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TO THE PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency the Rt. Hon. the Viscount GOSCHEN OF HAWKHURST, G.C.I.E., G.B.E. Took his seat on 14th April 1924.

Members of the Executive Council.

1. The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur, K.C.I.E., Member in charge of Revenue. Took his seat on 17th December 1920 and is in charge of the following portfolios:—

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

2. The hon. Sir ARTHUR ROWLAND KNAPP, K.C.I.E., 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.	Labour (including factories).
Agency and Laccadives.	Malabar affairs (including law and order in Malabar).
Air-craft.	Military.
Arms and explosives.	Passports.
Civil supplies.	Pilgrims to the Hedjaz.
Court of Wards and Zamindars.	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.	
Forests (including cinchona).	
Government Houses.	
Jails.	

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. Mr. R. A. GRAHAM, C.S.I., I.C.S., Finance Member. Took his seat on 26th April 1924 and is in charge of the following portfolios:—

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

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.

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.

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

Secretary to the Council.

M.R.Ry. Rao Bahadur R. V. KRISHNA AYYAR Avargal, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. C. SATAGOPIA 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 Wahab Sahib, Munshi ...	Northern Circars M. Rural.
4. Abdulla Ghatala Sahib Bahadur (Council Secretary).	North Arcot cum Chingleput M. Rural.
5. Adinarayana Chetti, T. ...	North Arcot N.-M. Rural.
6. Anjaneyulu, P. ...	Guntur N.-M. Rural.
7. Ankinedu Prasad Bahadur, S. R. Y. ...	North Landholders II.
8. Appavu Chettiyar, D. ...	Salem N.-M. Rural.
9. Ari Gowder, H. B. ...	Nilgiris N.-M. Rural.
10. Arpudaswami Udayar, S. (Council Secretary).	Tanjore cum Trichinopoly Indian Christian.
11. Arumuga Nadar, P. K. S. A. ...	NOMINATED for Nadars.
12. Bhanoji Rao, A. V. ...	Vizagapatam N.-M. Urban.
13. Biswanath Das Mahasayo, Sriman	Ganjam N.-M. Rural.
14. Chidambara Nadar, A. ...	Madura N.-M. Rural.
15. Congreve, C. R. T. ...	Madras Planters.
16. Cruz Fernandez, Rao Bahadur.	Ramnad cum Tinnevelly Indian Christian.
17. Davies, R. W. ...	NOMINATED. (Secretary to Government, Finance Department.)
18. Davis, J. A. ...	NOMINATED for Anglo-Indians.
19. Devendrudu, N. ...	NOMINATED for Adi-Andhras.
20. Ellappa Chettiyar, Rao Sahib S.	Salem N.-M. Rural.
21. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur N.-M. Rural.
22. Gangaraju, M. ...	Kistna N.-M. Rural.
23. Ghouse Mian Sahib, Muhammad.	Central Districts M. Rural.
24. Gopala Menon, C. ...	S.I. Chamber of Commerce.
25. Gopalan, Rao Sahib P. V. ...	NOMINATED for Mukkuvans or Fishermen.
26. Graham, C.S.I., I.C.S., The hon. Mr. R. A.	EX-OFFICIO.
27. Guruswami, L. C. ...	NOMINATED for Arundhateyas.
28. Habib-ul-lah Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Muhammad.	EX-OFFICIO.
29. Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abdullah.	South Kanara M. Rural.
30. Hawkins, P. ...	NOMINATED for the Irrigation Bill. [Secretary to Government, Public Works (Irrigation) Department.]
31. Kesava Pillai, Diwan Bahadur P. (Deputy President).	Anantapur N.-M. Rural.

Name of member.	Name of constituency.
32. Khalif-ul-lah Sahib, Khan Bahadur P.	Madura cum Trichinopoly M. Rural.
33. Knapp, K.C.I.E., C.S.I., C.B.E., I.C.S., The hon. Sir Arthur.	EX-OFFICIO.
34. Koti Reddi, K. ...	Cuddapah N.-M. Rural.
35. Krishna Rao Pantulu, Rao Bahadur A. S.	Nellore N.-M. Rural.
36. Krishnan Nayar, Diwan Bahadur M. (Chairman).	Malabar cum Anjengo N.-M. Rural.
37. Krishnaswami Nayudu, Rao Bahadur K.	North Arcot N.-M. Rural.
38. Kuppuswami, J. ...	Guntur N.-M. Rural.
39. Legh, E. W., C.I.E., I.C.S. ...	NOMINATED. (Secretary to Government, Revenue Department.)
40. Madhava Raja, V. ...	Malabar cum Anjengo N.-M. Rural.
41. Madurai, Hony. Lt. ...	NOMINATED for Adi-Dravidas.
42. Mahabala Hegde, B. ...	South Kanara N.-M. Rural.
43. Mallesappa, T. ...	NOMINATED for Lingayats.
44. Marakkayar, V. Hamid Sultan.	Tanjore M. Rural.
45. Marthandam Pillai, P. N. ...	Tinnevelly N.-M. Rural.
46. Maruthavanam Pillai, C. ...	Tanjore N.-M. Rural.
47. Mathai, Dr. John ...	NOMINATED.
48. Moidu Sahib, T. M. ...	Malabar cum Anjengo M. Rural.
49. Moore, C.I.E., P. L. ...	NOMINATED. (Secretary to Government, Local Self-Government Department.)
50. Moosa Sait Sahib, Muhammad ...	Madras M. Urban.
51. Muhammad Sahib Bahadur, T. N.	Ramnad cum Tinnevelly M. Rural.
52. Muniswami Nayudu, B. ...	Chittoor N.-M. Rural.
53. Murugappa Chettiyar, Rao Bahadur A. M. M.	Nattukottai Nagarathars.
54. Muttayya Mudaliyar, S. ...	Tanjore N.-M. Rural.
55. Muttayya Mudaliyar, C. ...	Chingleput N.-M. Rural.
56. Muttu Chettiyar, P. C. ...	Ramnad N.-M. Rural.
57. Narasimbacharu, Rai Bahadur T. M.	Cuddapah N.-M. Rural.
58. Narasimha Raju, Rao Bahadur C. V. S.	Vizagapatam N.-M. Rural.
59. Narayanan Nambudripad, Rao Bahadur O. M.	NOMINATED for Nambudiris.
60. Narayanaswami Pillai, T. M. ...	Trichinopoly N.-M. Rural.
61. Natesa Mudaliyar, Rao Bahadur C.	Madras N.-M. Urban.
62. Nicholson, L. C. ...	Madras Trades.
63. Obalesappa, B. ...	NOMINATED for Maruthuvakulari (Barbers).
64. Paddison, G. F., C.S.I., I.C.S. ...	Do. (Commissioner of Labour and Protector of the Depressed Classes.)
65. Pantulu Ayyar, V., alias Venkatarama Ayyar.	Tanjore N.-M. Rural.
66. Partridge, P. W. ...	Madras European.

Name of member.	Name of constituency.
67. Patro, The hon. Rao Bahadur Sir A. P. (Minister).	Ganjam N.-M. Rural.
68. Peddiraju, P. ...	Kistna 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 Ballana, K. ...	Do. for Jains.
74. Raja of Kurupam ...	Northern Landholders I.
75. Raja of Panagal, The hon. the (Minister).	North Central Landholders.
76. Raja of Ramnad (Chairman) ...	Southern Landholders.
77. Rajan, P. T. ...	Madura N.-M. Rural.
78. Rajappa Tevar, P. S. ...	NOMINATED for Kallars.
79. Rama Rao, Rao Sahib U. ...	South Kanara N.-M. Rural.
80. Raman, Rao Bahadur P. ...	NOMINATED for Tiyyas.
81. Ramachandra Ayyar, T. R. ...	Do. for Malabar Tenancy Bill.
82. Raman Menon, K. P. ...	Do. do.
83. Ramachandra Reddi, B. ...	Nellore N.-M. Rural.
84. Ramachari, Rao Sahib K. V. (Chairman).	Madura N.-M. Urban.
85. Ramalinga Chettiyar, Rao Bahadur T. A.	Coimbatore N.-M. Rural.
86. Ramalinga Reddi, C. ...	Chittoor N.-M. Rural.
87. Ramaswami Ayyar, C.I.E., The hon. Mr. C. P.	EX-OFFICIO.
88. Ramaswami Mudaliyar, A. ...	Chingleput N.-M. Rural.
89. Rameswara Rao, G. ...	Anantapur N.-M. Rural.
90. Ranganatha Mudaliyar, A. ...	Bellary N.-M. Rural.
91. Ratnaswami, M. (Chairman) ...	Central Districts Indian Christian.
92. Rencontre, A. E. ...	Anglo-Indian.
93. Ross, Thomas McKenzie ...	Madras Chamber of Commerce.
94. Sagaram, P. ...	NOMINATED for Setti-Balijas.
95. Saldanha, J. A. ...	West Coast Indian Christian.
96. Samuel, J. D. ...	Northern Circars Indian Christian.
97. Sarabha Reddi, K. ...	Kurnool N.-M. Rural.
98. Sarvarayudu, K. ...	Kistna N.-M. Rural.
99. Sasibhushana Rath Mahasayo, Sriman.	Ganjam N.-M. Rural.
100. Satyamurti, S. ...	Madras University.
101. Seetayya, M. ...	Kistna N.-M. Rural.
102. Seturatnam Ayyar, M. R. ...	Trichinopoly N.-M. Rural.
103. Simpson, Kt., Sir James ...	Madras Chamber of Commerce.
104. Sitarama Reddi, K. ...	South Arcot N.-M. Rural.
105. Siva Rao, P. ...	Bellary N.-M. Rural.
106. Sivagnanam Pillai, The hon. Diwan Bahadur T. N. (Minister).	Tinnevelly N.-M. Rural.
107. Srinivasan, R. ...	NOMINATED for Adi-Dravidas.
108. Srinivasa Ayyangar, R. ...	South Arcot N.-M. Rural.
109. Subbarayan, Dr. P. ...	South Central Landholders,

Name of member.	Name of constituency.
110. Subrahmanya Pillai, K. Chavadi.	Tinnevelly cum Palamcottah N.-M. Urban.
111. Sundaramurti, P. V. S. ...	NOMINATED for Adi-Dravidas.
112. Suryanarayanamurti Nayudu, Diwan Bahadur K.	Cocanada N.-M. Urban.
113. Swamikannu Pillai, C.I.E., I.S.O., The hon. Diwan Bahadur L. D.	NOMINATED. (President, Legislative Council.)
114. Symons, O.B.E., I.M.S., Major-General Thomas Henry.	NOMINATED.
115. Tangavelu Pillai, Rao Sahib T. C. (Council Secretary).	Trichinopoly cum Srirangam N.-M. Urban.
116. Tanikachala Chettiyar, Rao Bahadur O.	Madras N.-M. Urban.
117. Tyagaraya Chettiyar, Kt., Diwan Bahadur Sir P.	Madras N.-M. Urban.
118. Uppi Sahib, K. ...	Malabar cum Anjengo M. Rural.
119. Varada Achariyar, S. ...	NOMINATED for the Madras Irrigation Bill.
120. Veerian, R. ...	NOMINATED for Adi-Dravidas.
121. Vellingiri Gounder, V. C. ...	Coimbatore N.-M. Rural.
122. Venkatachala Padayachi, K. ...	South Arcot N.-M. Rural.
123. Venkatachalam Chettiyar, S. ...	Madras N.-M. Urban.
124. Venkatarama Sastriyar, T. R. ...	NOMINATED. (Advocate-General.)
125. Venkatarreddi Nayudu, Kt., Rai Bahadur Sir K.	Godavari N.-M. Rural.
126. Venkataramana Ayyangar, C. V.	Coimbatore N.-M. Rural.
127. Venkataranga Reddi, Rao Bahadur C.	Kurnool N.-M. Rural.
128. Venkatapati Razu, P. C. ...	Vizagapatam N.-M. Rural.
129. Venkataratnam, B. ...	Godavari N.-M. Rural.
130. Vijayaraghava Mudaliyar, Diwan Bahadur W.	North Arcot N.-M. Rural.
131. Virappa Chettiyar, Rao Bahadur P. K. A. C. T.	Ramnad N.-M. Rural.
132. Yahya Ali Sahib, Janab Muhammad.	East Coast M. Rural.

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

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

VOLUME XXI.

Wednesday, the 12th November 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, 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.]

Famine.

Status of officers deputed for famine-relief work.

1112 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) what is the status of the officers to be deputed for the administration of the various branches of famine relief according to the Famine Code ;

(b) whether the officers actually deputed now in the various localities are of the required grade ;

(c) whether any or all of them get any extra allowance when on famine duty ; and

(d) if some of them do not get the allowance, why do they not and why a difference is made in their case ?

A.—(a)	Taluk Relief Officer	...	of higher rank than Tahsildar.
	Charge Officer	...	Deputy Tahsildar.
	Circle Officer	...	Revenue Inspector.
	Work Agent	...	Sub-Overseer now styled Overseer.
	Work Inspector	...	Overseer now styled Supervisor.
	Medical Officer	...	Sub-Assistant Surgeon.
	Travelling Auditor and Accountant,		Clerk of the standing of a Senior Auditor of the Accountant-General's office.

