing of Act XX of 1863.

"Now, I will come to the Regulation of 1817. That Escheat Regulation obviously does not apply to the Presidency town because it was passed so as to be applicable only to the factories or possessions; that is the old distinction which Libert and other constitutional lawyers drew and which are detailed in Works on Constitutional Law by Cowell and equally eminent authorities, the distinction that was drawn between the jurisdiction of the Sadar-adalat and the Supreme Court. This is the root origin of this distinction, which has been preserved for the last one hundred or one hundred and fifty years. My hon. Friend very rightly and very indignantly asked, 'Are the people in Madras so inherently honest; are they more free from temptation than the trustees of the Devasthanams elsewhere, that you should not lay impious hands on the holy tabernacles in the Madras City?' The answer is simple. There is a special and onerous jurisdiction cast upon the Advocate-General with respect to the Presidency town, and he is placed as the superintendent or the patron of charities in the Madras City. He has plenary jurisdiction over all the religious endowments there so that he can bring to court any of their trustees,

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and the court can act against these trustees. It is on this footing that the Advocate-General applied to the court in the case of the Pachaiyappa's Charities. Again, for instance, it will be remembered that in the case of the Chennakeswaraswami temple, which was situated on the beach, it came to be transferred to the middle of the City on the application of the Advocate-General. These are matters of immense antiquarian interest. As regards the legal fact, Madras City is unaffected by this special enactment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I oppose this amendment, which is considered necessary according to His Excellency's message. I do not wish to enter into any discussion as to the merits of the amendment. I do not wish to follow my hon. Friend, the Member for Cuddapah, in his discussion about the merits of this particular provision. Sir, as you yourself remarked in giving the ruling on the amendments to be proposed, there was a discussion already on the merits of the amendments on the motion for adjournment of the consideration of this message. Though there was a discussion, it cannot be stated that the discussion was exhaustive of all points concerned, because the closure was applied. It cannot therefore be stated that the discussion was as full as it could have been. Having failed in our attempt to secure an adjournment for the purpose of considering the various proposals embodied in the message, we have been at some pains to find out what the attitude of the House ought to be on the amendments which have been placed before us by His Excellency and conveyed to us through you.

"Taking the amendments into consideration, there may be a difference of opinion on some points, and if we enter into details one will find that most of them formed the subject of debate when the Bill itself was under discussion. I am quite alive to the fact that several on behalf of the Opposition objected to these provisions in the Bill which took away the jurisdiction of the courts on various matters and to the further fact that amendments have been incorporated in the message for the purpose of conferring jurisdiction on the courts. It will also be remembered that those who were responsible for the Bill as it was passed objected to the various amendments which have now been incorporated in the message of His Excellency, and the hon. the Minister on various occasions then laid considerable stress upon the provisions which are now tried to be deleted by virtue of His Excellency's message. These are facts which ought to be taken into consideration on both sides. While we now object to these amendments, we are alive to the fact that some of these are the very amendments we asked for. Let those on behalf of the hon. the Minister bear in mind the fact that the amendments now to be incorporated in the Bill are those which they themselves objected. While matters stand thus, I feel, Sir, that those of us who objected to the consideration of this message at this meeting and have not succeeded in their attempt to secure an adjournment, have no other alternative but to oppose the amendments. If, notwithstanding the fact that some of the amendments incorporated are those which were suggested by us in the discussion of the Bill, I have come to the conclusion that I must oppose these amendments; it is on general grounds. In addition to it, we have not been able to move amendments to the amendments embodied in the message of His Excellency the Governor . . ."

The hon. the RAJA OF PANAGAL:—"On a point of personal explanation, Sir, the hon. Member for Nellore said that in the course of the last debate on this question I objected to amendments allowing appeals to courts. I did so for technical reasons."

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—" It is not a mere question of appeal. I expressly referred to the jurisdiction of courts. 12-30 p.m.

It was with reference to the jurisdiction of courts that there was great discussion during the progress of the Bill and the hon. Minister opposed it on various occasions on the ground that it would be a mere waste of time. Notwithstanding that fact he has informed in reply to a supplementary question that he accepted the message of His Excellency as it concurred with the objects of the Bill."

The hon. the RAJA OF PANAGAL :—" Mr. President, I do not object to His Excellency the Governor's message because the message does not suggest any amendments which are against the basic principles of the Bill. During the debate on the second reading of the Bill, I opposed the amendment to clause C (1) as I thought the amendment, if allowed, would add to the jurisdiction of the High Court."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" So far as that is concerned I do not know if it will be necessary for me to take the House through the various stages regarding the investing of courts with jurisdiction in these matters. The hon. Minister cannot deny his statement that the courts will serve no useful purpose and therefore he would not accept the jurisdiction of courts. I think I can give a number of references if he disputes this position."

The hon. the RAJA OF PANAGAL :—" I only ask the hon. Member to refer to particular instances of my being against the investing of courts with jurisdiction."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" The hon. Minister wants references of particular amendments in this particular form. I pointed out in the course of the general discussion on the Bill, and many others on the side of the Opposition also did the same, that the power of the courts should be increased. That position was not accepted."

The hon. the RAJA OF PANAGAL :—" The message does not suggest amendments which have anything to do with the general powers of the courts."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Then, Sir, the hon. Minister is in a position to tell us that so far as the general provision regarding the courts are concerned the message does not take it away but that it only confers immediate jurisdiction."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" We are now dealing with the amendment relating to Clause 2. The amendment is to the effect that the Presidency town should be excluded from the purview of the Act. Is it open to the hon. Member to raise the general question of the jurisdiction of courts throughout the Bill?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I think my hon. Friend, Mr. Gopalaswami Ayyangar, must have got up when the hon. Minister raised his objection. So far as my introducing this question is concerned I am explaining exactly why I am opposing this amendment."

The hon. the RAJA OF PANAGAL :—" I had only to correct a statement regarding my attitude towards the message."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am not now objecting to the interruption of the hon. the Minister. I am prepared to bear this interruption and any other interruptions of this kind from my hon. Friend."

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With reference to the point of order raised by Mr. Gopalaswami Ayyangar, it ought to have been raised at the time when I made the reference or when the hon. the Minister made his reply."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" I am a very, very junior Member of the House. But such little knowledge as I have had during this short stay has never given me the impression that there was a particular time for raising points of order."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I know that he raised the point of order at a time when he wanted to avoid discussion. All that I wanted to say was that the more appropriate time for his point of order would have been when I began reference to the question. I do not in the least say that I take objection to any objection being taken. As to the objection itself, I may point out that it is absolutely irrelevant because I wish to explain my attitude in opposing this amendment on general grounds and not on considerations of merits of this particular provision or that particular provision. That will be my attitude in dealing with the other amendments also. It is not proposed to make further speeches on this Bill if the decision on this is taken. That is why I want to make my position clear. I do not want to consider the merits of this question. I only wish to point out that some on this side asked for some provision for the jurisdiction of courts while we find that we are reconsidering the position. The hon. the Minister says there is not much difference. I think there is no other alternative than to oppose. We expected that it would be possible for us to move amendments but your ruling has made it impossible for us to take that step. We are therefore in the horns of a dilemma. We are not able to give this amendment the consideration which it would require. We are not in a position to give the public at large an opportunity of expressing their opinion on the various questions embodied in the message accompanying the amendments. We are not in a position to move amendments to the various provisions incorporated in the message and having come to this position, what am I to do? The only course open to us is to express our protest to the message which is to be considered just at the close of this session. Therefore we have to reject and vote against all the amendments which this embodies. I wish to make this position clear, Sir, on the first motion, so that it may not be necessary to give these reasons while the other amendments are passed."

Diwan Bahadur M. KRISHNAN NAYAR :—" I did not want to take any part in the discussion of this amendment. But having heard my hon. Friend, Mr. Krishna Rao, I think it necessary to say one word. If I heard my hon. Friend correctly, and if I do not do him any injustice, what he said comes to this: 'I am opposing this amendment because our objection in certain points has been ruled out. For that reason and that reason alone I am opposing the amendment.'"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" The hon. Member for Malabar doubted twice whether he understood me correctly. I wish to say that it is not because we are dissatisfied with the ruling that we are raising this question. It is because we object to the consideration of this message which embodies amendments to be considered at this session of the Legislative Council. We have no other alternative except to vote against the message and voting against the message means voting against the amendments. We do not oppose because of the ruling given by the President. Our objection to the message of His Excellency means objection to the amendments also."

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Diwan Bahadur M. KRISHNAN NAYAR :—" Again, he says ' I object to this amendment because I do not like it.' My hon. Friend specifically said, ' I have no other argument to advance against this amendment '."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I did not state that I had no arguments. I do not wish to enter into arguments. I do not wish to have any consideration. Because I objected to the message, I think it is my duty to object to all amendments. I may inform my hon. Friend that I have any number of arguments to oppose this amendment but I do not propose to take that position now."

Diwan Bahadur M. KRISHNAN NAYAR :—" It again comes to this: ' I have very valid and sound arguments to advance against these amendments. But the only ground on which I intend opposing them is that I do not like the message '."

The hon. the PRESIDENT :—" It is open to any hon. Member to object to any amendment on any ground he likes."

Diwan Bahadur M. KRISHNAN NAYAR :—" I do not mean to say for a moment that my hon. Friend has no right to advance any argument. All that I say is that the only argument advanced by him for opposing the amendment is that he opposed the message and therefore he opposes the amendment also. If we go into the substance of the amendment we find that there is no question of policy involved in it. It is purely a question of law, namely, whether this Council is competent to deal with a matter which is within the cognizance of the High Court. The message states that His Excellency has been advised that this Council has no jurisdiction. His Excellency has been advised that this Council has no jurisdiction presumably by the legal adviser of the Government: viz., the Advocate-General. I do not understand why the Council should be detained any longer on this question."

Rai Bahadur T. M. NARASIMHACHARLU :—" One word more with regard to the controversial question with reference to 24 Madras. The point in 24 Madras, is raised in this way :

' If so, whether the suit in so far as it relates to the charge of neglect of duty alleged against him, is unsustainable because no leave was obtained under section 13 of the Religious Endowments Act XX of 1863.'

" The only question raised in that suit was whether, when a suit was filed in the High Court of Madras in its original jurisdiction, that suit is sustainable. The High Court decided on jurisdiction, apart from section, and therefore they were not bound by any rule in that section. They did not say that the Act itself did not apply to Madras. If the learned Law Member wishes to go on the ruling that the Act itself does not apply to Madras I wish to differ very respectfully from him even though he is the Law Member. Then he went on to say that the Committee which is existing in Madras is illegal though he himself admitted that he did the illegal functions for some time in the Committee and last of all the illegal Committee went to the High Court illegally for an illegal purpose. Profound lawyer as the hon. the Law Member is I never expected a series of illegalities from him. The Committee has been in existence for forty years notwithstanding the decision in 24, Madras. So far as leave for instituting suits is concerned the Madras High Court has no power to entertain a suit. In other respects the Act applies and therefore I still adhere to my position, viz., that this is not rid of many absurdities."

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Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, I thought that the hon. the Law Member had completely explained the position. But the hon. Member from Cuddappah does not seem to be satisfied with it. I will try my luck in the matter of giving an explanation which will satisfy the hon. Member. Sir, within the Presidency town there was sitting a Supreme Court as well as a Sudder Court. The Sudder Court was dealing with cases coming up from the mufassal, sitting as a court of appeal throughout the Presidency except the Presidency town. The Presidency town was under the control of the Supreme Court, which dealt with cases of original jurisdiction arising within the Presidency town, and there were appeals from the judgments on the original side and the appellate side to the same court. Ultimately the High Court was so constituted as to include the Sudder as well as the Supreme jurisdiction. In one branch of it was represented the majesty of the courts at Westminster. The Attorney-General and the Courts at Westminster dealt with charities in England. So far as the Presidency town is concerned it is the Supreme Court and it is the Advocate-General that dealt with the matter. The hon. Member for Cuddappah will see that clause 3 in the original Bill has conceded this and has definitely stated as follows :

Nothing in this Act shall be construed to affect, or in any way derogate from, the 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.'

" That power always existed and that power was recognized to exist in the Bill as originally passed.

" What we thought when the original Bill was passed was that while retaining in the Advocate-General and the High Court the power which was already vested in them and also referred to in section 114 of the Government of India Act, we could also confer jurisdiction on the City Civil Court for dealing with some of the cases. What the message now says is that the Advocate-General and the High Court should deal with the cases coming up in the Presidency town. We thought that we could set up a co-ordinate tribunal in the City Civil Court. His Excellency the Governor was advised that setting up a co-ordinate court, though it does not take away the powers of the High Court and the Advocate-General affects the jurisdiction of the High Court,—and to that extent any legislation passed by the local Legislative Council might be treated as *ultra vires* and that it is, therefore, better to leave the matter to the High Court and the Advocate-General who have got all the powers that there need be over the charities. Powers such as those possessed by the Court at Westminster over charities in England and which were possessed by the Supreme Court and were subsequently handed down to the High Court can be used only by them. I think I need not say anything more about the various processes which the Advocate-General may adopt with regard to mismanaged charities. That power always exists and that is reserved by the Bill itself."

The amendment (to clause 2) was put and carried and the words were inserted.

Clause 3.

The amendment No. 2 to clause 3 that the words ' or which the High Court . . . may possess shall be omitted ' was put by the hon. the President.

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Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Mr. President, Sir, this amendment to clause 3 is consequential on the amendment that has been just agreed to by the House. If the present amendment is carried, clause 3 will read as follows :—

'Nothing in this Act shall be construed to affect, or in any way derogate from the 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.'

The amendment was put and declared carried.

Mr. A. Ranganatha Mudaliyar demanded a poll, which was taken with the following result :—

Ayes.

- | | |
|--|---|
| 1. The hon. Sir Charles Todhunter. | 24. Mr. B. Mallesappa. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-lah Sahib. | 25. " T. N. Marthandam Pillai. |
| 3. The hon. Sir Arthur Knapp. | 26. " B. Muniswami Nayudu. |
| 4. " Mr. C. P. Ramaswami Ayyar. | 27. " C. Muttayya Mudaliyar. |
| 5. " the Raja of Panagal. | 28. " B. Obalesappa. |
| 6. " Rao Bahadur Sir A. P. Patro. | 29. " C. Ponnuswami Nayudu. |
| 7. " Diwan Bahadur T. N. Sivagananam Pillai. | 30. " K. S. Ponnuswami Pillai. |
| 8. Mr. R. W. Davies. | 31. " G. Premayya. |
| 9. " P. L. Moore. | 32. Rao Bahadur P. Raman. |
| 10. " G. F. Paddison. | 33. Mr. A. Ramaswami Mudaliyar. |
| 11. " F. Noyes. | 34. " P. Sagaram. |
| 12. " T. R. Venkatarama Sastryar. | 35. " J. D. Samuel. |
| 13. " S. Arpudaswami Udayar. | 36. " K. Sarabha Reddi. |
| 14. Rao Sahib T. C. Tangavelu Pillai. | 37. " K. Sitarama Reddi. |
| 15. Rai Bahadur N. Gopalaswami Ayyangar. | 38. Diwan Bahadur P. Kesava Pillai. |
| 16. Mr. H. B. Ari Gowder. | 39. Mr. R. Srinivasan. |
| 17. " P. K. S. A. Arumuga Nadar. | 40. " Ohavadi K. Subrahmanya Pillai. |
| 18. Diwan Bahadur Sir P. Tyagaraya Chettiyar. | 41. " P. V. S. Sundaramurti. |
| 19. Mr. N. Devendrudu. | 42. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 20. Rao Bahadur P. C. Ethirajulu Nayudu. | 43. Rao Bahadur O. Tanikaachala Chettiyar. |
| 21. Rao Sahib P. V. Gopalan. | 44. Mr. M. Ratnaswami. |
| 22. Rao Bahadur K. Krishnaswami Nayudu. | 45. Diwan Bahadur M. Krishnan Nayar. |
| 23. Hony. Lt. Madurai. | 46. Rao Bahadur C. Venkataranga Reddi. |
| | 47. Mr. W. Vijayaraghava Mudaliyar. |
| | 48. " R. Veerian. |

*Noes—Nil.**Neutral.*

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| 1. Mr. V. Madhava Raja. | 8. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 2. " O. M. Narayanan Nambudripad. | 9. Mr. Hamid Sultan Marakkayar. |
| 3. " K. Prabhakaran Tampar. | 10. " T. N. Muhammad Sahib. |
| 4. Rao Bahadur A. S. Krishna Rao Pantulu. | 11. Khan Sahib Saiyid Diwan Abdul Razaaq Sahib. |
| 5. Rai Bahadur T. M. Narasimhachariu. | |
| 6. Mr. A. Ranganatha Mudaliyar. | |
| 7. The Raja of Ramnad. | |

Ayes : 48. *Noes* : Nil. *Neutral* : 11.

The motion was carried *nem. con.*

The hon. Sir CHARLES TODHUNTER :—"On a point of order, Sir, may ask if it is proper to call for a poll when it is known that there are no 'noes' in the division?"

The hon. the PRESIDENT :—"Apparently our Standing Orders allow it. Standing Order 29 (2) says

'Votes may be taken by voices or division, and shall be taken by division if any member so desires.'

"It may be that an hon. Member may desire a poll for the mere pleasure of it."

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The RAJA OF RAMNAD :—"May I inform the hon. Member who came here after the motion was first put, that there were really one or two 'noes'?"

Mr. M. RATNASWAMI :—"May I ask, Sir, what happened to the one or two 'noes' at the division?" (Laughter.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am glad the point has been raised. After the amendment has been moved I have decided not to take any further part in these proceedings and it will be clearly found that several of the hon. Members of the Opposition have left their places and those of us who are here have decided not to take any further part in the proceedings."

Mr. A. RANGANATHA MUDALIYAR :—"I did say 'no,' Sir, with a view to call for a poll. I followed the advice followed by your predecessor that one may change his opinion in a second." (Hear, hear.) (Laughter and cheers.)

Rai Bahadur T. M. NARASIMHACHARLU :—"I believe one of the 'noes' has voted for the motion." (Laughter.)

Clause 5.

The following amendment was put from the Chair :—

"3. *Clause 5.*—In sub-clause (3) of clause 5 the words 'or the City Civil Court' and the words 'and includes . . . this Act' shall be omitted."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Mr. President, Sir, this amendment that is suggested in sub-clause (3) is consequential on the amendment that has been carried in clause 2; that is to say, when the Presidency town is excluded from the purview of the Act, there is no necessity to confer jurisdiction on the City Civil Court. The second part of the amendment carries out the idea in paragraph 3 of His Excellency's message, namely, 'the Board set up under the Bill being a corporate body of considerable authority, it is essential that judicial proceedings outside Madras City should not start in any court lower than the District Court'. Hon. Members will remember that sub-clause (3) of clause 5 confers power on the Government to empower courts inferior in grade to the Court of a District Judge. That portion of it is sought to be taken away."

The amendment was put and carried and the words were omitted.

The hon. the PRESIDENT :—"I would ask hon. Members 1 p.m. not to leave the House when the President is on his feet."

Clause 14.

The following amendment was put from the Chair :—

"4. *Clause 14.*—After the words 'of this Act' in clause 14, the words 'and of any scheme settled or deemed to be a scheme settled under this Act' shall be inserted."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Amendment No. 4 to clause 14 is intended to carry out His Excellency's idea contained in paragraph 4 of his message. It was doubted whether the expression 'subject to the provisions of this Act' would also cover any schemes framed under this Act, and in order to make that point clear, this amendment is now proposed."

The amendment was put and carried.

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Clause 31.

The following amendment was put from the Chair :—

“ 5. Clause 31.—In clause 31 for the words ‘ subject to the provisions of section 14 ’ the words ‘ subject to the powers possessed by the Board under section 14 and to the provisions of any scheme settled or deemed to be a scheme settled under this Act ’ shall be substituted.”

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“ The reasons for this amendment are exactly the same as those I gave for the amendment proposed in clause 14.”

The amendment was put and carried.

The following amendment was put from the Chair :—

“ 6. Clause 51.—(i) The following words shall be inserted at the beginning of sub-clause (1) of clause 51 :—

‘ Subject to the provisions of any scheme settled or deemed to be a scheme settled under this Act.’

(ii) For sub-clause (4), the following shall be substituted, namely :—

‘ (4) The trustee or any person having interest may within six months of the date of the order passed by the Committee under sub-section (3) either appeal to the Board against such order or institute in the Court a suit to modify or set aside the same.

‘ If such an appeal is preferred or such a suit is instituted the Board or the Court shall give at the expense of the appellant or the plaintiff, as the case may be, notice of the appeal or of the institution of the suit to all persons having interest either by personal service or wherefrom the number of persons or any other cause such service is not reasonably practicable by public advertisement as the Board or Court may in each case direct.’

(iii) For sub-clause (5) the following shall be substituted, namely :—

‘ (5) Subject to the result of such appeal or suit as is referred to in sub-section (4) the order of the Committee shall be final. The order of the Board on appeal shall be final.’

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“ Mr. President, the reasons for this amendment are given in paragraph 5 of His Excellency’s message and I do not think it necessary to add anything to what is contained in that paragraph.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ Sir, I wish to take this opportunity of explaining my position with regard to this Bill, and since I could not do it by way of opposing the Bill, I beg your leave to state my reasons in a different manner just now. You will notice that my reasons are entirely different from those which were advanced yesterday from the Opposition benches. In fact, my reasons are the very reverse of those advanced by the Members of the Opposition benches. As one of those who supported this Bill and as one who went to the country at the last election I consider that this Bill is a great achievement of the hon. the Chief Minister. I feel bound to say, Sir, that in this matter I expected my hon. Friends who were with me at the time of passing this Bill to oppose these motions and my hon. Friends on the Opposition benches to support them; because, Sir, as I understood, these concessions, if I may so call them, were granted owing to the clamour raised in certain quarters against the Bill which was passed a

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year ago. Hon. Members will remember that it was stated in this House at the time of the passing of the Bill that the whole country had pronounced its judgment against this Bill, and I beg leave just now to contradict that statement. In my own constituency many pamphlets were circulated to the effect that I should not be elected on the ground that I was a party to this Bill. I appeared before my constituency and explained to them that what the administrators of this Province were not able to achieve half a century ago, the hon. the Chief Minister was able to achieve by the passing of this Bill.