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(b) Yes, except in the case of two charge officers in the Anantapur district who are Taluk Head Accountants.

(c) & (d) Yes, if the officers deputed are already in permanent service. The allowance is not granted to temporary men and those that are recruited on special pay for famine work.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (b) of this question, may I ask the hon. Member for Revenue why in the case of these two appointments men of the required grade have not been appointed? Is it because such men were not available?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" The grade of officers appointed in this particular case is not far lower than that of deputy tahsildars. However, as hon. Members are aware, fully qualified men are not available in the Ceded districts even for regular duties."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (c), may I ask the reasons why the extra allowance is not granted to temporary men? I can understand the allowance not being granted to men who are recruited on special pay for famine work. But why are the temporary men not granted this allowance?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I am afraid I am not prepared to enter into a discussion as to the reasons which actuated Government to refuse temporary men any extra allowance. There are other opportunities for the hon. Member to elicit full details with regard to this Government Order. If he agrees with me, I should ask the hon. Member to elicit information from me by some other means."

Mr. S. SATYAMURTI :—" May I know if the hon. the Member for Revenue is thinking of a resolution being tabled or a question being put to concentrate the discussion on this matter?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I leave the exact method to the hon. Member. Supplementary question is not the vehicle by which to elicit information as to the reasons which led the Government to come to a particular conclusion. It will lead to a number of further questions and answers."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I refer the hon. Member for Revenue to the original question itself? Clause (d) says, 'if some of them do not get the allowance, why do they not and why a difference is made in their case?'"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I maintain, Sir, that neither an interpellation nor a supplementary question ought to be the vehicle for eliciting reasons as to why Government came to particular conclusions."

Mr. S. SATYAMURTI :—" I thought that supplementary questions alone were being objected to."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I do not make any difference between the two. I regard both as belonging to the same species."

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Mr. S. SATYAMURTI :—" I must respectfully ask you, Sir, whether you are going to take this *ipsi dixit* from the hon. the Member for Revenue, viz., that neither by means of original questions nor by means of supplementary questions can hon. Members of this House ask Government for reasons why they came to particular conclusions."

The hon. the PRESIDENT :—" I do not think there is any occasion for dealing with a very general proposition of that kind. The question was 'why some of them did not get extra allowance and why a difference was made in their case.' The Government have given the reason that some of them are temporary and that others are recruited on special pay. To that extent the reason has been given."

Mr. S. SATYAMURTI :—" It seems to me, as the wording of the answer indicates and as the hon. Member for Revenue very rightly conceded, that he is not prepared to give the reasons. The answer says 'the allowance is not granted to temporary men'. It does not say that because they were temporary they were not granted. It seems to me, Sir, that the whole purpose of interpellations will be lost if the Government were to say 'we shall not give you the reasons'. Certainly it is a violent interpretation of the right of interpellation vested in this House."

The hon. the PRESIDENT :—" I am not prepared to lay down a ruling. But I would advise the hon. Member to put a question asking for reasons and we can then see whether it should be admitted."

Mr. S. SATYAMURTI :—" May I make another submission? Mr. Venkataramana Ayyangar drew the attention of the hon. Member for Revenue to the fact that the original question itself contained this clause, viz., 'if some of them do not get the allowance, why do they not and why a difference is made in their case?' The question has already been admitted by you. The hon. Member for Revenue now says 'I make no difference between the original question and a supplementary question'."

The hon. the PRESIDENT :—" I am perfectly aware of the answer given by the hon. the Revenue Member and therefore am saying this again. If the hon. Member would put a question formally asking for reason, then it will be considered by me and the Government whether he should have an answer to the question in that form or whether he should put it in the form of a resolution."

Mr. S. SATYAMURTI :—" Much obliged to you, Sir."

Floods.

Clearance of sand from the fields affected by the floods in Trichinopoly, etc.

1113 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Member for Revenue be pleased to state whether the Government have formulated any scheme for the clearance of sand in the fields affected by the floods in the Trichinopoly and Tanjore districts?

A.—The hon. Member is referred to G.O. No. 1599, Revenue, dated 15th October 1924, which has been placed on Editors' Table.

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. the Minister for Development be pleased to state what steps have been taken with regard to the formation of co-operative societies in these areas?"

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The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I have not received any report from the Special Officer."

Mr. T. ADINARAYANA CHETTIYAR :—" Will he be pleased to call for the information ?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes."

Action taken on the report of the Shiyali Flood Relief Committee.

1114 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(a) whether they have perused the preliminary report of the Shiyali Flood Relief Committee ;

(b) whether the Government propose to act on the suggestions contained therein ; and

(c) if not, why not in each case ?

A.—(a) Yes.

(b) & (c) The report has been forwarded to the Flood Commissioner and the Chief Engineer for Irrigation for consideration.

Mr. S. SATYAMURTI :—" With reference to clause (b) of this question, may I ask the hon. Member for Revenue to say when approximately the report was forwarded to the Flood Commissioner and the Chief Engineer for Irrigation for consideration ?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Soon after it was received. I do not exactly remember the date."

Mr. S. SATYAMURTI :—" Some time must have elapsed after this answer was received in your office ; has the hon. the Revenue Member heard of any action being taken since then on the report ?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I have not heard."

Mr. S. SATYAMURTI :—" May I ask, when he does hear, whether he will report to the House what action has been taken ?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" After the receipt of the report, I shall certainly consider the advisability of what is to be done."

Additional grants for the repair of damages caused by the floods.

1115 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state whether the Government intend asking for an additional grant to repair the damages caused by the flood, and if not, why not ?

A.—Yes.

Mr. S. SATYAMURTI :—" With reference to the answer to this question, may I ask the hon. Member for Revenue when he proposes to come to this House for the additional grant and for approximately what amount ?"

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" The grant therein referred to is in respect of improvements to irrigation works and the hon. Member in charge of Irrigation will, I think, be coming up to the House soon for an additional grant."

Loans for clearing sand from lands.

1116 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Member for Revenue be pleased to state whether the Government have received any suggestion that they should advance loans at cheap rates of interest for clearing sand from private lands and whether the Government have come to any decision on the question, and if so, what is the nature of that decision ?

A.—The hon. Member is referred to paragraph 3 of G.O. No. 1599, Revenue, dated 15th October 1924, which has been placed on Editors' Table.

Land Revenue.

Collection of revenue by the Tahsildar of Arkonam.

1117 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to call for a report in the matter referred to in his answer to question No. 459 regarding the collection of revenue by the Tahsildar of Arkonam given in the Council on 22nd August 1924 ?

A.—No. It is open to the aggrieved parties to represent their grievances, if any, to higher authorities.

Mr. T. ADINARAYANA CHETTIYAR :—" Many of the people who have been suspended feel that they ought not to have been suspended and the matter has caused considerable stir in the locality. I request the hon. Member for Revenue to place on the table a list of persons who have been so suspended."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" The Government have no information at all, Sir, as regards the names of individuals who are alleged to have been suspended. If they were actually suspended, it was open to them to seek the remedy provided by the rules. I can assure the hon. Member that I have received no appeal so far."

Assignment of lands in Bellary district.

1118 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the whole or a portion of S. No. 547 (c) village-site poramboke of Kudatini village in Bellary taluk has been assigned temporarily on patta to Kare Basappa of the same village for purposes of cultivation and, if so, the extent and date of assignment on patta ;

(b) whether Kare Basappa applied at any time for the assignment of the land and if so the date of his application, the extent he applied for and the purpose for which the application was made ;

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(c) whether before assigning the land the Taluk Tahsildar obtained the previous permission of the Collector as contemplated by Board's Standing Order No. 21; and

(d) whether S. No. 547 (c) is required for houses, rickshaws and rural purposes other than cultivation by the people of Kudatini village?

A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR :—"Will the Government be so good as to call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The hon. Member is aware that, in such cases, there is a remedy already provided by the rules, and if that remedy has already been exhausted and I am given an assurance to that effect, I shall certainly call for the information."

Mr. A. RANGANATHA MUDALIYAR :—"Thank you, Sir."

Sale of stocks in monigar's choultries, munsifs' courts, etc.

1119 Q.—Mr. R. SRINIVASAN : Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether stock in monigar's choultries or munsifs' courts have been removed, sold by public auction and their sale-proceeds accounted for; and

(b) whether sections 33, 43 and 44 of chapter III of the Village Officers Manual and section 10 of Regulation XI of 1816 and section 6 of Regulation IV of 1821 authorizing use of the stocks have been deleted from the Manual and Regulations?

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

(b) The concluding portion of section 10 of Regulation XI of 1816 authorizing the use of the stocks as a form of punishment has been deleted by section 27 of the Madras Village Courts (Amendment) Act, 1919. No amendment to section 6 of Regulation IV of 1821 is called for, as it contains only a reference to section 10 of the Regulation of 1816 which has already been amended. The consequential amendments to paragraphs 33, 43 and 44 of the Village Officers Manual have not yet issued but the Government are giving orders for their early issue.

Mr. S. SATYAMURTI :—"With reference to clause (b) of this question, may I ask the hon. Member for Revenue when approximately the orders are expected to be issued?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"They are being issued."

Emigration.

Coolies working in Assam.

1120 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state whether the Government have taken any and, if so, what steps to satisfy themselves that the coolies who are still working in the Assam tea estates have settled down contentedly on the estates and find the conditions there to their liking?

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A.—The Government have no reason to suppose that the coolies who are staying on in the Assam tea estates do not find the conditions to their liking and do not propose to take any special steps in the matter.

Mr. A. RANGANATHA MUDALIYAR :—"Will the Government state anything further about this matter in view of the enquiries conducted by the Commissioner for Labour?"

The hon. Sir ARTHUR KNAPP :—"I am afraid I am not in a position to say anything further till I see the report."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"The Government now say that there is no reason to suppose that the coolies do not find the conditions to their liking. If so, what reason do they attribute for the exodus from Assam and the in-coming of the Assam labourers back to their homes?"

The hon. Sir ARTHUR KNAPP :—"The reasons so far as we could ascertain them have already been explained at very great length. If the hon. Member wishes me to repeat them, I can only ask him to give me notice."

Mr. S. SATYAMURTI :—"May I ask the Government whether the answer is a mere expression of Government's opinion or is it based on mere human psychology that man must be presumed to be contented with the state in which he lives or whether it is based on any report received from the Assam Government or from any other source?"

The hon. Sir ARTHUR KNAPP :—"The statement represents the conclusions to which Government have come after considering the facts and the correspondence before them."

Mr. S. SATYAMURTI :—"May I know whether there was any correspondence between this Government and any other agency or Government with regard to the conditions of people who are actually now in Assam?"

The hon. Sir ARTHUR KNAPP :—"I do not think I can say that there has been any correspondence specially directed upon this question; but I can say that the inference is drawn from correspondence that we have already had."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Will the hon. Member be pleased to lay it on the table, except, of course, the confidential portions?"

The hon. Sir ARTHUR KNAPP :—"It is already being prepared for being laid on the table. Probably it is in the Council Office by this time."

Diwan Bahadur P. KESAVA PILLAI :—"Will the Government be pleased to depute the Labour Commissioner to enquire into the affairs in Assam?"

The hon. Sir ARTHUR KNAPP :—"That question was asked during the last Council and I have said that Government saw no reason why they should take such a step. We await Mr. Paddison's local enquiries before taking any action."

Mr. S. SATYAMURTI :—"Is it that nothing but the exodus of the coolie will convince the hon. Member?"

Forests.

[12th November 1924]

Promotion to trained and untrained rangers in the Forest department.

1121 Q.—SRIMAN SASIBHUSHAN RATH Mahasaya: Will the hon. the Home Member be pleased to state—

(a) whether there is a large number of trained and untrained rangers in the Forest department in the lowest grade, and owing to the scheme of reorganization introduced in 1919 there is little prospect of their promotion to the next higher grade;

(b) whether it is a fact that prior to 1919 untrained rangers were given promotions in consideration of their merit and work;

(c) whether there is any single case of an untrained ranger having been promoted to the higher grade since the year 1919;

(d) whether the rangers have submitted to the Government any memorial for time-scale of pay;

(e) whether the rangers are not the only class of subordinate officials in whose case the time-scale scheme is not applied at present; and

(f) whether the Government contemplate to give relief to the rangers of the VII grade, both trained and untrained, by the time-scale system?

A.—(a) There are 22 rangers in the lowest grade, of whom 16 are trained and 6 untrained. They have at present little prospect of promotion to the next higher grade as vacancies in that grade are reserved for students leaving the Forest College with higher standard certificates.

(b) Yes

(c) Nine. No promotions have been made from the lowest grade, but nine untrained rangers in other grades have been promoted.

(d) The hon. Member is referred to the answer to clauses (1) and (2) of question No. 481 given at the meeting held on 22nd August 1924.

(e) No.

(f) No such proposal is at present before the Government.

Rao Bahadur C. NATESA MUDALIYAR:—“Has the Government any intention of ear-marking certain percentage of higher posts to lower grade people in recognition of mere merit?”

The hon. Sir ARTHUR KNAPP:—“No, Sir.”

Jails.

Water-supply to the residents of Cowle Bazaar, Bellary.