“ Sir, we are asked to reconsider certain provisions of this Bill. I have told this House just a little while ago that my reasons for opposing these amendments are not those which were advanced yesterday. I do not consider, Sir, that a question of this kind can be judged by legal conundrums that were raised yesterday as to whether the Council in a certain part of the session is ‘ a Council ’, or whether ‘ reconsideration ’ is the same as ‘ further consideration ’ or whether the ‘ next session of the Council ’ would amount to ‘ the first session of the next Council ’, and so on and so forth. It is true that these may be very good grounds or may be very bad grounds, and a malicious outsider may say it is all a mere quibbling. What I would like to consider is whether anything has occurred during the last one year which could induce me to vote in a manner which is indirectly against the one in which I voted about a year ago. Nothing has occurred in the last one year which can be said to induce me to vote the other way, and it would be wrong on my part to ignore the great agitation that was made in the country and the deputations that waited upon the highest functionary in the country and the criticisms that appeared in the press. But, Sir, let me tell you that every one of the items to which I have referred has had its part even prior to the passing of the Bill. There were representations to the authorities prior to the passing of the Bill, there was agitation in the press and on the platform and the Government considered every one of them and insisted upon the passing of the Bill. My hon. Friend, Mr. Narasimhacharlu, from his place on the other bench fought tooth and nail, fought like a tiger, to introduce every amendment that has come now before the Council.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Gloriously defeated.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“ Sir, I have no objection to say that he was gloriously defeated; let him lay the flattering unction to his soul. What I was mentioning was that all those objections were raised in this Council, were duly considered, consultations were made and the objections were weighed in the balance, but as they were found wanting, they were rejected by the House and by the Government. Now I ask what is the process that could induce me to vote against the vote that I gave a year ago. If it is a case of the tranquillity and peace of the country being in danger after the passing of this Bill certainly we ought to consider such a course, and it may in a way place me in a different light altogether. All the representations might have been supplemented by a larger number. They might have been supplemented by vakils of subtler calibre. All these might have been expedient. But I ask what is it that could induce me to change my position which I took a year ago. Sir, I can understand the position and responsibility of those that are at the head of the administration. So far as His Excellency is concerned I have nothing to say, but so far as I am concerned I think I am perfectly justified in sticking to the position that

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I held a year ago. Sir, I thought the proper course would be to have the Bill passed in its original form and if amendments were required they could be made when the Bill became an Act. I am not opposing the action you have already taken, but I am explaining that it would be better if the Bill had been in its original form. No doubt I admit that these amendments were made with a view to satisfy certain clamour, and it is perfectly legitimate for those who are responsible for the administration of the State to introduce amendments to satisfy those who were not satisfied with the Bill as it was passed. But in my opinion persons who attach great importance and value to this Bill are eager that the Bill should be in the form in which it originally stood."

The hon. the RAJA OF PANAGAL :—" Mr. President, I am grateful to my hon. Friend and late Colleague for his prefatory remarks. He said that the Bill has been acclaimed as a great achievement of the Ministry. In spite of the amendments which have been moved in accordance with His Excellency's message the Bill continues to be what it has been a great achievement of the Ministry. After all what are the amendments recommended in the message? Do they go to alter the underlying principles of the Bill? Do they bring about any material change in the law sought to be introduced? I am sure my hon. Friend is aware that they do not do so."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" May I point out that these very amendments appeared before the Council a year ago, they were considered by the Government and my hon. Friend wanted that these amendments should not be carried out but that the Bill should be passed in its original form? "

The hon. the RAJA OF PANAGAL :—" I am afraid, Sir, the position of my hon. Friend is altogether incorrect. When the particular amendment was moved in the last Council, the contention on the part of Government was that if that amendment were introduced we would be adding to the jurisdiction of the High Court. It was on this and other technical grounds that I opposed the amendment."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am very sorry to hear my hon. Friend say so. I purposely avoided that issue yesterday, and to-day also I adopted the same attitude, lest it should be supposed that I am voting for the adjournment of the Bill. I did not vote on the first two motions, because they were technical matters of jurisdiction. I thought that this was the only stage in which I could speak on its merits and so the question of jurisdiction does not arise."

The hon. the RAJA OF PANAGAL :—" I did say I opposed Mr. Narasimha-charlu's motion for amendment. It was on the ground that if the amendment were allowed, the law legislated in this Council would be conferring jurisdiction upon the High Court. In fact, the Government in that connexion moved an amendment to meet the wishes of the opposition. That amendment was to delete the clause providing that there should be no appeal to the courts against the Board's decision. The clause accordingly was deleted."

The RAJA OF RAMNAD :—" May I ask the hon. the Minister whether it is the object of this Council to oust the jurisdiction of the High Court which possesses inherent powers? "

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The hon. the RAJA OF PANAGAL :—" It is not so. The Government did not want to add to the jurisdiction of the courts. The idea was that the proposed amendment interfered with the jurisdiction of the High Court and that this Legislative Council has no right to interfere with the jurisdiction of that court. It was on that ground that that amendment was opposed."

" Sir, my hon. Friend said that these amendments are the result of a clamour. Granting that there was a complaint in some quarters and that the Government came to realize that there was room for the complaint, is it wrong on the part of the Government or any Member to accept amendments so as to give as little room as possible for reasonable complaint? Anyhow, Sir, my hon. Friend has not objected to the amendments on the ground that they take away the value of the legislation. I am glad to be assured that he still welcomes the Bill and that he has no objection to the Bill finding its place on the Statute Book. With this explanation, I am confident, Sir, that my hon. Friend will be satisfied."

Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, I had no intention of taking part in this discussion, but the observations made by my hon. Friend from Gōdāvari compel me to make a few remarks so as to justify the attitude which those who are sitting on this side of the House have proposed to adopt with regard to these amendments. I am glad to be assured by the hon. Member for Gōdāvari that yesterday his position was that he was in favour of this Bill and that his electorate has returned him with a large majority at the head of the poll on this very issue whether the Religious Endowments Bill was desirable or not. I might say that in my constituency I fought the elections on the basis of this Bill and the great opposition during the elections—my hon. Colleague for Chingleput, I think, will bear me out—was on this question of Religious Endowments. I am in a position to assure the House that on this question of the Religious Endowments Bill a trustee who had a great deal of influence in my district offered a tremendous opposition and we were allowed to contest the elections only after conceding that the Bill would be brought again to the legislative anvil and a measure passed for the good of the country. Now, as regards the amendments themselves, what is our position? It is perfectly true that, during the last debate, I would not call it in the last Legislative Council, but last year in this Council we thought that it was not necessary to multiply opportunities for litigation and that it would be in the interests of the institutions concerned and the trustees and people as well that litigation was minimised as far as possible. In the first place, Sir, I shall bring it as an elementary proposition that on a simple Religious Endowments Bill the question of ample opportunities for litigation or few opportunities for litigation cannot be considered as a basic principle. We were concerned mainly with the question of religious endowments; we were not legislating against unnecessary litigation. But apart from that, Sir, our position is merely this: we shall not and we have never put ourselves as the supreme body to advise in these matters as the proper functionary to have a say in these matters. His Excellency the Governor has the statutory right to send back the Bill to this House. When we propose amendments to this particular measure, even we, who are sitting on this side of the House, cannot ignore the fact that there is some amount of agitation. A great deal of agitation has centred round this fact, viz., that the jurisdiction of the civil courts has been ousted. You are aware that in the Indian legislature it is perfectly open to one assembly to send back Bills for reconsideration to the

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other assembly with certain amendments. We are in this position; to avoid as much of unnecessary agitation as possible, it may be necessary to accept those amendments. The hon. Member for Gōdāvari might remember when five years ago he was lecturing to us about the virtues of compromise in political matters; at that time, as a very inexperienced member in politics, I listened to him. To-day in a more chastened spirit I listen to him. It was an excellent principle which he then inculcated, and I am much more alive to it to-day than when we were actually seriously working together in the political field. May I point out, to escape that terrible charge of political tergiversation it will be possible, it may be desirable just to yield a bit, just to put our own views on this matter in the background for the time being, so that we may all help His Excellency and at the same time carry through a measure which has led to a certain amount of agitation in the country."

The amendment was put and carried.

The following amendment was put from the Chair:—

Clause 53.

7. *Clause 53.*—(i) *Present clauses (2) and (3) of clause 53 shall be omitted.*
 (ii) *The following shall be inserted as sub-clauses (2), (3) and (4) of clause 53:—*
 “(2) *The Board may by order and in the manner provided in sub-section (1) modify or cancel a scheme settled under that sub-section.*
 “(3) *Every order of the Board under this section shall be published in the prescribed manner.*
 “*The trustee or any person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside such order. Subject to the result of such suit every order of the Board shall be final and binding on the Committee, the trustee and all persons having interest.*
 “(4) *Any scheme of administration which has been settled by a court under this section or which under section 71 is deemed to be a scheme settled under this Act may at any time for sufficient cause be modified or cancelled by the court on the application of the Board.*”

Rai Bahadur N. GOPALASWAMI AYYANGAR:—“Mr. President, this amendment seeks to carry out paragraph 6 of His Excellency the Governor’s message. In the Bill as it was passed by the Council last year, the settling of schemes by the Board was applicable only to non-excepted temples. An attempt is now made to put the procedure for framing schemes in the case of non-excepted temples on the same footing as for excepted temples and maths. Six months’ time is given for any body interested to file a regular suit and he has the right of appeal to the highest court in the land.”

The amendment was put and carried and the changes were made.

The following amendment was put from the Chair:—

Clause 58.

8. *Clause 58.*—*In clause 58, for the word ‘framed’ the word ‘settled’ shall be substituted.*

Rai Bahadur N. GOPALASWAMI AYYANGAR:—“Mr. President, this is a verbal amendment which is really consequential on the amendments which are suggested in clause 59.”

The amendment was put to the House and carried.

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The following amendment was put from the Chair:—

Clause 59.

9. *Clause 59.*—(i) *In sub-clause (1) of clause 59—*
 (a) *for the word ‘framed’ the word ‘settled’ shall be substituted;*
 (b) *for the words ‘frame a scheme of administration’ the words ‘by order settle a scheme of administration’ shall be substituted; and*
 (c) *the words ‘and cause the same to be filed in court as hereinafter provided’ shall be omitted.*
 (ii) *In sub-clause (2) of clause 59, for the word ‘framing’ the word ‘setting’ shall be substituted.*
 (iii) *The following shall be inserted as sub-clauses (3) and (4) of clause 59:—*
 “(3) *The Board may at any time by order and in the manner provided in sub-section (1) modify or cancel a scheme settled under that sub-section.*
 “(4) *Every order of the Board under this section shall be published in the prescribed manner.*
 “*The trustee or any person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside such order.*”

Rai Bahadur N. GOPALASWAMI AYYANGAR:—“Mr. President, subdivisions (i) and (ii) of this amendment are purely verbal; they are consequential on subdivision (iii); and subdivision (iii) of this amendment carries out the idea contained in paragraph 6 of His Excellency’s message.

“The procedure for framing schemes has been slightly altered. The scheme which is framed for excepted temples had under the original Bill to be filed in court. The procedure that is now attempted to be adopted by means of these amendments is that the Board frames the scheme as in the case of non-excepted temples. Six months’ time is given for litigation to be started and it can, if necessary, be carried to the Privy Council.”

The amendment was put and carried.

The following amendment was put from the Chair:—

Clause 60.

10. *Clause 60.*—*The following shall be substituted for clause 60:—*
 “60. *Every order of the Board under section 59 shall, subject to the result of any suit which may be instituted under sub-section (4) of that section, be final and binding on the trustee and all persons having interest.*”

Rai Bahadur N. GOPALASWAMI AYYANGAR:—“Mr. President, this is really a different rendering of original clause 60 (2) to suit the amendments that we have adopted in clause 59.”

The amendment was put to the House and carried and the substitution made.

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The following amendment was put from the Chair :—

Clause 61.

11. *Clause 61.*—*The following shall be substituted for clause 61 :—*

“ 61. *Any scheme of administration which has been settled by a court under section 59 or which under section 71 is deemed to be a scheme settled under this Act may at any time for sufficient cause be modified or cancelled by the court on the application of the Board.*”

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“ Mr. President, this again is a slightly altered form of original clause 61. This is also for the purpose of fitting in with the amendments carried in clauses 59 and 60.”

The amendment was put and carried and the substitution made.

The following amendment was put from the Chair :—

Clause 63.

12. *Clause 63.*—*The following shall be substituted for clause 63 :—*

“ 63. (1) *The Board may, after holding an inquiry in such manner as may be prescribed, by order declare that the purpose of a religious endowment has from the beginning been or has subsequently become impossible of realization or that the machinery for effectuating the original purposes of the endowment has failed or no longer exists, or that after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or temple or the endowments attached thereto there is a surplus which is not required for such purposes ; and may, by such order, direct that the amount of the endowment or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such math or temple.*

“ (2) *It shall be competent to the Board when giving a direction under sub-section (1) to determine what portion of such amount or surplus shall be retained as a reserve fund for the math or temple and to direct the remainder to be appropriated to the purposes specified in that sub-section.*

“ (3) *The Board may at any time by order and in the manner provided in sub-section (1) modify or cancel an order passed under that sub-section.*

“ (4) *The order of the Board under this section shall be published in the prescribed manner. The trustee or any other person having interest may within six months of the date of such publication institute a suit in the court to modify or set aside such order.*

“ *Subject to the result of such suit the order of the Board shall be final and binding on the Committee, if any, the trustee and all persons having interest.*

“ (5) *Any decision of the court under this section may at any time for sufficient cause be modified or cancelled by the court on the application of the Board.*”

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Rai Bahadur N. GOPALASWAMI AYYANGAR :—“ Mr. President, the amendment to clause 63 carries out paragraph 7 of His Excellency the Governor's message. Hon. Members will remember that clause 63 as it originally stood provided for the application of surplus endowment funds on the order of a court. The amendment proposes that the Board shall decide whether there is any surplus and whether that surplus should be diverted to objects such as those mentioned in the amendment, and six months' time is again given here for interested parties to file a suit in court and no obstacle is placed in the way of appeals up to the Privy Council.”

The amendment was put and carried and the substitution made.

The following amendment was put from the Chair :—

Clause 69.

13. *Clause 69.*—*In sub-clause (2) of clause 69 for the words ‘ Except in conformity with the provisions of this section ’ the words ‘ except as provided by this Act ’ shall be substituted.*

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“ Mr. President, this is really consequential on new clauses 51, 59 and 63. We have conferred the rights of suit newly on certain persons. The clause which relates to suits is clause 69 and this consequential amendment therein is necessary in view of the amendments which have been carried in those three clauses.”

The amendment was put and carried and the substitution made.

The following amendment was put from the Chair :—

Clause 71.

14. *‘ In clause 71, the words “ or decreed ” shall be omitted.*

Rai Bahadur N. GOPALASWAMI AYYANGAR :—“ Mr. President, this is also a consequential amendment. In view of the amendments carried in clauses 59 to 61, these words are out of place here and have got to be omitted.”

The amendment was put and carried.

The following amendment was put from the Chair :—

Schedule II.

15. *In Schedule II the following amendments shall be made, namely :—*

(i) *Between the entry relating to section 49 (3) and section 53 (2) the following shall be inserted :—*

	Rs.
“ 51. (4) <i>Appeal to the Board by a trustee or person having interest against the order of a committee under sub-section (3) fixing standard scales of expenditure.</i>	20

51. (4) <i>Suit under the sub-section ...</i>	50 ”
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(ii) *For the entry relating to section 53 (2) the following shall be substituted, namely :—*

	Rs.
“ 53. (3) <i>Suit under the sub-section ...</i>	50
53. (4) <i>Application to the court by the Board to modify or cancel a scheme.</i>	2 ”

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(iii) *After the entry relating to section 58 the following shall be inserted, namely:—*

	Rs.
" 59. (4) <i>Suit under the sub-section ...</i>	50 "

(iv) *The entry relating to section 60 (1) shall be omitted.*

(v) *The entry relating to section 63 (1) shall be omitted.*

(vi) *For the entry relating to section 63 (3) the following shall be substituted, namely:—*

	Rs.
" 63. (4) <i>Suit under the sub-section ...</i>	50
63. (5) <i>Application to the court to modify or cancel the decision under the section.</i>	2 "

(vii) *After the entry relating to section 72, the following shall be inserted, namely:—*

	Rs.
" 73. (2) <i>Application to a court to modify or set aside an order of the Board under sub-section (1) allocating any endowment, property or the income therefrom to religious and secular purposes.</i>	20 "

Rai Bahadur N. GOPALASWAMI AYYANGAR:—" Mr. President, I do not think that any remarks from me are called for by way of explanation for these amendments. Nearly all of them are consequential on the changes we have introduced into the substantive clauses. The last entry is one which supplies an omission in the Bill as passed by the Legislative Council last year."

The amendments were put and passed.

The hon. the PRESIDENT:—" As all the amendments referred to in His Excellency the Governor's message have been passed, the Bill, as amended, will now be submitted to His Excellency for assent.

" The House will now adjourn for lunch and re-assemble at 2-30 p.m., when, if hon. Members have no objection, resolutions can be taken up."

The hon. Mr. C. P. RAMASWAMI AYYAR:—" Mr. President, Sir, I am just making a suggestion which it is open to you to accept or not. With regard to the resolutions with which I am concerned—one of them is as regards the travelling and daily allowances to jurors and assessors and the other is as regards the reinstatement of ghat talaiyaris—I do not know the exact intensity of interest felt by hon. Members in these resolutions. But, unless very intense interest has been aroused, it seems to me that we might meet at 3 p.m. or 4 p.m. and then until His Excellency prorogues the Council, we might do other business. I am entirely in your hands. I see signs of impatience on the part of the hon. the Deputy President (laughter) and I know that he is deeply interested in ghat talaiyaris. But the question is this: the budget has been framed on the basis of no ghat talaiyaris and so, if some months later this question is raised, it might be more useful for the next year's budget. This is my suggestion."

Diwan Bahadur P. KESAVA PILLAI:—" If I may venture to speak, Sir, I would submit this: Suppose this resolution is put off, is there any likelihood

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of its ever coming to the top in subsequent meetings? It is a matter of very great importance to the public that these ghat talaiyaris should continue. We will give our opinion. Several hon. Members who are interested in that question are absent and I know they will flock in as soon as the resolutions are taken up."

The hon. Mr. C. P. RAMASWAMI AYYAR:—" Very well; if hon. Members who are in the committee rooms are going to flock here and if the question of ghat talaiyaris is going to be the focus (laughter), I have no objection to accept the suggestion."

The House then adjourned for lunch at 1-37 p.m.

After lunch (2-35 p.m.).

IV

THE MADRAS PILFERAGE PREVENTION BILL—CHAIRMAN OF THE SELECT COMMITTEE.

The hon. the PRESIDENT:—" I have to appoint the Chairman of the Select Committee on the Madras Pilferage Prevention Bill and I appoint the hon. Mr. C. P. Ramaswami Ayyar, the Law Member, as the Chairman."

V

THE MADRAS IRRIGATION BILL—ADDITION OF A MEMBER TO THE SELECT COMMITTEE.

The hon. Mr. C. P. RAMASWAMI AYYAR:—" May I take this opportunity to make a small announcement? By oversight in the printed list the name of Mr. P. N. Marthandam Pillai who was appointed to the Select Committee on the Irrigation Bill has been omitted and I want to make the announcement that he is a Member of the Committee."

The hon. the PRESIDENT:—" Was the name of the hon. Member included in the motion and am I to understand that his name did not appear in the list?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—" Yes, Sir."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—" I second it, Sir."

The hon. the PRESIDENT:—" I understand the hon. Member is not including the name for the first time. As it has been omitted from the list, however, the motion is to add the name. I presume the House agrees to the inclusion of the name."

The motion was put and carried.

VI

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

REINSTATEMENT OF GHAT TALAYARIS.

Mr. K. KOTI REDDI:—" Mr. President, Sir, I move—

' That this Council recommends to the Government that the ghat talaiyaris who have been removed in pursuance of the Retrenchment scheme be reinstated.'