1122 Q.—MR. P. SIVA RAO: With reference to question No. 550 at the meeting of the Legislative Council, dated 7th March 1924, and the reply thereto about the total prohibition of the use of “Port-Ditch” water in Cowle Bazaar, Bellary, by the civil population of Bellary, and the letter of the Collector quoted therein (Appendix 3, page 312, Legislative Council Proceedings), will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Collector of Bellary prohibited either the direct or the indirect use of this source of drinking water, viz., the “Port-Ditch” or “Nagaracheruvu” by the civil population of Cowle Bazaar; whether the said

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“ditch” was fenced with barbed wire and direct access thereto was thus prevented; whether the indirect use of it by drawing the water from pipes situate outside the “ditch” was also prevented; and whether the taps are now closed and the water not pumped into them;

(b) whether it forms the principal source of water-supply for the town people of Cowle Bazaar and they have been using that water for a very long time as a matter of right and by an arrangement entered into with the Cantonment Committee and sanctioned by the Government;

(c) whether the said source was under the control of the Cantonment Committee and the Bellary Municipality had been paying a fixed contribution of about Rs. 350 towards its upkeep with the approval of the Government, and whether the Cantonment Committee had never established its right to close it against the use of the civil population;

(d) whether it is a fact that the Alipuram Jail authorities purchased the plant for the water-supply to the military; if so, when and for what amount;

(e) whether the above closure was made by the Collector for the benefit of the prisoners in the special Alipuram Jail;

(f) whether the Cantonment Committee was consulted by the Collector before he issued the prohibitory order and whether it is a fact that the Cantonment Magistrate protested against the closure;

(g) whether the municipality have also protested against the said orders of the Collector; if so, what orders have been passed thereon;

(h) in what capacity and in whose interests and under what provision of law the Collector was acting in passing the order in question; and

(i) whether the hon. Minister has called for the information promised in reply to question No. 550 (d); if so, whether he will lay it on the table?

A.—(a) The Collector of Bellary prohibited the direct use of the Fort Ditch. When the tank was under maintenance by the Military authorities, they fenced it to prevent contamination and installed filters and plant to pump water into the Turkish prisoners' camp. The taps in the reservoir are now closed.

(b) & (c) The Fort Ditch is the service reservoir for the Cantonment area. The supply from Alipuram tank is made to the Fort Ditch irrespective of any use by the people of the Cowle Bazaar. The Military authorities merely claimed that as the Fort Ditch was being used by the inhabitants of the Cowle Bazaar they were entitled to receive some payment towards the maintenance and protection of the ditch. The payment of a contribution of Rs. 350 for the purpose by the municipal council was approved by the Government. The Fort Ditch was never under the control of the Cantonment Committee.

(d) The water-supply plant with the artesian well in the cantonment was purchased from the Military authorities in 1922 for a sum of Rs. 25,000.

(e) The Collector's order was issued for reasons of sanitation and for conserving the supply in the ditch for the jail population and that in the well filled by percolation from the ditch for the civil population.

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- (f) The Cantonment Committee was not consulted by the Collector. The Cantonment Magistrate simply pointed out that the civil population had a right to use the ditch water and well close by, under G.O. No. 243 M., dated 5th February 1907, in which it was decided that the council might be called upon to pay a part of the cost of the maintenance of the Fort Ditch tank.
- (g) With reference to the council's protest against the Collector's order of prohibition, a report was called for from the latter and communicated to the Chairman, Municipal Council, Bellary. The Government declined to interfere with the Collector's order.
- (h) The Collector issued the order as Collector and District Magistrate responsible for the health of the prisoners in the Alipuram jail.
- (i) The information was called for and is embodied in the answer to clause (f).

Railways.

Control of the branch and feeder railways.

1123 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the development of branch and feeder railways, as distinct from Imperial railways in this Presidency continues to be under the control of the Railway Board; and

(b) whether, at any time, the Government recommended or intend to recommend to the Government of India the transfer to the Local Governments of the power of sanctioning purely branch and feeder railway schemes without prejudice to the Imperial railways?

A.—(a) Yes.

(b) The answer is in the negative.

Mr. S. SATYAMURTI:—"With reference to clause (b) of this question, may I ask the Government the reason why this Government did not recommend to the Government of India the transfer to the Local Government of the power of sanctioning purely branch and feeder railway schemes?"

The hon. the RAJA OF PANAGAL:—"At present, Sir, the subject is a Central subject and it is for the Government of India to consider whether they are to transfer it to the Transferred side."

Mr. S. SATYAMURTI:—"I am afraid I have not made myself clear. I am not discussing anything as to the Reserved and Transferred sides. The question is whether it is a subject belonging to the Central or the Provincial Government; I am asking only this: I want to know the reason why this Government did not ask that this matter should be provincialised."

The hon. the RAJA OF PANAGAL:—"I have already answered that question. It is a matter for the Government of India to consider."

Mr. S. SATYAMURTI:—"I am not asking that at all; I am asking whether it is not open to him to ask the Government of India."

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The hon. the RAJA OF PANAGAL:—"It is open to the Minister to ask for the transfer of the subject but he is not bound to do so."

Mr. S. SATYAMURTI:—"Then why has he not done that?"

The hon. the RAJA OF PANAGAL:—"It is left to the discretion of the Minister."

Mr. S. SATYAMURTI:—"I have always thought—I hold that orthodox theory—that the discretion of the Ministers is liable to be controlled by this House."

Civil Justice.

Alleged discourtesy to the Reporter of the 'Swarajya' by the Registrar of the High Court.

1124 Q.—Mr. MUHAMMAD MOOSA SAIT: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Registrar of the High Court behaved discourteously to the Reporter of the 'Swarajya' by using his boot leg to remove the Reporter from his seat at the Court of Criminal Sessions where the Imperial Bank case was being tried (vide 'Swarajya' dated 22nd September 1924);

(b) what the explanation of the Registrar was in regard to his conduct; and

(c) if the answer is in the affirmative, whether the Government will be pleased to state the explanation of the Registrar's conduct; if it is in the negative, whether the Government will be pleased to call for a report?

A.—(a) The Government have read about it in the papers.

(b) & (c) The matter is one within the province of the hon. the Chief Justice under the Letters Patent for Madras.

Mr. S. SATYAMURTI:—"With reference to the answer to clauses (b) and (c), may I ask the hon. the Law Member whether in view of the fact that the Registrar is a member of the Indian Civil Service, the Government have absolutely no control over him even in affairs involving such flagrant breach of etiquette; may I know if the Government has no power over him at all?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"His services have been lent to the hon. the Chief Justice and under the Letters Patent he is personally responsible to the Chief Justice in regard to his work."

Mr. S. SATYAMURTI:—"May I ask whether the Government may not call the attention of the Chief Justice to the conduct and ask him whether he proposes to investigate into the matter?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I believe that the alleged conduct of the Registrar has already been brought to the attention of the Chief Justice."

Mr. J. A. SALDANHA:—"May I know if, when such a thing occurs, this Council cannot ask the Government to call for a report from the High Court?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"That is not the original question."

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Police.*Representation of depressed classes in the Ramnad and Madura police.*

1128 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member be pleased to state—

- (a) the number of police constables in Ramnad and Madura districts belonging to depressed classes, and the years of service put in by them; and
(b) whether it is a fact that in spite of meritorious services rendered by them, they are not given promotion, because they cannot enter into the houses of their immediate superiors and help them in their household matters?

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

(b) The Government know of no reason to suppose that promotion is denied to any deserving constable on the ground suggested by the hon. Member.

Mr. C. V. VENKATARAMANA AYYANGAR:—“With reference to answer to clause (a), in view of the large number of answers saying that the Government have no information, may I ask the hon. the Law Member to say whether that answer is based on any records already in the office here or whether there has been any information from the Local Superintendent of Police?”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“The answer to the first part of the question is based not on any records in the office, but on the absence of records. I may however supplement it for the information of the hon. Member and the House, that I already pointed out the very great difficulty which men in the position of the constable and the head constable feel in mentioning their exact caste. The difficulty is that they find it difficult to secure employment. If, in spite of that, information is wanted, I am perfectly prepared to call for it.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“With regard to (b), the answer suggests that the community belonging to the depressed classes are denied promotions because they cannot have access into the houses?”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“Distressing as the answer may appear, I may say that it has been brought to the notice of some of the superior officers that their prospects are worse because they belong to the depressed classes.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“Have the Government then made any attempt to remedy that state of affairs?”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“A warning has issued that such considerations should not be taken into account.”

Public Works.*The Cauvery bridge at Trichinopoly.*

1129 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member and the hon. the Minister for Education be pleased to state whether the Government have received any report about the present condition of the Cauvery bridge at Trichinopoly and whether the Government intend taking any immediate steps for making the bridge absolutely safe for traffic?

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A.—The Government have received a report and an estimate from the Superintending Engineer, Trichinopoly Circle, for improvements to the floor of the bridge. The Superintending Engineer will submit proposals for improvements to the spans after the river permits of their examination. It is proposed to carry out necessary improvements after the north-east monsoon floods are over. Steps are being taken to obtain allotment of funds for the works and collect materials.

Appointments.*The Staff Selection Board.*

1130 Q.—Mr. ABBAS ALI KHAN: Will the hon. the Member for Finance be pleased to state—

- (a) who are all the members of the Staff Selection Board;
(b) what salary they get;
(c) who suggested to the Government the names of the non-official gentlemen who constitute the Staff Selection Board;
(d) how many appointments were made by the Staff Selection Board since its inception and in what departments and how many candidates of each community castewar were selected;
(e) how many Muslims applied for appointments and how many of them were actually appointed in the various departments; and
(f) how long will the Staff Selection Board continue?

A.—(a) The members are—

Officials.

- (1) The Chief Secretary to Government.
- (2) The Surgeon-General.
- (3) The Director of Public Instruction.

Non-officials.

- (4) M.R.Ry. Diwan Bahadur W. L. Venkataramayya Garu.
- (5) Khan Sahib Mir Riaz-ud-din Sahib Bahadur.
- (b) They get no salary as members of the Staff Selection Board.
- (c) The Government cannot undertake to answer the question.
- (d) & (e) The Staff Selection Board makes no appointments. They select persons qualified and suitable for appointment.
- (f) The Government propose to continue the Board till a Public Service Commission is established in this Presidency.

Rao Bahadur C. NATESA MUDALIYAR:—“May I know how many were selected by the Staff Selection Board and in what departments and how many candidates of each community were selected?”

The hon. Sir ARTHUR KNAPP:—“I am afraid, Sir, I must ask for notice.”

Rao Bahadur C. NATESA MUDALIYAR:—“It is said ‘they select persons qualified and suitable for appointment’. Is it paying due attention to the communal Government Order?”

The hon. Sir ARTHUR KNAPP:—“It is paying attention to the orders specifically laid down for the guidance of the Staff Selection Board.”

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Rao Bahadur C. NATESA MUDALIYAR :—" Is the communal Government Order one of the orders specifically laid down ? "

The hon. Sir ARTHUR KNAPP :—" I cannot say. The orders on the subject of representation of various communities were referred to in the instructions to the Staff Selection Board."

Rao Bahadur C. NATESA MUDALIYAR :—" With reference to (e) asking how many Muslims applied for appointments and how many were actually appointed, there is no answer ? "

The hon. Sir ARTHUR KNAPP :—" The answer is contained in the statement already made, viz., 'the Staff Selection Board makes no appointments at all'; and so the question does not arise."

Rao Bahadur C. NATESA MUDALIYAR :—" The question is how many applied ? "

The hon. Sir ARTHUR KNAPP :—" If the question refers to previous years, I am afraid, I must ask for notice."

Rao Bahadur C. NATESA MUDALIYAR :—" After the Staff Selection Board was constituted ? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I cannot undertake to answer that question."

Rao Bahadur C. NATESA MUDALIYAR :—" I am not asking for the period before the appointment of the Staff Selection Board. But I am asking only of the numbers after the constitution of the Board."

The hon. the PRESIDENT :—" I would ask the hon. Member to put down the question formally and then he will probably be told in what direction to limit himself as regards the information wanted. There is really some vagueness such as is complained of by the hon. the Home Member."

Mr. S. SATYAMURTI :—" With reference to clause (f) of this question, may I ask when the Government will be in a position to constitute the Public Service Commission ? "

The hon. Sir ARTHUR KNAPP :—" On that matter we have to await the action of the Government of India and the Secretary of State."

Mr. S. SATYAMURTI :—" May I ask whether the local Government have taken or propose to take any initiative in the matter at all by way of pressing on the higher authorities the need for it ? "

The hon. Sir ARTHUR KNAPP :—" We have already on more than one occasion emphasized the need for such a commission."

Mr. S. SATYAMURTI :—" Arising from the absence of the hon. the Finance Member, may I make this submission partly on a point of order and partly as a matter of decorum ? It seems to me that in no assembly in the world the Members of the Treasury Benches absent themselves continually when the House is in session. Last time, if I remember right, the hon. the Development Minister was absent for one or two days; and this time, I believe, the Finance Member is going to absent himself for some days. I am asking you, Sir, as one in whose hands the traditions of this House lie, whether you are going to encourage this sort of affairs under which when the House is in full session the Members of the Treasury Benches absent themselves. It is a matter on which I request you will be pleased to give your considered opinion."