" Sir, I had occasion once to bring this matter before this House. I am very much gratified that I have this opportunity of taking the views of this

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House on this very important matter. Members of this House who have any experience of village life in the districts, particularly in the hilly tracts of the country, must be aware of what useful set of Government servants these ghat talaiyaris have been. It is a wonder how the Retrenchment Committee would have suggested the abolition of such an important and useful set of Government servants. The Members of the Committee evidently seem to be men who could command at a moment's notice servants, arms and anything necessary for travel in villages. But any one who goes without any such help, with no arms into some of these lonely hilly parts of the country, particularly in these days of famine, would find to his cost what it is not to have these ghat talaiyaris. I find, Sir, that in the parts with which I am acquainted, namely, Cuddapah and some portions of Chittoor and Anantapur, there are many roads going through hills and surroundings which are practically uninhabited and the only men that could be met in these areas were the ghat talaiyaris. One finds in these days one cannot possibly undertake a night travel in these places unless one has a number of people to help or is sufficiently armed for the purpose. When I went through the country for my election purposes, the one complaint that was brought home to my notice from the villagers was that the Government had removed or were about to remove the ghat talaiyaris. I do not want to be understood to have given an election pledge as probably the Members of the Government Bench may happen to doubt; I never gave such an election pledge but I personally felt it that any step removing the ghat talaiyaris would be a great mistake on the part of the Government. I can cite some instances where even the Government officials travelling through these roads were not safe. I recollect very well that about 3 or 4 years ago one Sub-Magistrate was very badly handled in one of the roads leading from Jammalamadugu to Muddanur. But for the assistance from these talaiyaris even Government officials have not been feeling safe. Though all these talaiyaris have not been removed, I understand most of them have been removed in the interests of retrenchment. I must say that the number retained are very few and are not sufficient for the purpose which they are intended to serve. I maintain that even the old strength of these talaiyaris was not one too many. After their removal, the roads have been rendered very unsafe. It has been, Sir, my complaint, if I may say so, that the village population have been receiving very scant courtesy at the hands of the Government for the large amount of taxes which they pay. It has been the burden of my song, so to say, ever since I came to this Council to represent to the Council that the amount of taxes that the villagers pay is very much more than the benefits that they ought rateably to get from the Government. And this little militia, namely, the ghat talaiyaris, to protect them has been now denied to them. I hope the hon. Member would realize how the villagers would feel the non-existence of these talaiyaris. I would only suggest in case the hon. Member does not feel convinced of the necessity for these men that he should try the experiment by going *in cognito* : to some ghat either at Rayachoti or Budameru or some of the Badvel parts with which I am acquainted and I am sure he will find it to his cost how necessary those people are. I do not think these talaiyaris are given arms, but there is some guarantee that the travellers could go through the roads with safety. Many of these roads are infested with robbers and thieves and the existence of these talaiyaris would go a great

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way in order to give some protection to the lonely travellers frequently travelling through these roads. I know, as a matter of fact, that since the removal of some of these talaiyaris men who used to travel at nights through these regions are not now able to do so. Such being the case, I very strongly appeal to the hon. Member to see his way and somehow or other meet the necessary expenditure that would probably be involved and reinstate these talaiyaris. After all, I do not think the expenditure would be very much. Provision has been made, I suppose, in the budget for twenty or twenty-five thousand rupees; and probably a sum of seventy or eighty thousand more would be enough to meet the expenditure in this direction. The ghat talaiyaris who have been removed could then be reinstated.

"There is another thing which I want to bring to the hon. Member's notice. They are such a useful set of people in those lonely roads that they serve not only as protection to the ordinary traveller but any man who goes on those roads would find that there is no water available and the only place where you can get some water is at the hands of these ghat talaiyaris. That is a service which probably everybody could appreciate. Supposing any hon. Member goes to those places and wants water for his motor or if it breaks on the way, these people would be very useful. They are useful persons in such localities where but for them no other human being is available for anybody, and to remove such servants would really be putting great hardship particularly on the villages. I would conclude by saying that we at least expect this small mercy from the hon. the Law Member."

Diwan Bahadur P. KESAVA PILLAI :—"Sir, I beg to second the Resolution moved by my hon. Friend Mr. Koti Reddi. I am only sorry to find those benches (benches of the second block) vacant at this time. We expected the hon. Members who represent the constituencies affected would be present in their places when a discussion on an important matter such as this is taking place. What I am led to think is this. It rather shows that these ghat talaiyaris are not voters, that they have no votes to give. That accounts, I suppose, for the absence of hon. Members on those benches. But I hope that this incident would reach the villagers who are interested in the ghat talaiyaris, and that those hon. Members would be unseated in the next election for the indifference they have shown to an important subject such as this. (Laughter.)

"I may tell the hon. Member on the Treasury bench that the ghat talaiyaris have been serving from time immemorial. In the Ceded Districts, Mr. President, you must have been aware since you served in those districts in high positions that the ghat talaiyaris were very useful in those waterless places in many of those deserts or rather hilly tracts with shrubs where only sand can be had but not water. My hon. Friend, Mr. Paddison, I hope, would bear me out when I say that we cannot get water there. These ghat talaiyaris are very useful and, as my hon. Friend the Mover said, they are very serviceable when motors require water on the road. I myself had the advantage of getting service from a ghat talaiyari when my motor was in need of water. Sometimes when we fall sick on the road and are in need of shelter, they are like an oasis, as it were, with their goats, their sheep and their cows, and it would be very refreshing to see human beings in such places. I do not think it is a good policy to

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deprive the people of that part of the country of the protection which the ghat talaiyaris gave them. Very often they carry only a useless old gun and that is only for show purposes. But, as a matter of fact, they are either Lambadis, or the Malas or Madigas or some such class of people, and when they are employed as ghat talaiyaris, they are a very useful class, and I expect that all the appointed Members of the depressed classes would vote for this motion. But I now find that they are all absent with the exception of their stalwart champion, Mr. Veerian. I may repeat that this is rather an important question. The hon. Member sitting on the opposite bench (Mr. Ramaswami Ayyar) may consider that he could not do much for them. The members of the Retrenchment have betrayed—if I may venture to say so—rather a woeful ignorance about the state of things which exists in parts of the country where the ghat talaiyaris are employed.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“I do not know whether the hon. the Deputy President is referring to the Retrenchment Committee that was appointed to go generally into all the departments, or to the special Retrenchment Committee that was appointed for the Public Department. Because the general Retrenchment Committee had nothing to do with this matter, except recording what the special Retrenchment Committee did. This special committee consisted of a very large number of Police officers along with other members.”

Diwan Bahadur P. KESAVA PILLAI :—“I am very glad that the hon. Member is exculpating himself from the charge that I made on the committee. But whoever they may be, whether they may be high-placed, or middle-placed, they have exhibited a good deal of ignorance about the state of things in the Ceded Districts. I would like to ask Mr. Paddison to tell me if it is not a fact that these people are of very great use to the people.”

Mr. G. F. PADDISON :—“My experience is not of the present times.”

Diwan Bahadur P. KESAVA PILLAI :—“My esteemed Friend rather pleads ignorance of the present state of affairs, but he knows very well that Anantapur is a famine stricken place and in many parts of the district, the ghat talaiyaris are of very great use. They are useful to the travellers whether they may be rich or poor. The well-to-do people are afraid of travelling in those tracts after a certain hour. But when these ghats are established at a distance of two and a half miles each, the travellers are able to obtain shelter at such ghats, and they sometimes sleep there till the break of day. I would therefore appeal to the hon. the Law Member in the interests of peace and order for which they are so much concerned that he would be pleased to reinstate these ghat talaiyaris. They are of very great use and importance in the rural tracts, and so I would request the hon. Member to accept to this Resolution and then make some provision for them.”

Mr. R. VEERIAN :—“Mr. President, Sir, if I rise to speak on this motion, it is due to the fact that I am very keenly interested in the class of people for whom this Resolution is intended. But I may assure you that I will not make an emotional speech (laughter). I am very sorry that some of the hon. Members are considering that I am a firebrand. (Cries of ‘Not at all.’) Sir, I know for certain that ghat talaiyaris have been serving for 25 years and 30 years but now I find that they have been thrown out of employment mercilessly. After all they are getting a pittance of Rs. 8, and if they are

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thrown out of employment, what about their children and their families? They have become beggars. Is it not the duty of the Government to give them some employment? Now they are simply idling their time, and so it is the duty of the Government to reinstate them at any cost. There is a great danger in not reinstating them. We are well aware that there are several district congress committees and taluk committees in several places. They go and persuade these people and ask them to join in their movement. This is a great danger, Sir. We should see that they should be reinstated, or else I am afraid they would go and join these committees and begin to agitate, and that is a more important point, Sir, which I want to put before the House. Moreover, their life is very risky. They have to remain in the ghats. They work there for a pittance of Rs. 8. What more can I say about them, Sir? I think about 1,000 and odd of these persons were thrown out of employment and I appeal to all hon. Members to reinstate them forthwith, and with these few remarks, I support this motion.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“Sir, it is always difficult to resist appeals made by the hon. the Deputy President, but I hope he would listen in patience to certain considerations which it is my duty to place before the House. While listening to my hon. Friend, the Member from Cuddapah, I drew in my mind's eye lurid pictures of the state of things in his district. I hope, I fervently hope, that something of what he said was an exaggeration because, otherwise, people hold their lives in their hands in the Cuddapah district as they are marching by ordinary roads (‘Hear, hear’ from Diwan Bahadur P. Kesava Pillai), and in fact I was not very keen to avail myself of the very kind invitation to travel incognito in the Cuddapah district and narrate my experiences to this Council if—I am quoting the hon. Member's words—I emerge alive.

“Now, the position with regard to the ghat talaiyaris is a very simple one. The Police Committee dealt with this matter, and it consisted of Mr. Graham, Mr. Armitage, Mr. Davis, Mr. Narayana Reddi, Mr. Ramanuja Ayyangar, Mr. Natesan and others.”

Diwan Bahadur P. KESAVA PILLAI :—“Anybody from the Ceded districts?”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“Some of these officers have served in the Ceded districts. But I am perfectly free to admit that the wide and comprehensive experience possessed either by the hon. Member Mr. Koti Reddi or the hon. the Deputy President could not be claimed by any of the members of the Committee.”

Diwan Bahadur P. KESAVA PILLAI :—“Hear, hear.” (Laughter.)

The hon. Mr. C. P. RAMASWAMI AYYAR :—“I accept it, even though it refers to himself. The report of the Police Committee says :

‘Several members have cast doubts on the utility of the ghat talaiyaris, the total cost of whom amounts to over one lakh of rupees per annum. Other members have quoted cases in which these ghat talaiyaris have proved their usefulness for the purpose for which they are entertained, namely, for affording security to travellers along lonely roads which are likely to be the scenes of dacoity. The Inspector-General is prepared to recommend as an experiment their abolition as a separate body except in a few exceptional localities, but suggests that the reduction of the number of constables would be facilitated if some purely police talaiyaris could be employed to provide for duties, such as night road patrols, which cannot be performed by a constable single-handed, but do not necessarily require the presence of more than one police officer.’

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"That is the recommendation of the Police Committee. What the Government did was, taking the majority recommendation, namely, that retrenchment might be effected in the cadre of the police talaiyaris, they asked the committee to submit detailed proposals after full enquiry; and they proposed to effect a reduction of 864 ghat talaiyaris out of a total strength of about 1,200 which results in an annual saving of one lakh of rupees per annum. And here I find with regard to Cuddapah the sanctioned strength was 348, and the revised strength is 122; the reduction therefore is 226. In Anantapur the sanctioned strength was 190, and the revised strength is 18. I can now see the force of the appeal made by the hon. Member from Anantapur resulting apparently from the large reduction or cut that has been effected in Anantapur. The figures for Kurnool are; sanctioned strength, 139 revised strength, 59, reduction is 80. Those are the figures for the Ceded districts. On the whole, therefore, out of a strength of 1,131, about 300 men have been retained, and the rest have been disbanded. All that I can say is this. I shall go into this question again with reference to what has fallen from the two hon. Members, and I shall ask the Inspector-General to report to me whether in any locality such as Cuddapah or Anantapur the removal of these ghat talaiyaris has led to much greater insecurity in the case of travellers. If so, I shall suggest that a portion of the strength should be restored. More than that I cannot promise because it really is a financial problem. It is a question of a lakh of rupees per annum, and it is for the Council to decide whether anything more is possible in that direction."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, the hon. the Law Member wanted to know whether the removal of these ghat talaiyaris has anywhere resulted in insecurity to the people. If you just pause and consider how these ghat talaiyaris came to be appointed in the first instance you would be in a position to say at once that insecurity would be the inevitable result of their withdrawal. What happened is this. Crimes took place at some dangerous bends of roads and hilly places which were hidden away from the view of people. At such places crimes did take place and were afterwards reported to the police. The Police Superintendent suggested that a police ghat may be established at a particular place on account of the frequency of crimes there, so that crime may be lessened. That was how these appointments were made. If that was so, the removal of these ghat talaiyaris would naturally lead to greater insecurity."

"Speaking from my own experience of these districts and of the benefits which accrue to the people by the establishment of these ghat talaiyaris, I must say, Sir, that they are a convenience to the people there and a protection to them. I do not of course pretend to say that, by the appointment of one ghat talaiyari, he will be able to afford protection to all. But there is a kind of moral security for the people by their existence. Ghat talaiyaris are naturally feared by thieves and badmashes, and the latter feel that it would not be safe for them to frequent those roads where there are ghat talaiyaris. In that way I think, Sir, that they are a necessity to the people of those districts."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Mr. President, I do not wish to stand in the way of the hon. the Law Member examining such of the cases which, he said, would require examination in view of the remarks which

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have been made. But I must point out that the way in which retrenchment has been effected in the case of these ghat talaiyaris is one which requires a closer examination.

"I think that every one is satisfied that the institution, as an institution, is a very useful one. I believe in all these places where there are hill tracts, it is not possible to give an actual account of the way in which crimes are taking place. Some cases are brought to light, while others are not. I have known cases in which officers travelling in those parts could not go unless they have got a special escort to accompany them. I think the hon. the Law Member will do well to re-examine the whole question as to whether the principle of doing away with ghat talaiyaris and retaining them only in those special localities where a special case is made out for their retention, is a desirable one to adopt. If he is satisfied after further inquiry that the institution is a very useful institution, then he can examine the question of disbanding the ghat talaiyaris only in places where they are really superfluous rather than try and make out a case for their retention in exceptional cases. I would request him to consider that the institution is a good one and ought to be retained except in cases where it is absolutely superfluous. The Police Committee which went into this question of retrenchment has tried to cut down figures from the bottom rather than from places above. I carefully went through the recommendations of that Committee, and what struck me most was that they recommended the abolition of several constables, and also recommended the abolition of the ghat talaiyaris. The abolition of several constables has naturally led to the closing of several outposts which have been very useful in several places, and to the closing of several police stations also. The way in which this question has been dealt with, I must state, has caused general dissatisfaction. I have received complaints as to the way in which in several places some outposts have been closed, some police stations abolished, some constables sent out, and some ghat talaiyaris disbanded. The Police Committee thought that they must come out with some proposals for retrenchment. It was well known that the Police Committee was appointed for the purpose of finding out some means of effecting retrenchment. Proposals have been under consideration in this House as to whether the Deputy Inspector-General was necessary; a question was raised as to whether the Inspector was necessary or not; a question was also raised as to whether we could not do away with the Sub-Inspector and revert to the old system of having head constables; the question has been raised again as to whether the new sub-inspectors of police who are paid much more than the old head constables are doing more useful work in any way. We have raised all these questions in this House and I do not want to repeat them. When proposals were made for effecting retrenchment by applying the pruning knife in the higher appointments, we are told that more substantial economies might be effected by abolishing constables, closing so many outposts and police stations and removing the ghat talaiyaris. I think the Committee has unfortunately proceeded in this direction. I would request the hon. the Law Member not to take it as a closed question, because the abolition of these lower places is a thing which affects the security of the places concerned. It is far more important that these ghat talaiyaris ought to be maintained, that the several police stations ought to be continued than that the several outposts ought not to be abolished than that

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we should abolish the post of the Deputy Inspector-General, or the Inspector, or retain all this costly machinery. Not that I am making any suggestion now as to the abolition of any particular class of officers, but I do wish the hon. the Law Member to re-examine the whole question and see whether he cannot see his way, with due regard to retrenchment, to retain more of the officers in the lower grades, because, I believe they are really doing useful work and I think it will be very bad indeed to do away with them, the effect of which will only be to give rise to a feeling of insecurity in the minds of the people. Of course my own view is that we ought not to increase expenditure. But if it is necessary in the interest of the security of the country, and if the hon. the Law Member cannot probably induce the Government either to abolish the post of the Deputy Inspector-General of Police, or to do away with the post of the Inspectors of Police, or to effect any retrenchment in the directions we have so far indicated, I think he would be perfectly justified in asking for more money for the purpose of maintaining the purity in several villages which can only be done, not by closing the police stations, or abolishing the outposts, or removing the constables and ghat talaiyaris, but by providing for them. That is far more important and I wish he would do it. Even if he cannot effect retrenchment in other directions, he should not effect any retrenchment in this direction."

Mr. E. W. LEGH :—" Mr. President, I must confess to a considerable amount of ignorance on this subject, as I cannot remember if I have ever seen a ghat talaiyari and I have not been in any district where one existed. That is the reason why I am speaking on the subject, because I want some information."

" Now, Sir, it has been suggested to me by some of those who know something about these ghat talaiyaris, who, I believe, do not exist in the Tamil districts, I cannot remember if they exist anywhere there, that they occupy something like the position of the *kavalgar* in the South, who is very useful to the villagers and occupies a position of middleman between the ryot and the criminal classes. He is responsible to the villagers for the detection of crime and he does afford a certain sense of security to them. It has been suggested to me that the ghat talaiyari occupies a middle place between the criminal class and the people who travel along the roads. He does afford a certain sense of security to them, because if they pay him a certain amount they will not be molested, and if he is not there, they may be molested. As I said, I am asking for information . . . "

Diwan Bahadur P. KESAVA PILLAI :—" The hon. Member has got into some confusion. He has got some idea which does not correspond to the ghat talaiyari."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Is that a matter of personal explanation ? "

Diwan Bahadur P. KESAVA PILLAI :—" No, I want merely to give the definition "

Mr. E. W. LEGH :—" It is quite possible that I may be mistaken. I confessed ignorance on the subject at the very outset and that is why I am asking to be enlightened. When it is suggested that a greater sense of security will prevail by the reinstatement of these ghat talaiyaris, I wish

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to know definitely whether there is any truth in the statement or allegation which I have heard made that these ghat talaiyaris do represent the criminal classes, that the money paid to them was a sort of blackmail . . . "

Diwan Bahadur P. KESAVA PILLAI :—" No, Sir."

Mr. E. W. LEGH :—" And that, therefore, the money is paid so that your sense of security may be preserved. If so, I would ask the House whether we are certainly taking a step forward in reinstating them and whether it is not better to face the problem as they have done in the South by abolishing the *kavalgar* instead of getting back to the old state of things."

Diwan Bahadur P. KESAVA PILLAI :—" May I give a definition of the ghat talaiyari, Sir? The hon. the Law Member also has been saying that the hon. the Mover of this Resolution was not quite right in this respect. I want to tell him that they are a respectable class of depressed classes. They are placed at certain centres. They are living there with their families. They cultivate pieces of land. They afford shelter to the weary travellers and give them water and other things, and at the same time they form into a class from whom security could be had by the travellers on the road."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am obliged to the hon. the Deputy President for the very comprehensive definition." (Laughter.)

Diwan Bahadur P. KESAVA PILLAI :—" I gave that definition for the benefit of the other hon. Member (Mr. Legh)."

Mr. E. W. LEGH :—" I am obliged to the hon. Member."

Mr. R. SRINIVASAN :—" Mr. President, Sir, I must say that the ghat talaiyaris are a set of honest men. There might have been instances of conviction among the policemen, but you scarcely find one among the ghat talaiyaris, and I would challenge any one to come forward and prove a single conviction among these talaiyaris. They do not at all belong to the criminal classes. This fact will be borne out by the Government statistics. Thousands of rupees are entrusted to a ghat talaiyari and he carries the money miles and miles away all by himself. When strong people want help, they always go to these poor people; at the same time, when they want a building site, they always spot the paracheris and clear the depressed classes. I think the Inspector-General thought that by abolishing these ghat talaiyaris, he could put in more of his men in their place. Perhaps that is why he recommended their abolition. The ghat talaiyaris are a set of trustworthy and very useful people, and I should think that the money spent on them is well spent."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, I must say I am indebted to the various hon. Members for their views on the subject, and they have to a certain extent, been an education to me. I was not aware that there has been so much feeling aroused over the abolition of the ghat talaiyaris, and I propose, to leave the question of the Resolution for the decision of the House. I shall re-examine the matter as suggested by my hon. Friend from Nellore and see whether any readjustment of numbers so as to produce that sense of security which has been spoken to by hon. Members, can be effected, because I feel, as Member in charge of law and order, that it is of the most imperative necessity and importance that that feeling of security should exist and should not be taken away."

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The hon. the PRESIDENT :—"Is the hon. Member, Mr. Koti Reddi, pressing his motion?"

Mr. K. KOTI REDDI :—"Yes, Sir."

The motion was then put and carried.

RELEASE OF MAPPILLA PRISONERS CONVICTED OF CERTAIN OFFENCES.

Mr. ABBAS ALI KHAN :—"Mr. President, Sir, I have much pleasure in moving the Resolution that stands in my name which runs thus :

'4. That this Council recommends to the Government that all the Mappilla prisoners convicted for offences connected with the rebellion other than offences of murder and offences involving serious actual personal violence be released.'

"Sir, the other day when we proposed a cut of a lakh of rupees from the dietary charges under the head of 'Jail Administration', this question was thoroughly discussed by various Members of the House and a practical unanimity was arrived at so that we were able to effect that cut of one lakh of rupees. But in the minds of many of the hon. Members there has been an apprehension—a very reasonable and justifiable apprehension—that the hon. the Home Member may later on come forward with a supplementary grant and may be able to defeat the effect of that Resolution in that way. It is in order to avoid any misunderstanding upon that point that I want to move this Resolution formally.

"Since, last time, many speakers have spoken upon this very subject very ably and very eloquently, I do not think that I need occupy or take up much of the time of the House by re-stating what has already been said by various hon. Members of this House.

"But I must refer to some points which have come under my own observation, so that the hon. the Home Member may make up his mind once for all that the opinion of the Members of this Council should be given some sort of weight and consideration. When I was in Malabar in the beginning of the rebellion, I found that the feeling of the Hindus against the Mappillas was so great that it was not possible for the Mappilla prisoners who were arraigned before the special tribunals to procure the services of lawyers to defend them. Sir, I remember a conversation that took place in the railway platform. I do not know if Sir Arthur Knapp is aware of it, but I know he was also present then when Mr. K. P. Gopala Menon, a Member of the Madura Bar, came over there to defend the Mappillas. Mr. Manjeri Rama Ayyar, who was also standing in the platform, asked him the question how as a Hindu he came there to defend the Mappilla rebels."