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The hon. the PRESIDENT :—" I may inform the House that I have had notice of the absence of the hon. the Minister for Development on the last occasion as well as of the absence of the hon. the Finance Member now. I believe the Development Minister made special arrangements, before going away on an urgent engagement on the last two days of the last sitting, for his questions, if any, being answered. The hon. the Finance Member, I understand, has been called away on public duty. When such a thing happens, the Members of the Government are expected to make arrangements with their colleagues for their questions being answered and in the case of the Finance Member he has made such arrangements."

Local Boards and Municipal Councils.

A bridge over the madugu in the Kistna district.

1131 Q.—Munshi ABDUL WAHAB SAHIB : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that great inconvenience is felt both by the passengers and the traffic for want of a bridge over the madugu or the Public Works Department canal at a point at Nidadavole in the Kistna district where the Narsapur and Isukupatla-Pongidi roads are separated;

(b) whether it is a fact that in crossing the ferry several accidents have occurred in the past, causing loss of life and property; and

(c) whether the Government have any objection to undertake by itself or instruct local board concerned to put up a bridge over the madugu ?

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

(c) The Government cannot undertake the construction of the bridge. The attention of the Kistna District Board will be drawn to the matter.

The Chingleput municipality.

1132 Q.—Mr. A. CHIDAMBARA NADAR : Will the hon. the Minister for Local Self-Government be pleased to state whether it is a fact that the Chingleput municipality was surcharged for carriages owned by persons living outside the municipal limits plying for hire and passing through the municipality ?

A.—No.

Extension of the bridge at Satyamangalam.

1133 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the attention of the Government has been drawn to the resolution of the Satyamangalam union and the public meeting held there requesting the Government to extend the length of the bridge over the Bhavani at Satyamangalam by the addition of two more spans to enable proper outlet for the water during flood seasons;

(b) whether the bridge has been inspected by the Superintending Engineer, Mr. Molesworth, and, if so, what opinion he has given; and

(c) what steps have been taken on his report ?

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- 4.—(a) The answer is in the negative.
 (b) The Government have no information.
 (c) The question does not arise.

Water-supply in Coimbatore.

1134 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether the necessary detailed estimates and plans for the Coimbatore water-supply scheme have been received by the Government and finally sanctioned;

(b) whether it is the Public Works or the Sanitary Department which will be entrusted with the execution of the work;

(c) whether the Sanitary Engineer has entered or is arranging to enter into an agreement with the South Indian Export Company for the supply of cast-iron pipes to the value of 20 lakhs of rupees, and if the plans and estimates have not yet been sanctioned, why orders for the supply are placed in advance and under whose authority;

(d) whether the Sanitary Engineer called for tenders for the supply of pipes by advertisement in the local papers and, if he did not, the reasons for the omission;

(e) whether he obtained the previous permission of the Government to arrange for the supply of pipes, after merely calling for quotations from a few selected firms; and

(f) the names of the persons who gave 'quotations' and the details of the quotations?

A.—(a) No, but the scheme has been administratively approved on the basis of preliminary plans and approximate estimates.

(b) The Public Works Department.

(c) The Sanitary Engineer is preparing an agreement under orders of the Chief Engineer. The low quotation of the company for pipes of Indian manufacture held good only up to a certain date and had consequently to be accepted before that date.

(d) Under the orders of the Chief Engineer, the Sanitary Engineer called for quotations from leading firms who supply pipes of the kinds required and it was considered unnecessary to call for tenders by advertisement as the Bengal Iron Company (to whom the South Indian Export Company are the agents) is the only firm that manufactures suitable cast-iron pipes in India.

(e) The Chief Engineer had permission to accept the offer of the South Indian Export Company as that was the lowest and most favourable.

(f) The Government consider it undesirable to give the information.

Mr. S. SATYAMURTI:—"With reference to the answer to (e) last two lines, 'as that was the lowest and most favourable,' may I know on what basis or on what facts and figures the opinion that the quotation was the lowest is based?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It was low as compared with the quotations which the Chief Engineer obtained from other firms."

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Mr. S. SATYAMURTI:—"May I know how many such quotations were received?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I am afraid I cannot answer that now."

Mr. S. SATYAMURTI:—"May I ask with regard to the answer to (d) that quotations have been called for from leading firms, who supplied pipes of the kind, etc.; may I ask how many leading firms were so called to submit tenders?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I have already answered that. I am not in a position to answer that definitely."

Mr. S. SATYAMURTI:—"The first question was as to how many quotations were received; now the question is as to from how many firms quotations were so called for. I suppose these are two distinct things?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I understand it is some six or eight, but I am not certain."

Mr. S. SATYAMURTI:—"With reference to the same answer, 'it was considered unnecessary to call for tenders by advertisement as the Bengal Iron Company (to whom the South Indian Export Company are the agents) is the only firm that manufactures suitable cast-iron pipes in India,' may I know the reasons why it was considered unnecessary to call for tenders by advertisement? May I ask whether it was because the Government had made up their minds to give the order to the South Indian Export Company alone?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It was considered that the pipes should be purchased from Indian manufacturers, so that Indian manufacturers may be encouraged. It is in view of that that it was decided that the pipes should be purchased from the manufacturers in India."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know if tenders have been called for from the Tata Company?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I am not in a position to state that."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Is it going to be the same answer with regard to the Badravati Iron Works also?"

The hon. Rao Bahadur Sir A. P. PATRO:—"Manufacturers of cast-iron pipes have, I believe, all been communicated with. But I do not vouch for the accuracy of the statement."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Will the hon. the Minister give us, if he has got the file before him, the names of these eight firms? Even if he cannot give them now, will he be able to give them some time later, because this is a very important matter from our point of view? Only the tenders of the European firm are accepted and not those of the Indian firms."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"When are the pipes required?"

The hon. Rao Bahadur Sir A. P. PATRO:—"When the laying down is begun." (Laughter.)

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Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I understand that the headworks will take at least four or five years for completion and the pipes will be required only after that period ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not think so. "

Rao Bahadur Sir K. VENKATAREDDI NAYUDU :—" May I know who the Directors of the South Indian Export Company are ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not know. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is it not the practice that the Superintending Engineer accepts the tenders generally with regard to such works ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Yes. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Then, is there any special reason why the Chief Engineer should have taken this step in this particular case ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It is also open to the Chief Engineer to call for tenders himself. It has been the practice also to allow the Superintending Engineers and Executive Engineers to call for tenders. "

Mr. P. ANJANEYULU :—" If it will not take five or six years to complete the headworks, then what time will it take ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I cannot answer that question because that depends on so many other things. For instance, tunnels and trenches have to be dug and so on. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Have any steps been taken in this direction ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The answer is contained in the answer to clause (a). "

Mr. C. V. VENKATARAMANA AYYANGAR :—" So, no work can be begun without detailed estimates being sanctioned. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" When there is so much of preliminary work to be done, where is the urgency for these pipes being bought now ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It is explained in the answer to clauses (c) and (d). The firm has fixed a period within which the quotation held good. Hence the Chief Engineer considered that the matter should be decided within that period. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Is there any reason to believe that within the next four or five years the prices will go up ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It is not possible to say how the market will be then. But the Chief Engineer has information to the effect that the prices have been going up in England during the last six months or one year. "

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Mr. C. V. VENKATARAMANA AYYANGAR :—" Are the Government aware that the Tata Iron and Steel Co. have applied for fresh concessions from the Government of India, because the prices are going down ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I may say the whole question is still under consideration. The answer to clause (e) requires revision, and a revised answer will soon be placed before the House. " (Hear, hear.)

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I take it, therefore, that the offer itself is going to be considered, i.e., if the Government think that they have been misled and so on ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The Chief Engineer has the discretion. Having got the lowest quotation, he has to accept it after Government sanctioned the detailed estimate. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" But suppose the Government are satisfied that all the firms were not asked about their quotations, will the Government then be pleased to revise their present arrangement ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The answer says that in view of the urgency of the matter, and because a firm which manufactures pipes in India has given the lowest quotation, the Chief Engineer has exercised his discretion. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is it a fact that this firm has written to England for moulds for the making of pipes ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not know whether that is a fact because I am not in correspondence with that firm. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if there is a penal provision in the agreement prohibiting the import of pipes by this firm ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" These are all details which are to be incorporated in the agreement and the agreement has not been finally drafted. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Will the Government be pleased to remember this point when they enter into an agreement with the firm ? "

The hon. the PRESIDENT :—" There is going to be a revised answer and I therefore think that further supplementary questions may be suspended for the present. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I hope the Government will see that in the interval, that is, before the revised answer is given, no contract is entered into; otherwise there will be no use in giving us the revised answer. "

The hon. Rao Bahadur Sir A. P. PATRO :—" I understand that the agreement was accepted by the Chief Engineer. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" I therefore want to know whether that agreement contains this provision that they should make the pipes in India alone and that the agreement will become invalid if they are imported from outside. "

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Mr. S. SATYAMURTI :—"The hon. the Minister has said that the answer to clause (e) requires revision. But with regard to clause (d), is the hon. the Minister aware that the Bengal Iron Company is really an European firm?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Martin & Co., I think, are the managing agents of that company. I also learn that one of the Directors of that firm is an Indian, Sir Rajendra Mukherjee."

Mr. SAMI VENKATACHALAM CHETTIYAR :—"Will the Government be pleased to adopt the policy of not ordering from outside India things which can be obtained in India?"

The hon. Rao Bahadur Sir A. P. PATRO :—"That is generally being done. But it is open to Government in certain cases to deviate from that rule."

Donation to the Sarada Niketan by the Guntur taluk board.

1135 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that exception has been taken to the donation of Rs. 15 made by the Guntur taluk board to the *Sarada Niketan* and that the members of the board have been served with a surcharge order;

(b) whether it is a fact that *Sarada Niketan* is mainly, if not solely, an educational institution wherein about 200 girls receive education;

(c) whether Government had once approved the grant made by local bodies to the *Andhra Jatheeya Kalasala*, Masulipatam, irrespective of the political views of its organizers; and

(d) whether exception is taken to the grant to *Sarada Niketan* on the ground that its organizer's politics are disagreeable to the Government; if not, what are the reasons that prompted Government to issue the surcharge order referred to in (a)?

A.—(a) The answer to the first portion of the clause is in the affirmative. The Government have no information in regard to the latter portion.

(b) The institution was reported to be a school for girls. The Government have no information about the strength of the institution.

(c) The answer is in the affirmative.

(d) The *Sarada Niketan* is not a recognized institution. The Government do not issue surcharge orders. They are issued by the Auditor.

Mr. P. ANJANEYULU :—"As regards the answer to question (c), may I know whether grants by local bodies to *Andhra Jatheeya Kalasala* are approved by the Government?"

The hon. the RAJA OF PANAGAL :—"Sir, I want notice of the question."

Mr. S. SATYAMURTI :—"With reference to answer to clause (a), may I ask why exception has been taken to the donation to the *Sarada Niketan*?"

The hon. the RAJA OF PANAGAL :—"Because it is not a recognized institution."

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Mr. S. SATYAMURTI :—"May I take it, therefore, that the policy of the Government is not to allow taluk boards autonomy even in this matter of giving small sums to unrecognized institutions; or which are doing good work?"

The hon. the RAJA OF PANAGAL :—"They are allowed to exercise their discretion in the case of institutions which have been recognized."

Mr. S. SATYAMURTI :—"And in the case of unrecognized institutions, they cannot donate even a single pie?"

The hon. the RAJA OF PANAGAL :—"No, Sir."

Alleged absence of qualifications of the Engineers, etc., in the service of the district boards.

1136 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether men without qualifications have been exempted and are retained as Assistant Engineers and Engineers in the service of several district boards and municipalities in the Presidency;

(b) whether he will place a list of such men on the table of the House; and

(c) the reasons why unqualified men are retained in preference to qualified men who have been sent away from employment under these bodies?

A.—(a) Exemptions are granted to Assistant Engineers in special cases. No technical qualifications have been prescribed for District Board Engineers. They are recruited from the ranks of Assistant Engineers.

(b) A list of officers exempted for Assistant Engineers' post since 1920 is given below :—

M.R.Ry. V. Balakrishna Mudaliyar Avargal (North Arcot).

" C. Natesam Pillai Avargal (Coimbatore).

" D. Viraswami Nayudu Avargal (Kistna).

" K. C. Gupta Avargal (Tinnevely).

" R. Arunachalam Pillai Avargal (Trichinopoly).

(c) Under section 70 of the Madras Local Boards Act, 1920, Assistant Engineers are appointed by the President of the District Board if they possess the qualifications prescribed for the post. Exemptions from these qualifications are granted by the Government in special cases of good record and long service. The Government are not aware that any qualified men were sent away with a view to retain unqualified men.

Mr. S. SATYAMURTI :—"With reference to answer to clause (c), may I know whether such exemptions are granted even if qualified men are available?"

The hon. the RAJA OF PANAGAL :—"Yes, Sir."

Mr. S. SATYAMURTI :—"May I know the reasons why?"

The hon. the RAJA OF PANAGAL :—"Because their services were considered to be good."