The hon. Sir ARTHUR KNAPP :—"I must say that I took no part in any such conversation."

Mr. ABBAS ALI KHAN :—"I did not say so. I said that Sir Arthur Knapp was standing close by on the platform when the conversation between Mr. Manjeri Rama Ayyar and Mr. Gopala Menon was going on. I also personally know that many lawyers, when they were offered very handsome Crown fees on behalf of these Mappillas who could not defend themselves, refused to accept the briefs on account of conscientious objections. The

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result has been that in many of the charges of murder and other serious offences against the Mappillas the Government were unable to engage the services of able counsel. Great difficulty was experienced in having cases put up properly before the courts, and nobody would venture to come forth and give evidence on behalf of the Mappilla, lest he also should be clapped into jail for giving evidence in favour of the Mappilla. Sir, I know of many important Mappillas who had evidence of *alibi* in their favour, but the evidence was not available as people were so nervous and afraid to speak out their minds and give true statements on account of the circumstances then existing in Malabar. It was therefore impossible to have a fair, full and impartial trial in the courts. I do not mean to say that justice was miscarried. But those facilities for defending a case before a court were not available to the Mappilla.

"Another point I want to state is this. There are nearly five or six thousand Mappillas in jail. These Mappillas are polygamists and have generally about three or four wives each, and they are also very prolific (laughter). One thing I have seen is the poorer the Mappilla the larger the number of children he has, and in Malabar it is not an uncommon thing to see Mappillas with more than ten children, boys and girls. If there are six thousand Mappillas in jail, how can you expect the large number of poor women, who depended on them, to carry on their existence without the assistance and co-operation of their bread-winners and their male members? True these poor women sometimes get work in the fields, but many of them will be loathe to work in the open. The distress among the women is very acute, and I understand that these women are most of them very young, of 16 or 17 years of age, and you can easily imagine the amount of immorality that must go on. Is it right, is it charitable for this House not to give consideration to that? I understand that the Muhammadan community as a whole feels very strongly on that point, that many of these Mappilla women might lead or might be tempted to lead a life of immorality. Is it not, therefore, proper that at least those Mappillas who are married, if not all, should be released?

"Further, I also understand that the conditions in Malabar are now settled or are assuming their normal aspect; and it is highly desirable in the interest of peace, in the interest of the tranquillity of Malabar, in the interests of the prosperity and welfare of the people and in the interests of the economic restoration of Malabar that these sons of the soil should be released as early as possible, at least as many of them as can be released. If you keep them in jail unnecessarily for a longer period than it is absolutely desirable, do you not think that their wives and children, their sons, will harbour a certain amount of enmity and ill-feeling against their Hindu brethren and will always think that Hindus are responsible for the loss of their husbands, for the loss of their fathers and brothers? Therefore, should you not help to bring about an amity between the Hindus and the Mappillas, instead of perpetuating the ill-feeling between the two communities in Malabar?

"I have said what all I wanted to say, and as other Members also may be anxious to speak on the point I shall not say more. But I hope that the hon. Sir Arthur Knapp will be doing an act of pure and bare justice and humanity by releasing these Mappilla prisoners who are in jail.

[Mr. Abbas Ali Khan]

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"The hon. Sir Arthur Knapp asked how we could ask him to treat these Mappillas as prisoners of war as most of them were convicted of offences like murder and dacoity. As regards that point, I just want to go somewhat into international law. I do not know how far I would be right in doing so in the presence of the hon. the Law Member and other hon. Members versed in law. But still I want to invite attention to what Bluntschli and Fiore, two great international lawyers, have held in regard to the position of those who take part in a rebellion. War is a state of enmity between two States, and when a large number of people in the assertion of their rights, whether rightly or wrongly conceived, take up arms, a state of war should be supposed to exist between the insurgents and the prevailing authorities. Sir, both Bluntschli and Fiore are in agreement in saying that a rebellion of that kind is a state of war. For instance, Dr. Jameson was tried in South Africa and treated as a prisoner of war for his part in the Jameson raid."

The hon. Sir ARTHUR KNAPP:—"May I point out to my hon. Friend that Dr. Jameson and his friends were taken over to England and prosecuted in the English Court?"

Mr. ABBAS ALI KHAN:—"It might be for certain offences they committed in the rising in the South African republic. But on the question of belligerent rights they were considered as prisoners of war. They were not considered as rebels, but as belligerents by the English Government."

Mr. M. RATNASWAMI:—"Is it the contention of the hon. Member that as soon as a set of people declare that they are going to rebel against existing authority immediately from that moment onwards they must be treated as belligerents?"

Mr. ABBAS ALI KHAN:—"If the hon. Member had a little more patience, I would have made the point very clear to him. Sir, belligerent rights should have been accorded to these rebels provided they satisfied four conditions; firstly, that they must be under recognized commanders; secondly, that a large part of the country must be under their control, and the authority of Government must have been put an end to there; thirdly, that they carried arms openly; and fourthly, that they conformed to the conditions of civilized warfare. These are the four conditions that they should satisfy for recognition as belligerents. The moment you classify the Mappillas as belligerents, the property of the Hindus cannot become inviolate. Because, the moment the Hindus observe neutrality in the eyes of the Mappillas they become their enemies. I do not say it is quite right. But I am only discussing it in an academic way and I am just putting the legal aspect of it. I do not say the Mappillas are right or wrong. However, the moment the Hindus adopted a neutral attitude the Mappillas could only consider the Hindus as practically enemy subjects. Here, what has happened? The Mappillas have proclaimed a Khilafat Raj: they had their own commanders; they carried arms openly and they had put an end to the authority of Government in that local area for some time; when these conditions had been satisfied by the Mappillas, are they not to be given belligerent rights?"

The hon. Sir ARTHUR KNAPP:—"May I ask him to clarify the issue and to say if the Mappillas satisfied the fourth condition, namely, that the belligerent should observe the rules of war? That is a point which my hon. Friend has carefully omitted?"

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Mr. ABBAS ALI KHAN:—"About that I am not very sure, Sir. But they fought with the British Government I suppose. I am not now referring to the atrocities committed by them on the Hindus. Apart from that, so far as war is concerned, they did not conceal their weapons and they honourably fought with the Government. Now, International Law says that it is open to belligerents to requisition all property that is lying within their reach for their own existence and for the proper prosecution of the war. Here you find roads blocked up, bridges demolished, trees felled down and everything was in a state of flux. They wanted to get food. They were carrying on a sort of guerilla warfare and here and there they had to get their rationing and so, for the sake of food, they plundered Hindu houses. I do not say they were right, but International Law gives them power to do so. As soon as the rebellion was put down, the Government ought to have treated them as prisoners of war and exacted from them a tribute so that compensation might be paid for the damages caused to the Hindus, and proclaimed a general amnesty and released them. That is what has been done in the Jameson Raid and in the rising in the Irish Republic where amnesty was proclaimed before Ireland became a Free State. My hon. Friend, Mr. Saldanha, when questioned whether the Mappillas were going to have a Free State said 'no' but added that the analogy of the amnesty given to Irish political prisoners after the Irish Free State was established applied to the Mappillas. Sir, the Mappillas thought they were going to have a Khilafat Raj. I do not say they were right or wrong, and if you ask my own opinion they were perfectly wrong. As a lawyer I must say that the moment belligerent rights are accorded to them they are entitled to be released as prisoners of war. They were fighting rightly or wrongly against the Government for their own rights. I remember that Bluntschli in paragraph 512 says so. He says that a rising of a large number of people in an armed condition is a state of war. Here you had a very large body of rebels. As a matter of fact the Government presumed that every male adult over the age of 16 in the taluks of Walluvanad and Ernad was a rebel. So, when the rebellion was put an end to, the fundamental duty of the Government ought to have been to treat the Mappillas as prisoners of war and exact from them a huge tribute for the payment of compensation for loss that has occurred to the Hindus and release them. Instead of doing that, the Government proceeded against them under Criminal Law, treated them as rebels and convicted them for dacoity and other offences, a procedure, that could not have been contemplated in any civilized country under those conditions. I think that is not the correct position under International Law according to the authorities cited by me. True there are sections in the Indian Penal Code for offences like waging war against the King. But here it is not an individual action; the whole country rose in arms against the British Government and a very large mass of people were concerned. The moment a mass levy has taken place International Law comes in and belligerent rights ought to have been accorded to these people."

The hon. Sir ARTHUR KNAPP:—"Would my hon. Friend give an estimate of the total number of people whom he considers should be treated as belligerents?"

Mr. ABBAS ALI KHAN:—"I have not the statistics for these two taluks showing the number of people."

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The hon. Sir ARTHUR KNAPP:—"I take it there are an army of people from these two taluks in jail."

Mr ABBAS ALI KHAN:—"I may be wrong as regards figures. The other day I was in a hopeless quandary quoting figures. Therefore I submit that since there has been a mass levy, belligerent rights ought to have been conceded to the Mappillas and they be released as prisoners of war without being proceeded against under the Criminal Law. I, therefore, request every Member of this House to support my resolution, for the sake of these poor Mappilla women and children, for the sake of the peace and tranquillity of Malabar, for the sake of Hindu-Muhammadan unity and for the sake of the economic rehabilitation of Malabar. I want you to forgive and forget the many wrongs that they have done. If the flag of liberty, freedom and justice is to fly over our civilised country, you should consider their case from a humanitarian point of view and release these Mappilla prisoners as an act of charity and mercy, so that their miserable women and children might join their husbands and live happily, instead of ruining themselves and the moral life of the country."

Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB:—"Mr. President, Sir, in according my hearty support to the proposition before the House, I may, at the very outset, say that the whole Mussalman community will be very grateful to the Government if it takes up in right earnest the question of the release of the Mappilla prisoners. Hon. Members of this House must have heard of the great privations and hardships that are being experienced by the families of these prisoners. When I had occasion to visit some parts of the Walvanad taluk, one of the centres of the disturbances, I saw the tragic spectacle of hundreds of Mappilla women and children cast adrift without any male members to protect them. These poor women and children had to shift for themselves to earn their livelihood. On the roadside I found lots of these unhappy creatures sitting under the cover of coconut palm leaves patiently waiting for a chance customer to pass by. In some places it was indeed a pitiable sight to see women and children toiling hard at work meant for strong adults. They are obliged to toil thus by the sheer necessity of keeping body and soul together."

"Sir, great tribute has been paid in this very House to the sturdiness of the Mappilla labourer. He is capable of bearing any amount of fatigue. His zeal for work is admirable. I saw with my own eyes the once gloomy hillsides and valleys now turned into smiling fields and gardens by his exertions. The only shortcoming in him is that he is uneducated and ignorant and consequently easily misled. I believe if a scheme of education suited to his needs is devised and brought within his reach, he is sure to make a fine citizen of the British Empire."

"Sir my hon. Friend, Mr. Uppi Sahib, in the course of his speech on the motion for reduction from the demand for jails, has told us in detail how several innocent Mappillas happened to find themselves in the company of the rebels and how the police in some cases failed to substantiate their charges. As the hon. Member said there is every likelihood of there being among the Mappillas now in jail, many people who are quite innocent of the charge urged against them, but who, for various reasons, could not

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either defend themselves or find defence witnesses owing to the very unsettled condition of affairs in the district.

"Sir, there seems to be some doubt in certain quarters as to the probable attitude of the Mappillas if they were to be released. It is apprehended that they might misbehave themselves. But I ask if there have not been instances in which people after being released have proved to be not merely good citizens but even active supporters of the Government. Have we not before us the case of the Punjab Martial Law prisoners who have behaved like good fellows after their release? Was not the Minister Lala Hari-kishan Lal, one of the Martial Law prisoners sentenced for life? (Mr. S Satyamurti: 'Hear, hear'.) Is it not likely that among the Mappillas now in jail there may be many who if released would turn out as good citizens as the Lala Sahib?"

"Further, Sir, when my hon. Friend, Mr. Mosa Sait, referred the other day to certain apprehensions of my hon. Friend, Mr. Krishnan Nayar, with reference to the release of some Mappillas a year ago, the hon. Sir Arthur Knapp emphatically asserted that there were no such apprehensions on the part of the Government."

"Sir, another argument that is urged against the release of the Mappillas is that the Hindus of Malabar are against it. Now, Sir, the representative of the Jemmies of Malabar, my hon. Friend Mr. Prabhakaran Tampan, speaking on behalf of the Hindus of the district, assured us a few days ago that times had changed and that he was prepared to extend his hand of friendship to the Mappilla. That, I submit, Sir, is a reply to those who urge that the Hindus are against the proposal."

The hon. Sir ARTHUR KNAPP:—"Sir, may I remind my hon. Friend that the very same afternoon he declared that he was against the taking away of the Special police stationed there?"

Mr. C. RAMALINGA REDDI:—"Sir, may I point out that what my hon. Friend said was only that the special police was to be retained; he did not say anything against the release of the prisoners."

Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB:—"Even if it be considered unsafe to let the Mappillas go back to Malabar, I see no danger in it however. The hon. Member for Tinnevely, Mr. Marthandam Pillai, who paid a well-deserved tribute to the industrious habits of the Mappillas, has assured us that the Mappillas are welcome to his district."

"Sir, even the hon. Sir Arthur Knapp told us the other day that he admired the Mappillas (Sir Arthur Knapp: 'Hear, hear') and much as I know he has tried to do for the Mappillas I still hope that in view of the assurance of our Hindu friends from Malabar and the testimony of the Mappilla members of this House regarding the changed angle of vision of the Mappillas the hon. the Home Member will see his way to accepting this Resolution."

"In conclusion, Sir, both from the economic and humanitarian points of view, I again urge upon the Government the necessity of releasing all the Mappilla prisoners who are not actually guilty of violence or other dastardly crime and also those who are undergoing imprisonment for failure to pay the

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fine imposed upon them. With these few words, Sir, I request all the hon. Members of this House to unanimously pass the Resolution before them."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, my hon. friend, Mr. Abbas Ali, took me somewhat by surprise. But he has raised a question of such wide application that I do not think I shall be doing my duty if I do not examine the proposition which he has put forward and formally repudiate it. It is true that an Italian author Fiore and a German Bluntschli have taken the view that it is possible in International Law to recognise a body of traitors or those who wage war against the State as belligerents for certain purposes. But English, French and American Law are clearly against that doctrine. The whole of that doctrine was elaborately examined in the Jameson Raid case. My hon. Friend has surely forgotten what happened in the Jameson Raid case. Let me at the risk of being merely historical remind this House of it. Dr. Jameson and a party of his followers invaded a State which was then in friendly terms with Great Britain. They were arraigned before a Court of Law and Dr. Jameson was sentenced to death, though the sentence was afterwards commuted. In order that there may be no doubt about it, I will read what Dr. Openheim, a distinguished exponent of International Law, says about it :

"To the war, the contention must be *between States*. In the Middle Ages wars between private individuals, so-called private wars, were known, and wars between corporations as the Hansa for instance and States. But such wars have totally disappeared in modern times. A contention may of course arise between the armed forces of a State and a body of armed individuals, but this is not war. Thus the contention between the raiders under Dr. Jameson and the South African Republic in January 1896 was not war. Nor is a contention with insurgents or with pirates a war. And a so-called civil war need not be war from the beginning, and may not become war at all, in the technical sense of the term in International Law. On the other hand, in an armed contention between a suzerain and its vassal State the character of war ought not to be denied, for both parties are States, although the action of the vassal may, from the standpoint of Constitution Law, be rebellion."

"Then if you look at the foot-note you find :

"Some publicists maintain, however that a contention between a State and the armed forces of a party fighting for public rights must be considered as war. See, for instance, Bluntschli 612 and Fiore iii, 1265."

"Now, Lawrence, a very eminent writer dealing with the question of belligerents, has considered this matter. I am afraid I am taking the House far from the Mappilla rebellion. But as it is a very important matter in the future relations between States and individuals, I want to point out that it cannot be said that after declaring war against the State the rights of belligerents can be claimed by any subject. I want to make it absolutely clear that in the case of the Civil War in America and also in the late war with Czecho Slovakia, Great Britain assumed to itself the right to treat one of the two parties as in Czecho Slovakia as in a state of war. That is an exception which has been recognized by international law. That is, if in a State there are two parties, armed forces fighting against each other a third party fighting against the State can recognize one of the two parties as at war for the purpose of international law. Mr. Lawrence deals with it at page 333 and I do not wish to read the passage now. But I do desire emphatically to repudiate

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entirely the theory that the fact that a subject wages war against the State *ipso facto* forces upon him the status of belligerency so as to enable him to claim the immunities of belligerents."

Mr. ABBAS ALI KHAN :—"I think the hon. the Law Member was examining the codes on civil war and guerilla warfare between States and subjects that have agreed to the four limitations which I enumerated as conferring belligerents' rights upon them. As regards Jameson, I may point out that the South African Republic was a Boer Republic and Jameson was a British citizen. The Boer Republic sentenced him to death and Britain intervened and wanted to treat his party as belligerents and wanted that amnesty should be given to them and they ought to be released. Dr. Jameson was released and I believe he lived long after."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In that respect, I think, my hon. Friend's recollection is wrong. He was indicted in the King's Bench Division for the very same thing and was convicted and after serving sentence for a little while the sentence was commuted by Royal prerogative

Diwan Bahadur M. KRISHNAN NAYAR :—"I want to support this Motion not for the reasons given by my hon. Friend, Mr. Abbas Ali Khan, but entirely for different reasons. I support the Resolution on account of the peculiar circumstances of the case. The rebellion began, I believe, on the 21st August 1921 and continued in all its ferocity for some months. While the rebellion was at its height, special magistrates were appointed by the Government to deal with the cases and they were empowered to inflict punishment for a period of two years and less. Now, all these prisoners who were sentenced to terms of two years and less have now been released either after the expiry of their terms of imprisonment or even before that. In the beginning of 1922, I think, it was that the Government proposed to release and ultimately carried out their resolution of letting out many of these prisoners. It was at that time thought that it would be a wise step to let them out. Now, considerable time has elapsed since the date of the rebellion and since the dates of these fierce occurrences, and the feelings of both the Hindus and the Mappillas have considerably changed.

"The friendly relations should be restored between these two communities as early as possible, and I believe it will be a step in the direction of the restoration of those friendly relations to release those Mappilla prisoners who are not actually guilty of murder and serious personal violence. By so doing, we shall be setting Malabar on the road to its full reconstruction. That is one reason for which I support this Resolution.

"Another reason is connected with the economic condition of the country. When I had been to Manjeri, which is one of the Mappilla centres, during time of the elections, I found in the course of conversation with the people there, that the price of many articles which are necessary for domestic consumption such as fuel, etc., had risen very high in that locality. When made inquiries as to the cause of the special rise in the price of fuel, the information I got was that the Mappillas, who were in the habit of cutting from the jungles, were in jail. The Mappillas are a very industrial people and their presence is necessary for the healthy economic state of the country. For these two reasons, I beg to support the Resolution and not on account of the reasons stated by Mr. Abbas Ali."

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Mr. J. A. SALDANHA:—"Mr. President, Sir, I do not want to make a speech on this occasion. As reference was made to a statement made by me and as there has been a sort of inaccurate reporting and misunderstanding, I want to offer a word of explanation. I tried to apply the analogy of the Free State of Ireland and the amnesty given to Irish prisoners. I was asked by the hon. Sir Charles Todhunter whether I was advocating a Mappilla Free State. As one of the daily papers had rightly reported, I gave them to understand that I wanted an Indian Free State. What was in my mind when I referred to Ireland was that the Government was quite entitled to vindicate the law, but if they pursued what is called vindictiveness, there may arise a state of feeling in the minds of the people left behind their relations in Malabar and South Kanara, against the British Government of such intensity that it might spread also all over India owing to their repressive or vindictive policy. I said that it might come to such a state that the extreme Indians might claim an Indian Free State. That is something much more than Dominion Home Rule. That was the trend of my thought. I do not want to go further on this point. But what I would urge is that the Government have done enough in vindicating law. I would also urge, at the same time, that the Government should not pursue what would be strictly considered by the Mappillas and their relatives a vindictive policy."

Mr. S. SATYAMURTI:—"I move that the question be now put. I have to do so especially as the Council may not sit till 5 p.m. Most of us on this side and the other side are anxious that this Resolution should be voted on before the Council is prorogued."

The hon. the PRESIDENT:—"Neither the Government Member nor anybody else on this side has spoken."

The hon. Sir ARTHUR KNAPP:—"As regards the question raised by Mr. Abbas Ali regarding the right of Mappillas to be regarded as belligerents, it is hardly necessary for me to repeat what has been repeated by my hon. Colleague to the right. I may remind my hon. Friend that according to his own showing, the Mappillas had no such right. He enumerated four conditions which necessarily should be present before you recognize a state of war and one of them is that the belligerents should observe the rules of war. No one who has any knowledge whatever of the rebellion can, for a moment, suggest that the Mappillas did observe the rules of war. That is, I think, quite sufficient to meet my hon. Friend's point which, I think, he called academic. I am glad he used that phrase, because I suppose it shows that he really did not mean to put forward seriously the proposal which he was advocating. Now, Sir, I feel some difficulty in replying on this debate because I am by no means clear, after hearing this debate as to the particular grounds on which my hon. Friends recommend that the Mappillas who have not been convicted of serious personal violence should be released. Unfortunately I missed the first few sentences of his speech, but I did hear him enlarging on the doubts which existed as to the guilt of many of the Mappillas who are at present in the jail. The hon. Member below the gangway adverted to the same point. Now, Sir, I thought I had already given the only answer that I could give to this Council, viz., that so far as we are concerned, we respect the orders of courts. We have no intention of taking any action on the basis that the court's decisions are to be re-examined. It is quite impossible for us to do that. While I am on this subject,