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Rao Bahadur C. NATESA MUDALIYAR :—“ Am I to understand that the officers whose names are mentioned here have not passed any examinations, even the draftsman or sub-overseer or overseer examinations ? ”

The hon. the RAJA OF PANAGAL :—“ They have passed them ”.

Rao Bahadur C. NATESA MUDALIYAR :—“ Is it not a fact that even under Government there are Assistant Engineers and Sub-Engineers who have passed only the draftsman's examination ? ”

Raising of the road-cess by the Tiruvannamalai Taluk Board.

1137 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Tiruvannamalai taluk board has recently raised the road-cess levied by that board by 3 pies;

(b) the date of the meeting at which this was done, and the number and names of the members present at that meeting;

(c) whether the same subject was considered at a previous meeting of the board and the proposal to increase the cess was rejected;

(d) whether the subject was on the agenda paper of the meeting of the board at which the proposal was adopted;

(e) whether the members present at the meeting protested against the consideration of the subject at that meeting without notice; and

(f) whether the Government propose to take any action in the matter?

A.—(a) The land-cess was raised by 3 pies.

(b) 5th September 1924. The following ten members were present :—

- (1) M.R. Ry. Zamindar of Vettavalam, President, Taluk Board, Tiruvannamalai.
- (2) „ Rao Sahib M. S. Seshachalam Chettiyar Avargal.
- (3) „ T. Venkatakrishna Reddiyar Avargal.
- (4) „ T. M. Venkatakrishna Reddiyar Avargal.
- (5) „ Venkatachala Odayar Avargal.
- (6) „ M. Shanmuga Mudaliyar Avargal.
- (7) „ Pattuswami Gounder Avargal.
- (8) „ A. Ramachandra Reddiyar Avargal.
- (9) „ M. B. Rangaswami Reddiyar Avargal.
- (10) „ T. R. Ramaswami Ayyar Avargal.

(c) to (e) The Government have no information.

(f) No.

Mr. T. ADINARAYANA CHETTIYAR :—“ With reference to answer to clauses (c) to (e), may I request the hon. the Minister to obtain the information, because a serious allegation is made here ? ”

The hon. the RAJA OF PANAGAL :—“ It is purely a matter for the discretion of the local body concerned. I do not think it advisable to call for the information. ”

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Mr. T. ADINARAYANA CHETTIYAR :—“ But there is a serious irregularity here. Is it not, therefore, the duty of the hon. Minister to call for the information ? ”

The hon. the RAJA OF PANAGAL :—“ It is for the local body to consider the matter. ”

Alleged scarcity of drinking water-supply in the rural areas of Kurnool district.

1138 Q.—Rao Bahadur C. VENKATARANGA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there is scarcity of drinking water-supply in the rural areas of the Kurnool district;

(b) whether it is a fact that the local boards in that district have not got sufficient funds to do anything in the direction of improving the drinking water-supply; and

(c) whether the Government propose to allot funds for that purpose?

A.—(a) The Government have no definite information on the point.

(b) The Dhone and Markapur taluk boards are not able to provide any money for improving the water-supply in their areas. The finances of the other taluk boards are satisfactory and they can provide funds for the purpose.

(c) No.

Medical.

Fees for admission as out-patient in the General Hospital.

1139 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that a small fee is charged on Government servants seeking admission as out-patients in the General Hospital and requiring medical certificates to obtain leave of absence from their offices; and

(b) if so, what is the fee charged, how much was collected from April 1924 up to date and under what authority it is done?

A.—(a) Admission into the out-patient department of the General Hospital is free to all Government servants. No fee is levied for medical certificates. All out-patients, whether Government servants or not, whose income is Rs. 30 per mensem or over, are however required to pay for medicines supplied.

(b) The fee charged for medicines supplied on each occasion is two annas. The amount collected during the months April to September 1924 was Rs. 121-15-0. The fee is charged under the authority of G.O. No. 1454, P.H., dated 1st November 1921, which has been placed on the table in answer to question No. 129 at the meeting of the Legislative Council held on the 12th September 1922.

Mr. S. SATYAMURTI :—“ With reference to clause (b), is the fee charged the same irrespective of quality or quantity ? ”

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

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Attendance at the dispensaries and hospitals in the Kurnool district.

1140 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Local Self-Government be pleased to place on the table statistics to show the percentage of attendance at the several dispensaries and hospitals in the Kurnool district in relation to—

- (a) the population of the headquarters of the dispensary or hospital,
- (b) the population of the jurisdiction of the dispensary, and
- (c) expenditure per head per year on every patient?

A.—(a) & (c) The information desired by the hon. Member can be gathered from statements B and H appended to the annual returns of civil hospitals and dispensaries and the census statistics.

(b) Local limits of jurisdiction are not prescribed for dispensaries. It is not therefore possible to furnish the information required under this clause.

Barber (Maruthuvakulam) midwives in the Presidency.

1141 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the approximate number of untrained barber (Maruthuvakulam) midwives within the Madras City;

(b) the approximate number of untrained midwives belonging to the Barber community and the depressed classes in the Madras City as well as in the districts;

(c) what steps the Government intend to take in order to supply qualified midwives in remote villages and other places where no qualified midwives could readily be had;

(d) whether the Government intend to make exemption in the case of untrained midwives who are as efficient as trained midwives on account of their practice and experience; and

(e) if the Government have no information with reference to questions (a) to (d), whether they will be pleased to call for information?

A.—(a) & (b) The Government have no information. The collection of information would involve a disproportionate amount of time and labour.

(c) The provision of adequate maternity relief in rural areas is primarily the duty of local bodies. The attention of the hon. Member is invited to the latest report of the Director of Public Health on Maternity and Child Welfare relief and the review of the Government thereon published in Part I-A of the *Fort St. George Gazette*, dated the 29th July 1924. The Government are prepared to train pupil midwives stipended by local bodies in the various Government hospitals in Madras and the mufassal to the maximum extent possible. The Government scheme for the extension of medical relief in rural tracts provides for the grant of an additional subsidy to those medical practitioners who engage and maintain qualified midwives in their villages.

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(d) The Government are not clear as to what sort of exemption is contemplated by the hon. Member. They are advised that untrained midwives can never be relied upon.

(e) Please see the answer to clauses (a) & (b) above.

Mr. R. VEERIAN:—“With regard to answer to clause (d) may I ask the Government whether they will be pleased to treat untrained midwives who have got many years' experience and who are so certified by the Surgeon-General or by any District Medical Officer, as trained midwives?”

The hon. the RAJA OF PANAGAL:—“It is very difficult to ascertain which of the midwives have such experience and knowledge.”

Rao Bahadur C. NATESA MUDALIYAR:—“Is it not provided in the Bill that was proposed that if there are midwives already practising, they would be considered as qualified?”

The hon. the RAJA OF PANAGAL:—“That is a different question. The midwives will be examined and if they are found fit, their names will be placed on the register.”

Rao Bahadur C. NATESA MUDALIYAR:—“Is it the intention of the Government to take our barber midwives, if they have put in a number of years of experience, for training in the Maternity Hospital?”

The hon. the RAJA OF PANAGAL:—“They cannot be relied on.”

Mr. R. VEERIAN:—“May I know whether the Government are aware that owing to superstition people are not availing themselves of the services of the trained midwives, especially in the rural parts, but the cases are attended to by untrained midwives and that very successfully?”

The hon. the RAJA OF PANAGAL:—“Government have no information (laughter).”

Rao Bahadur C. NATESA MUDALIYAR:—“May I know, Sir, whether the Government will take the barber midwives to be trained in the Maternity Hospital as they do with the other people? It may be that in other cases they may require a knowledge in English but in the case of the barber midwives, will the Government make an exception?”

The hon. the RAJA OF PANAGAL:—“If a barber midwife applies for training, Government will have no objection for training her.”

Mr. T. ADINARAYANA CHETTIYAR:—“I know of many cases where these midwives are refused admission because they have not read up to fourth or fifth form.”

The hon. the RAJA OF PANAGAL:—“Yes, they should have the prescribed qualifications for admission.”

Mr. T. ADINARAYANA CHETTIYAR:—“The ‘prescribed qualification’ is a knowledge in English? It is from that that my hon. Friend Mr. Natesa Mudaliyar wants an exception. Will the hon. the Minister be pleased to make provision that in the case of these midwives—who number about 2,000 in Madras city alone—they are exempted from the prescribed qualification?”

The hon. the RAJA OF PANAGAL:—“If such women can understand what is taught to them, the Government will have no objection to have them admitted.”

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Rao Bahadur C. NATESA MUDALIYAR :—" Even without the qualification in English ? "

Mr. S. SATYAMURTI :—" In what language is the instruction given ? "

The hon. the RAJA OF PANAGAL :—" Generally in English. "

Mr. S. SATYAMURTI :—" May I ask why it should not be given in the languages of the country ? "

The hon. the RAJA OF PANAGAL :—" It is more costly. The question will, however, be considered. " (Hear, hear.)

Town-planning.

The Mambalam town-planning scheme.

1142 Q.—Mr. MUHAMMAD MOOSA SAIT : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how long the Government propose to keep the question of Mambalam town-planning scheme in abeyance ; when the work of the construction of roads is to be commenced and after roads are constructed what is proposed to be done with the lands ;

(b) what is the extent of land so far acquired under the Land Acquisition Act in the Mambalam town-planning area and how much more lands are to be acquired to complete the scheme ;

(c) what is the sum so far spent on account of acquisition and how much more is proposed to be spent ; and

(d) what the Government propose to do with the lands of those who had bought lands in the town-planning area and erected small houses ?

A.—(a) The Corporation of Madras submitted in July last for the sanction of Government a scheme for 623 acres of land in the Mambalam area. On examination certain alterations were found to be necessary in the scheme and steps were taken in September last to get the assent of the Corporation to them. Its assent is awaited. The construction of roads will, it is presumed, be taken up as soon as possible after the scheme is sanctioned. According to the scheme as now proposed, the lands comprised therein will be utilized as follows :—

Purpose.	Extent. ACS.
(a) Area reserved for public buildings, such as markets, schools, hospitals, dispensaries, police station, Government offices, industrial buildings, etc.	16
(b) Open spaces for parks in the centre of buildings	12
(c) Area reserved for recreation grounds, parks, etc.	92
(d) Area reserved for roads	101
(e) Area reserved for private buildings	402
Total	623

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(b) & (c) The extent of land so far acquired is 601.63 acres and the cost of the acquisition is Rs. 5,07,868. It is not possible to say what is the extent of land to be acquired to complete the scheme.

(d) The lands will be dealt with in the manner provided for in the scheme as sanctioned by Government—vide answer to clause (a) supra.

Mr. S. SATYAMURTI :—" With reference to answer to clause (a) 'on examination certain alterations were found to be necessary', etc., may I ask the hon. the Minister for Local Self-Government what those alterations were that were found to be necessary in the scheme ? "

The hon. the RAJA OF PANAGAL :—" I should like to have notice. "

Education.

Schools at Ambur besides the M.E.L.M. school.

1143 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education be pleased to state—

(a) whether, besides the M.E.L.M. school at Ambur, there is any other school recognized by the department in that place ; and

(b) if so, the date when the school was recognized, and whether the recognition is permanent or temporary ?

A.—(a) Yes.

(b) 24th March 1924 ; temporary.

Mr. S. SATYAMURTI :—" With reference to answer to clause (b) of this question, may I ask for what period the recognition is given ? "

The hon. the RAJA OF PANAGAL :—" It is given for one year during which time the school management has to satisfy the Educational Authorities that the school will be run properly. "

Museums.

Guides to conduct visitors round the museum.

1144 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education be pleased to state whether there are any official guides to conduct visitors daily round the museum ?

A.—No.

Registration.

Enhanced rates of registration fees.

1145 Q.—Rai Bahadur T. M. NARASIMHACHARLU : Will the hon. the Minister for Education be pleased to state—

(a) what is the increase in the income derived from the registration of documents by registrars and sub-registrars for each year since the introduction of the latest enhanced rates ;

(b) what is the number of documents registered in the year next prior to the introduction of increased rates as compared with the number in the year of introduction and succeeding years ; and

(c) whether there is any decrease in the number of documents so registered whose stamp denomination is of one rupee eight annas and less ?

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A.—(a) The increase of revenue realized as a result of the enhanced scale of registration fees introduced from 1st March 1922 was Rs. 80,439 in 1921-22 and Rs. 5.20 lakhs during each of the years 1922-23 and 1923-24.

(b) Statistics of the number of documents registered during the year of introduction of the increased rates—1st March 1922 to 28th February 1923—as well as during the preceding and succeeding years are given below :—

	From 1st March 1921 to 28th February 1922.	From 1st March 1922 to 28th February 1923.	From 1st March 1923 to 29th February 1924.
1. Total number of documents registered.	1,411,758	1,353,618	1,357,445
2. Total number of documents registered the stamp borne by each of which is one rupee eight annas and less.	720,084	648,566	656,641

(c) The number of documents registered on stamp papers of the value of one rupee eight annas and less declined by 71,518 in the year 1st March 1922 to 28th February 1923 as compared with the previous year but rose by Rs. 8,075 in the subsequent year.

Rai Bahadur T. M. NARASIMHACHARLU :—“ With reference to answer to clause (c), I wish to know whether the Government ascertained the cause of the decline in the number of documents.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ Seasons are so fluctuating that it is not thought necessary to make any enquiries.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Is it not that the decline was entirely with reference to documents which required stamps of one rupee eight annas and less ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ The figures speak for themselves.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ I wish to know whether the Government intend to reduce the rates in the case of such documents seeing that they affect mostly the poor people.”

Agriculture.

Office of the Principal of the Agricultural College, Coimbatore.

1146 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state whether any applications were received for the office of Principal of the Agricultural College at Coimbatore and if so, from whom and what their qualifications were ?

A.—No applications were received by Government.

Mr. P. ANJANEYULU :—“ May I know how long the post has been vacant ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ From about the beginning of this year.”

Mr. A. RANGANATHA MUDALIYAR :—“ Were applications invited ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ No.”

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Mr. S. SATYAMURTI :—“ May I know why not ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ There is an acting officer.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Is the acting officer the senior-most man available ? Is he the person possessing the highest qualifications ? ”

Mr. A. RANGANATHA MUDALIYAR :—“ Did he ever say that he did not want the appointment and is it the case that he was forced to take it ? ”

Alleged defalcation in the office of the Deputy Director of Agriculture.

1147 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state whether any defalcation is reported to have taken place in the office of the Deputy Director of Agriculture, Livestock, and if so, the total sum said to have been misappropriated, the period during which the alleged defalcation took place and whether the accounts of this period were not checked in the usual course by any auditor or auditors and if so, with what results ?

A.—Yes. The amount involved is Rs. 1,930. The defalcation took place between September 1923 and June 1924. The matter is under investigation and the Government are not in a position at present to furnish any further information.

Training in animal husbandry, etc., for subordinates of the Agricultural department.

1148 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state whether it is the policy of Government now not to send any subordinates of the Agricultural department for training in animal husbandry and dairying at the Imperial Institute in Bangalore and if it is not, why they have not deputed any subordinate for such training during the last two years ?

A.—The Government have not laid down any such policy. The course was instituted only in January 1924. For want of funds, no officer of the Agricultural department was deputed for the training.

Mr. A. RANGANATHA MUDALIYAR :—“ Will the Government be pleased to allow candidates to undergo training at their own expense ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ It will be considered.”

Co-operation.

The appointment of an honorary Assistant Registrar of Co-operative Societies for the Kallars.

1149 Q.—Mr. P. S. RAJAPPA : Will the hon. the Minister for Development be pleased to state—

(a) whether he is aware that a post of an honorary Assistant Registrar of Co-operative Societies was created at the instance of the Kallar Maha Sangam, Tanjore, to supervise the Kallar Societies in the Tanjore district and to collect the long-standing arrears ;

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(b) if so, why were the recommendations of the Kallar Maha Sangam not accepted when the recent appointment was made;

(c) what are the qualifications of the present man appointed;

(d) what are his assets and liabilities and his educational qualification; and

(e) how many days he was on tour since his appointment and what is the nature of the work he has turned out?

A.—(a) An honorary Assistant Registrar was appointed for the year 1923-24.

(b) The first honorary Assistant Registrar resigned the appointment owing to ill-health. The gentleman recommended in his place by the Kallar Maha Sangam was found not to be suitable.

(c) The present incumbent of the office is a member of the Kallar community of substantial position who commands great influence. He is a member of the Board of Directors of the Nicholson Town Bank, Tanjore.

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

Mr. R. VEERIAN:—"Sir, with reference to clause (c), may I know whether it is not the policy of the Government to appoint honorary assistant registrars who are qualified, for the Co-operative department?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"It is."

Mr. R. VEERIAN:—"May I know whether the particular individual who has already been appointed as Honorary Assistant Registrar has had any previous connexion with the Co-operative department, either as president of a particular co-operative society or as secretary?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"I should like to have notice."

Mr. T. ADINARAYANA CHETTIYAR:—"With regard to clause (d), may I know, Sir, whether the Government does not think it proper that only people who are not heavily encumbered are fit to hold the appointment of assistant registrars as they have to deal with a number of banks and with large sums of money?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"The assets and liabilities of particular persons cannot be discussed on the floor of this House."

Mr. T. ADINARAYANA CHETTIYAR:—"At least it may be conceded that people who are generally embarrassed financially ought not to be appointed."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"If the hon. Member will bring specific cases to my notice, I shall make inquiries."

Mr. T. ADINARAYANA CHETTIYAR:—"I am not interested in any particular case. I only wanted that Government should take note of such facts before giving away the appointments."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"We do take note."

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Mr. S. SATYAMURTI:—"May I ask—I admit that the assets and liabilities of individual officers should not be discussed on the floor of this House—but may I ask, in view of the answer given, whether the Government appointed the gentleman as honorary registrar without making any enquiries, first hand or second hand, as to his assets or liabilities?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"We have made inquiries and we are satisfied."

Mr. R. VEERIAN:—"May I know how many societies were started by that particular gentleman?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"I want notice."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether there is any rule prohibiting recommendation of such people as honorary registrars?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"There is no such rule."

Agency of co-operative societies to help the people who have suffered from floods.

1150 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Development be pleased to state—

(a) the number of co-operative societies in each of the districts affected by the recent floods;

(b) whether any suggestion has been made by the Government that the agency of co-operative societies might be utilized on a large scale to help the people who have suffered from floods in rebuilding the houses, in repairing the lands and in carrying on agricultural operations; and

(c) whether the Government have considered the desirability of placing some funds at the disposal of co-operative societies for rendering any help to the sufferers?

A.—(a) The number of primary co-operative societies on 30th June 1924 are as follows in each of the districts affected by the recent floods:—

Tanjore	687	Coimbatore	439
Trichinopoly	314	Madura	395
Malabar	419	The Nilgiris	76
South Kanara	393	Salem	422
South Arcot	601	Bellary	169

(b) & (c) The hon. Member is referred to the orders issued in G.O. No. 1599, Revenue, dated 15th October 1924, which has been placed on the Editors' Table.

Rao Bahadur C. VENKATARAMA REDDI:—"May I know whether Bellary also was affected by floods?" (Laughter.)

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Fisheries.*Increase of food-supply due to the development of fisheries.*

1151 Q.—**MR. S. SATYAMURTI:** Will the hon. the Minister for Development be pleased to state—

(a) by how much the food-supply of the people has been increased by the development of fisheries since the Fisheries department started work;

(b) the extent and nature of the improvement in the material and moral condition of the community, as a result of the working of the department;

(c) the number and nature of the new fishing industries introduced by the department;

(d) the malarial localities in which the department has carried on operations for fighting malaria;

(e) the nature and quantity of popular zoological literature published by the department; and

(f) the extent of the scientific study of the economics of the food-fishes of the Presidency carried on by the department?

A.—The hon. Member is referred to the Administration Reports of the Fisheries Department and Mr. Hornell's pamphlet entitled "The Aims and Achievements of the Madras Department of Fisheries" for information on the points raised by him. The pamphlet is available for reference in the Secretariat Library.

MR. S. SATYAMURTI:—"I mean no disrespect to the hon. the Minister, but I ask him to kindly tell me whether he has read the Administration Report and this pamphlet (Hornell's pamphlet) entitled 'The Aims and Achievements of the Madras Department of Fisheries.' I find that not one line is given there in answer to the points I have raised, namely, by how much the food-supply of the people has been increased by the development of fisheries since the department started work, the extent and nature of the improvement in the material and moral condition of the community, the number and nature of the new fishing industries, the malarial operations carried on, the nature and quality of literature published, and the extent of the scientific study of the economics of the food-fishes of the Presidency carried on. I do not think, Sir, that this pamphlet contains any information on all the matters which I have raised. There may be a few lines here and there giving some information as to the aims but not the achievements. I request that an answer may be given covering all the points raised by me."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"As regards the point how much the food-supply has been increased, we have no statistics at all, either before or now ('hear, hear' from Mr. Satyamurti). But, as a matter of general information, I may say that better means of livelihood and enhanced wages and earnings to fisherfolk have, however, resulted from the activities of the department which have been instrumental in increasing the supply of fish in inland rivers and channels and tanks by introducing new varieties of fish in those waters, in improving the well-being of the fisherfolk through the instrumentality of fishery schools, co-operative societies, etc., and in pioneering fishery and allied industries which give better returns and values for catches

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made. As regards the other points, my friend suggested that there is no information. As regards question (b), I will only refer him to pages 13 to 15 of the pamphlet, as regards (c), to pages 6 to 9, as regards (d), to paragraphs 86 to 89 of the Government Order, as regards (e) to paragraphs 7 to 10 of the Government Order and as regards (f) to paragraphs 93 to 96."

MR. T. ADINARAYANA CHETTIYAR:—"I am not very much wiser now. Mr. Satyamurti wanted definite answers to the points raised by him. Will the hon. the Minister for Development be pleased to answer the question, at least some time later?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"The answer is in the papers that have been published. I do not think it is necessary to go over the same ground again."

MR. S. SATYAMURTI:—"Just to give the House an idea of the indefinite nature of the information contained in the pamphlet, I will read one sentence about anti-malarial operations: 'When completed, the moats will cease to harbour mosquito larvae and will concurrently become ideal fish-breeding farms, etc.' These are the anti-malarial operations and I ask whether the House can be seriously asked to take it as an answer."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"The answer is there regarding further points. It is not for me to say whether the anti-malarial operations have been successful."

MR. S. SATYAMURTI:—"The reason why I asked these questions was that when Government come for grants—some of them are a colossal waste of money—we should know whether Government have got information with regard to these matters."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"All the information that is available I have given."

II**ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.**

The hon. the PRESIDENT announced that the undermentioned Bills which were passed by the Council received the assent of His Excellency the Governor on the dates noted against each:—

- | | | |
|---|-----|--------------------|
| (i) The President's Salary Bill, 1924 | ... | 26th October 1924. |
| (ii) The Madras Stage Carriages and Hackney Carriage (Amendment) Bill, 1923 | ... | 1st October 1924. |
| (iii) The Madras City Municipal (Amendment) Bill, 1924 | ... | 1st November 1924 |

III**COMMUNICATIONS TO THE COUNCIL.**

The SECRETARY laid on the table copies of—

(1) G.O. No. 1690, Development, dated 1st October 1924, regarding the Audit Report of the Kerala Soap Institute for the half-year ending 30th September 1923.

(2) The proceedings of the fifth meeting of the Finance Committee for 1924-25 held on the 17th October 1924.

* Printed as Appendix A on pages 85-92 infra. † Printed as Appendix B on pages 92-94 infra.

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IV

DEMAND FOR SUPPLEMENTARY GRANT FOR 1924-25.

Grant XXI.

The hon. the RAJA OF PANAGAL:—"Sir, I move:

'That the Government be granted an additional sum of Rs. 14,070 under "33-D). Public Health—Bacteriological Laboratories—The King Institute of Preventive Medicine" for the pay of the Acting Assistant Director of the King Institute.'

"Sir, this provision has already been made in the current year's budget. Since the permanent incumbent is an I.M.S. officer the provision for his pay has been under 'Non-voted.' The permanent incumbent having gone on leave, and a non-I.M.S. man having been allowed to act for him, it has become necessary to change the item from 'Non-voted' to 'Voted'. The demand does not involve any additional expenditure."

The motion was put to the House and carried and the grant was made.

V

DRAFT RULE UNDER SECTION 201 OF THE MADRAS LOCAL BOARDS ACT, 1920, ALTERING SCHEDULES II AND V.

The hon. the RAJA OF PANAGAL:—"I beg to move:

(1)

'That the following draft rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering Schedule II of the Act be approved:—

Draft rule.

In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government propose to make the following rule altering Schedule II of the said Act:—

In rule 10 (2) for the words "copy of the proceedings" the words "copy of the minutes of the proceedings" shall be substituted.

"Sir, this is only a formal amendment. As it is, there is some inconsistency between Rule 10 (1) and Rule 10 (2). The first rule requires that the minutes of the proceedings shall be sent for publication, whereas the second rule requires that the proceedings should be published. The Government consider that it is enough if the minutes are sent. Hence the amendment."

The hon. Rao Bahadur Sir A. P. Patro seconded the motion.

The draft rule was put and passed.

(2)

The hon. the RAJA OF PANAGAL:—"Mr. President, I propose—
12 noon. *'That the following draft rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering Schedule V of the Act be approved.'*

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Draft rule.

In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government propose to make the following rule altering Schedule V of the said Act:—

- (1) In item (8) under rule 1-A "District Fund" the words "and provident fund" shall be inserted after the word "pensionary."
- (2) In item (9) of rule 1-A "District Fund" shall be omitted and items (10), (11) and (12) shall be re-numbered as (9), (10) and (11) respectively.
- (3) In item (11) of rule 1-B "Taluk Fund" the words "and provident fund" shall be inserted after the word "pensionary."
- (4) In item (6) of rule 1-C "Union Fund" the words "and provident fund" shall be inserted after the word "pensionary."

"Sir, at present, the district boards are responsible for the contribution of provident fund, but according to the provisions of the Local Boards Act the taluk boards and union boards are financially independent and are therefore responsible for contributing pensionary funds. It is in order to bring about this that this amendment is necessary."

The hon. Rao Bahadur Sir A. P. Patro seconded the motion.

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I am sorry I have to oppose this motion for a change of rule. It is a well known fact that taluk boards are generally in a very bad condition so far as their finances are concerned and cannot be said to be better than district boards. Almost in every local board conference that has been held during past years it has been stated that the present Act is very unfavourable to the taluk boards and union boards and that it ought to be changed. That has been the view. Most of the taluk boards to my knowledge have been unable to meet even their ordinary expenditure and have been applying for all sorts of grants both to the Government and to the district boards. Unfortunately, Sir, the history of recent years has made the position of taluk boards worse than what it was before and their liabilities have gone on increasing and I fear this will be almost the last straw that you will be putting on the back of the taluk boards and union boards if you increase their liabilities further. It is no doubt true that attempts were made in the current Local Boards Act to keep separate the taluk boards and union boards from the district boards making the former more or less independent, but the question is how far you have succeeded in that attempt. We have succeeded only to this extent, viz., that the finances of the several bodies have been kept separate.

"As I said before, the responsibilities of the taluk boards have been increased and they are in a very bad position indeed. But in other administrative matters, I do not think the taluk boards can claim to be more independent than they have been formerly. They are still kept in the same position in which they were before the current Act was passed. In fact they are approaching the district board for every thing. So this plea of their being independent of the district board cannot hold good. They are independent only so far as their financial responsibilities are concerned, but so far as their administrative matters are concerned, they are still under the leading strings of the district boards. In these circumstances it is my honest opinion that the taluk boards and the union boards cannot afford to take over additional charges. In many cases union boards find it almost

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impossible to meet their ordinary expenditure. In some shape or other the district boards or the Government have been giving them grants. So far as Coimbatore district is concerned, it is my recollection that out of six taluk boards about four have been unable to meet their ordinary expenditure. In that position, Sir, if responsibility is to be added to taluk boards like this, as I said before, it would be putting the last straw on the camel's back, and I do not think it would be fair to do so. I can very well understand this motion if the financial position of the taluk boards has been improved. But that has not been done. In these circumstances we must not be too logical without taking facts into consideration. By passing this amendment we shall be doing more injustice to the taluk boards and union boards, and so I oppose the motion."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"It cannot be denied that if we are to follow a policy consistently with the frame-work of the present Local Boards Act, the amendment suggested is desirable. My hon. Friend, the Member for Coimbatore, said that if we cared for logic we had to accept amendments of this sort. At the same time, I would point out some of the practical difficulties which would follow from the acceptance of this amendment as it is without making further provision in relief to local bodies. Notwithstanding the many hopes that have been entertained about the flourishing conditions of the local boards, it is an admitted fact that most of them are in an impoverished condition, and that we have not succeeded in placing them on a sound financial basis. Not having done this, if this amendment is accepted, as it is, the danger is that several of the taluk boards which have been relieved of the responsibility of making pensionary contributions for all their servants who are many in number—because they are almost elementary schoolmasters and servants—will find it very difficult to perform their duties properly. It is likely also that they will be driven to the necessity of abolishing the provident fund system and this will make the position of these schoolmasters and servants more difficult. Therefore before the hon. Minister asks this House to give effect to this amendment, I wish he had made a definite statement as to what the financial position of these taluk boards is going to be. If this amendment should be accepted and if the Government do not wish to place the local boards in a worse position, certainly it is desirable that some provision is made for improving their financial position. Without having these safeguards, if this amendment is accepted by the House—no doubt it is logical—I fear that several taluk boards will be placed in a very unhappy position. I also wish to point out that the taluk boards and the union boards that are affected by this amendment have not been consulted about this amendment. Without consulting them and without having any idea as to how this change would affect them financially, let not this House rush to any hasty conclusion. The hon. the Minister would certainly do well to wait and consult the taluk boards and the union boards and understand their difficulties and realize how it is we can solve those difficulties."

The hon. the RAJA OF PANAGAL:—"May I know whether at present the taluk boards and the union boards are not actually paying pensionary contributions?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Not to provident fund."

The hon. the RAJA OF PANAGAL:—"I understood the hon. Member from Nellore to say that they are not paying contributions."

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Rao Bahadur A. S. KRISHNA RAO PANTULU:—"The question before the House is provident fund and any grants which are made are only with reference to provident fund. The amount of provident fund comes to a very substantial sum. It is not the taluk boards that are making contributions to provident fund. I would ask the hon. Minister to consider whether he considers it desirable to introduce this amendment without consulting the taluk boards. It is not fair that we should go on legislating and give effect to this amendment without consulting them. Therefore I suggest to the hon. Minister to put off the consideration of this amendment until he consults the taluk boards on the matter."

The hon. the RAJA OF PANAGAL:—"I have no objection to communicate with the boards and know how their financial position is. But I feel it has nothing to do with the present amendment. It is however a different proposition. I do not mind consulting the taluk boards. I withdraw the motion."

The motion was by leave of the House withdrawn.

VI

NON-OFFICIAL BUSINESS.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, hon. Members are anxious to know what dates will be fixed for non-official work."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is impossible for me at this stage to say what date could be fixed for the non-official business; it will depend very much on how long it takes to reach clauses 45 and 62 which are the two central pieces of the Irrigation Bill. If the House is able to finish them in the course of a week then I expect this Bill to take about ten days. It may be that I am pessimistic or rather optimistic, but I expect that the House would take ten days over this Bill. Then two more days will have to be allotted for the discussion of the Civil Courts Bill, and afterwards the thirteenth and the fourteenth days alone can be fixed for non-official work."

Mr. S. SATYAMURTI:—"Sir, is it compulsory that we should finish official business before we take up non-official business? It is in your hands. As we did last time, we might have an interval between the official business and further official business and devote two days for non-official work. Some of us who have got other engagements are anxious to know when the non-official days will be fixed, so that we can fix our engagements."

The hon. the PRESIDENT:—"Does the hon. the Law Member consent to interrupt for this purpose the discussion on the Irrigation Bill?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As at present advised, I do not see I can, unless we make progress on the important points of the Bill and dispose of them. When we are discussing continually a complicated enactment like this an interruption of two days makes a difference as we found on the last occasion. At the present moment I cannot make a statement that I shall be able—unless, Sir, you decide otherwise—to give up voluntarily the days devoted to the Irrigation Bill."

The hon. the PRESIDENT:—"I thought over the matter myself and intended to ask the hon. the Law Member about the 14th evening or the 15th morning whether he would consider the progress made with the

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Irrigation Bill sufficient to enable him to allow some non-official business to be transacted. I think we have to depend on his wishes in the matter in consideration of the fact that this sitting is devoted to official business."

VII

THE MADRAS IRRIGATION BILL—cont.

The consideration of the Select Committee's report on the Irrigation Bill was then resumed.

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, in view of the slow progress that we made last time, may I suggest that it would be convenient and desirable if you restrict the number of speakers for every amendment? Otherwise considering the fact that we have as many as 300 to 400 amendments the hon. the Law Member's estimate of ten days would be really an optimistic one and we would have to spend far larger number of days. Therefore, Sir, I suggest for your consideration the desirability of limiting the number of speakers except in the case of very important amendments when you may allow all those who wish to speak."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I am glad that I have an opportunity to say what I had intended to do on this point. The question of the number of speakers is one largely in the hands of the House. I had at one time intended merely to suggest that a procedure like that adopted at the committee stage in other Assemblies may also with advantage be followed here, viz., that by a kind of consensus of opinion of this House most important amendments alone may be put down for discussion so that there may be an adequate and thorough discussion of the crucial and fundamental points. I made such a suggestion informally, but I found that the suggestion was not welcomed. I therefore refrained from proceeding any further. It is a thing to be done by the House voluntarily; it cannot be imposed on the House. It can be considered hereafter when we deal with other enactments like the Estates Land Act (Amendment) Bill and the Land Revenue Settlement Bill. They will be before the House very soon. But at the present moment, all that can be done is for the House to concentrate discussion by a kind of *modus vivendi* on some of the important amendments to the various clauses. After all, it will be remembered that there are only four clauses in the Bill, viz., clauses 45, 62, 90 and 109 which are of fundamental importance. The other clauses are only ancillary to these. If we concentrate on these, we can make more progress. I simply throw out this suggestion for the House to accept or reject."

Clause 9.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move that at the end of clause 9 the following shall be added:—

'Control in pursuance of such a notification shall not be assumed until the expiration of two months from the date of the next meeting of the Council.'

"It was agreed to leave the exact wording of this clause to a later stage. I think it arose out of an amendment suggested by the hon. the Member for the University. I remember to have shown this wording of the clause to him and he approved of it. I move that this sentence be added at the end of clause 9."

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The hon. the PRESIDENT:—"I understand this is an amendment to a clause which has already been finally disposed of so far as this stage is concerned."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"It was agreed that this should be moved now."

The hon. the PRESIDENT:—"Was there an understanding to that effect?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, I realize that we cannot go back upon anything that we have done at an early stage. The rules are against it. But when clause 9 was discussed, certain practical difficulties were pointed out and it was definitely understood that we should provide something at a later stage of the Bill to overcome those difficulties. I admit that even this is not entirely regular. I have had to study this question in view of the large number of amendments that are on the tapis. The Standing Order No. 32 says:

'After a decision has been given on an amendment to any part of a clause or motion, no amendment which arises at an earlier point of the clause or motion shall be moved' and 'an amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion.'

"It is entirely in your hands, Mr. President, to decide whether the undertaking or the understanding that was reached is such as to allow discussion on this matter at this stage of the Bill. I leave it entirely to your decision as to whether you think that this is the proper stage or this should come later on when the detailed discussion is over."

The hon. the PRESIDENT:—"The question is whether clause 9 was put."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"There was an agreement to have this amendment now when the motion of Mr. Satyamurti was discussed."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Mr. President, if you will permit me to state my recollection in the matter, I think it was put from the Chair in some such form as this (I do not know the exact words used): 'Subject to the understanding that the exact wording should be settled later on, the clause is now put for the acceptance of the House;' and the Council accepted it with the reservation suggested in the very form in which the question was put from the chair."

Mr. S. SATYAMURTI:—"May I say that I am glad to corroborate the recollection of the hon. the Advocate-General in the matter?"

The hon. the PRESIDENT:—"I see from the Journal of the House, dated 20th day of October 1924, that there was an amendment, viz.,

'For a period of not less than two months when the Council is in session, and shall not take effect if a resolution is passed in the Council that the notification shall not take effect.'

"The amendment was divided into two parts. The first part was put, viz., to insert the words 'for a period of not less than two months when the Council is in session'. Resolved in the affirmative. The second part was then put, viz., to insert the words 'and shall not take effect if a resolution is passed in the Council that the notification shall not take effect'. This amendment was negatived. There was then a division. Clause 9 as amended so far was passed. I take this from the Journal of the House. I understand that clause 9 has been put and passed. In view of the difficulties

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mentioned by the hon. the Law Member and the amendments that have been received I think it will be safe to withhold any verbal amendment until the third reading."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I, Sir, refer to the proceedings of the 23rd October?"

"At the bottom of page 30 (Proof of the Proceedings of October 23, 1924) I stated:

'In view to that very logical desire to know exactly the way in which the amendment has been moved and how it will affect the Bill, we will bring it forward later on at the third reading.'

"In answer to that or in continuation of that the hon. the President was pleased to say this:

'I have placed this amendment to be included in the Order paper later on. But it will not be necessary to defer it, I think, till the third reading. It may be brought forward at any time when we meet again. Meanwhile notice will be given as usual to Members of this amendment'

"The Standing Orders are, I am afraid, a little too clear. Anyhow it is my duty to bring forward what exactly happened on the last occasion when the hon. the President contemplated that it might be brought forward at a stage earlier than the third reading."

The hon. the PRESIDENT:—"I do not think that on the 23rd, when I said so, it was brought to my notice that on the 20th we had passed clause 9 as amended so far. There is a definite statement regarding the clause in the Journal of the House as well as in the proceedings in extenso of the 20th of October. That being the case, I question the advisability of going into it now merely on the strength of my having said that it might not be necessary to defer it till the third reading. I must have been then under the impression that in some way the passing of that clause had been deferred. In view of this, I would recommend, if the hon. the Advocate-General has no objection, to put it off till the third reading."

Mr. T. R. VENKATARAMA SASTRIYAR:—"I have no objection, Sir."

The consideration of the amendment was accordingly deferred.

Clause 16.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I move my amendment, Sir, with your permission with some slight verbal alterations. The amendment, as I now move it, reads thus:

For existing clause substitute—

'Where an irrigation work requires repair, the landholder or the ryot or the registered holder may serve a notice on the Collector enclosing plans and estimates of the repairs that according to him require to be executed. If the Collector does not dispute its extent or necessity as stated herein below and does not execute the necessary repair within one year of such notice, the landholder or the ryot or the registered holder may execute the repairs in accordance with the plans and estimates and recover from the Government such proportion of the cost as should be borne by the Government. If the Collector disputes the necessity for the repair or the extent of repairs necessary by a reply given within three months of the receipt of the notice and the parties cannot agree, the matter shall be referred to the arbitration of two persons, one to be chosen by the Collector and the other by the other

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party or parties concerned. The arbitrators shall decide whether, and to what extent, the repair is necessary. If the arbitrators differ, the matter shall be submitted to the decision of an umpire chosen by the arbitrators or nominated by the Principal Civil Court of Original jurisdiction having jurisdiction over the area if the arbitrators cannot agree upon the choice of an umpire. The decision of the arbitrators or the umpire shall be final and given effect to by the Government. If, within one year of the decision, the Collector does not execute the repair in accordance with such decision, the landholder or the ryot or the registered holder may execute the same and recover from the Government their proportion of the cost of such repair.'

"Sir, the amendment as it stands on the paper is slightly different from the amendment as moved. It was understood at least by one of the readers that the decision should be either by the umpire or by the principal civil court of original jurisdiction. That is not what I intend. The choice of the umpire should lie with the arbitrators and if they cannot agree, the principal civil court should nominate the umpire. There are some other minor alterations that I have made in the amendment as circulated and with your permission, Sir, I beg to move the amendment."

Mr. E. W. LEGH:—"I second it"

The amendment was put and carried and the substitution made.

Clause 19.

The hon. the PRESIDENT:—"I think we have passed the clause except the proviso."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I remember, Sir, that the consideration of the proviso was postponed till clause 63 was disposed of."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"What we decided, subject to the recollection of the hon. the President and the Minutes of the House, was that the consideration of the proviso shall be adjourned till after clause 62, or I think now it will be clause 63, is disposed of. I believe that is so."

The hon. the PRESIDENT:—"All these amendments will then have to come later on."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"No, if I may say so, it is only those amendments that are *ejusdem generis* with the proviso that may have to be considered later. Amendments which do not in any sense bear upon the substance of that proviso but relate to the clause itself would have to be considered now."

The hon. the PRESIDENT:—"The amendment of the hon. Member, Mr. Narasimha Raju (No. 152 on the agenda), will have to stand over."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Before clause 19 is taken up, may I point out that clause 18 has not yet been passed?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If the hon. Member is ready to go on, we are also ready. Only, I think, there was correspondence between the hon. Member from Coimbatore and ourselves with regard to the amendment and I think a *modus vivendi* has been arrived at. But it would be useful, I think, that the decision is circulated to the House."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"In that case, I think it may be taken up to-morrow."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The clause (No. 18) may be taken up later.”

Mr. A. RAMASWAMI MUDALIYAR :—“ Sir, the amendment which stands against my name on the printed list runs thus :—

‘ Add at the end of clause 19 the following :—

“ Notwithstanding anything contained in this chapter any landholder who within seven years from the date of the passing of this Act constructs a new irrigation work or restores or improves an old irrigation work shall be entitled to the appropriation of all the water from such work free of charge.”

“ As a matter of fact, Sir, the day after I sent this amendment, I sent another amendment which I propose to move instead of this amendment. If that amendment has not been circulated to the House, I would request that consideration of that amendment may be taken up to-morrow. The amendment as I want to move is slightly different from the one as printed here.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It is a matter, Sir, which raises a somewhat different question also. I have in my hand at the courtesy of the hon. Member from Chingleput the new amendment which the hon. Member now proposes to move. It is practically a substitution for the old amendment. It reads: ‘Notwithstanding anything contained in this chapter, a landholder who before the issue of a notification under section 8, takes up the execution of a new irrigation work or begins to repair or improve an old work shall (during a period of ten years from the date of the passing of this Act) have the right to continue such construction, repair or improvement and shall be entitled to appropriate whatever water is available from the work so constructed, repaired or improved free of charge, unless the landholder agrees to the Government taking up the execution of the work.’

“ Now, Sir, I think I may say that quite apart from the question whether it is to be taken up to-day or to-morrow, I believe this amendment will labour under the difficulty which at an earlier stage of the discussion to-day I indicated to you, Mr. President, and that is that this may fall within the class of amendments about the discussion of which we considered a little while ago. I may at once mention to my hon. Friend that it is not my object to be obstructive in any manner to any amendment proposed in regard to the Bill. In order that I may re-assure my hon. Friend of this position, I may say that at no time I have objected to amendments being brought forward even at a late stage and when we had what may otherwise be styled inadequate notice. I think it would tend to very great confusion if instead of taking a conspectus of the work that we have done and finally coming to a decision on the matter, we start discussion on amendments in regard to topics which have already been dealt with.

“ Under Standing Order No. 32, sub-clause (4), the hon. the President will see that an amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion. Now it was in the same stage of this Bill or motion that what may be called the doctrine of appropriation in its various aspects was considered and, subject to what may be contained in the proviso the consideration of which has been held over, we came to a conclusion not without or not before very protracted and, if I

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may say so, full discussion. All that I am concerned at this stage to point out is that at this stage of this Bill or motion the consideration of this amendment which is now brought forward which is to a certain extent in detraction or derogation or modification really of the doctrine laid down or passed by the amendments that had been passed, is a matter that might offend that Standing Order. It is only from that point of view that I desire to invite the attention of this House.”

Mr. A. RAMASWAMI MUDALIYAR :—“ Mr. President, I may make my position perfectly clear on this amendment. I am conscious of the great courtesy which the hon. the Law Member shows to the whole House in his conduct of this particular Bill. I am conscious of that, but without any derogation to that, I venture to think that I have also reciprocated to some extent, as much as lies in my power, the same consideration which he is entitled to expect from every Member of this House and particularly from those on this (right) side of the House (hear, hear). I repeat, Sir, that he is entitled pre-eminently to more consideration from those who sit on this side of the House below the gangway, whose normal course is to help and not to obstruct the Government in their conduct of business (‘hear, hear,’ from Mr. S. Satyamurti).

“ Now, Sir, leaving that question apart, I beg to point out to the hon. the Law Member that I have been particularly careful in drafting my amendment to see that it might not offend either in letter or in spirit the well known regulations and canons relating to the time of taking amendments into consideration. It is a well known canon that an amendment cannot be raised on a question that has substantially been decided or disposed of by the House. It is also well known that we cannot go back to clauses or sub-clauses or words which have already been passed by this House. If I were for a moment to refer to May’s *Parliamentary Practice*, a book on which we have always placed the greatest reliance, I could point out the recommendation of May in regard to this question. It is this :

‘ Members who are desirous of offering amendments in committees should watch carefully the progress of the Bill; for if the committee have amended a later line or words in the same clause, amendments cannot be made in an earlier part of the Bill.’

“ Now, Sir, several of the amendments of which notice has been given and which have not been taken into consideration by this House or after discussion may be rejected, relate to clauses, words or lines which have already been under consideration. I have stated in my amendment that it is to be added as a latter portion of the clause, so that I am technically within my rights in bringing forward my amendment. The proviso has not been disposed of, and so the clause has not been finally adopted, passed and added as a part of the Bill. Certain sub-clauses of this clause such as sub-clauses (a), (b), etc., have been discussed and the House decided that they do stand part of the Bill. But the latter clauses whether they be provisos or additional clauses have not been taken into consideration by this House. Therefore, I venture to submit that if other rules of procedure are to be followed and observed, the particular objection which the hon. the Law Member takes that a clause or a line of a clause which has already been considered cannot be reopened, does not apply so far as my amendment is concerned.

“ In the second place, I join issue, with all respect, with the hon. the Law Member in the contention that mine was an amendment which had already been disposed of”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I did not say that.”

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Mr. A. RAMASWAMI MUDALIYAR :—" Or that it raises substantially the same issues as have been disposed of. The general question of appropriation, as to whether a right should exist or should not exist, whether a particular power should be conferred on the Government or should not be so conferred, might have been considered and disposed of by the House. It is quite open to the House after a decision has been taken on that point, to add a rider that this right shall not come into operation for a period of so many years, that this particular power shall not be conferred on the Government for a particular period for specific reasons. It is to some extent true that it derogates from the power or authority conferred by an earlier portion of the Bill or clause. But it is at the same time true also that it does not in any way antagonise the decision of the House which has been come to earlier. In that view, there is nothing inconsistent in the amendment which I propose with the decision which has already been arrived at by the House. If a substantial right which has been accepted or negatived by the House is to be reopened in the same form or the same substance, in the form of an amendment, I can understand the hon. the Law Member opposing such amendment. But he is now opposing an amendment which I venture to think, if given notice of simultaneously and moved along with other amendments, could not have been ruled out of order. I may put it in another form. Suppose this amendment was already on the table of the House, and suppose it was reached after the previous amendments had been disposed of, would it be ruled out of order because this question had already been disposed of? It is on that point that I request the hon. the President to give his ruling. If in the former case, the hon. the President cannot rule this amendment out of order on the ground that a substantial question involving the same rights has already been disposed of, then I venture to think that my present amendment is in order. It is in order because it does not raise the same issue which has been disposed of. It is in order because it is a later amendment and does not go as an amendment to any clause or sub-clause of this section. From either point of view I submit that my amendment stands on a peculiar footing and does not conflict with the safeguards provided by the Standing Orders. Therefore I venture to submit that my amendment is wholly in order. I have no objection to its being considered later, if the hon. the President rules that it is in order."

The hon. the PRESIDENT :—" I understand that hon. Members have not received copies of this amendment."

Voices ' Just now received '.

The hon. the PRESIDENT :—" Is the House prepared to go on with it? "

Voices of ' Yes '.

The hon. the PRESIDENT :—" If the House is prepared to go on with this amendment, the question is whether the clause as already passed can stand and this amendment can come immediately after it."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I want to know whether the hon. Member from Chingleput cannot move this as a separate clause. The reference given is to the chapter, and I do not know why it cannot be moved as a separate clause."

Mr. A. RAMASWAMI MUDALIYAR :—" That is a formal matter. I can as well move it as clause 21. In that matter I am in the hands of the House."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not think there will be any objection on the part of the hon. the Law Member for this."

Mr. T. R. VENKATARAMA SASTRIYAR :—" In clause 19, as passed by the select committee and brought up before the House, we had amendments under each sub-clause, from amendment No. 125 in the original agenda up to No. 152. It contains provisions for every conceivable case of appropriation that might arise in connexion with estates. Clause (a), I think according to the present numbering, dealt with one class of cases, clause (c) to another and (f) refers to the residuary classes of cases. All the possible classes of cases that require to be provided for were discussed under various amendments proposed by hon. Members and the House passed all these clauses. And we subsequently came to deal with the proviso which, being connected with a later portion of this Bill, has been left over for later consideration. For the moment I put aside the question as to whether it is to be considered as part of the clause or whether it might be moved as a separate clause in itself. In either case I take it that Standing Order 32 (4) does not permit of this question being reagitated. The Standing Order is this:

' An amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion.'

" If we have decided already on all the possible cases of appropriation by the various sub-clauses that have already been accepted by the House—sub-clauses (a), (b), (c) and so on—the amendment that is now sought to be moved is one that derogates or takes away from that decision and proposes to bring them under a new clause now sought to be moved, to that extent reversing the decision of this House arrived at on a previous occasion with reference to this very question. My submission therefore is that under Standing Order 32 (4) which says that an amendment—I take it it is an amendment whether it comes as part of the previous clause or as a separate clause—must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion. I submit it is the same question, because it is the question of appropriation, all possible aspects of which we were discussing with reference to the various sub-clauses of clause 19, and that question has been decided by the House. In fact, the whole clause provides for all possible cases of appropriation, and has been passed except for the fact that the proviso has been left out for consideration with the connected clause, clause 62. I submit therefore that what is sought to be moved is really a reversal of the decision which the House already arrived at under the various clauses discussed, the clauses dealing with appropriation by landholders. This amendment proposes to take out some cases and provide for them differently. I did not understand my hon. Friend to deny that to a certain extent his amendment takes away the effect of the decision of the Council as regards clause 19 passed so far. But he says that notwithstanding the fact that his amendment does reverse the decision of the House, he is entitled to move it because it is an amendment to a later portion of the clause. I take it he really refers to Standing Order 32 (3) because the portion that he read from May's Parliamentary Practice bears on that only. Standing Order 32 (3) says that after a decision has been given on an amendment to any part of a clause or motion no amendment which arises at an earlier point of the clause or motion shall be moved. But I submit that Standing Order 32 (4) to which the hon. the Law Member referred does really make it impossible for my friend to suggest that in the guise of an amendment either to an old

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 clause or as a new clause to the Bill the effect of the decision of this House finally given should be taken away, namely, the decision as regards all the possible cases of appropriation that have been provided for as recommended by the select committee."

Mr. A. RAMASWAMI MUDALIYAR :—" This amendment is not at all covered by the earlier sections of clause 19. This refers to constructions after the passing of the Act. I am referring to works which may come into existence in future. Such a contingency has never been contemplated at all in section 19 so far. My amendment definitely says, 'who within seven years within the passing of this Act constructs a new irrigation work'. I submit with some emphasis that it is not a retracing of steps at all, that it is a new contingency which has not been contemplated and one on which the decision of the House must be taken."

Mr. T. R. VENKATARAMA SASTRIYAR :—" Paragraph 1 of section 20 and sub-clause (f) really cover the case and it will be really going back on what has been decided. Paragraph 1 says :

'No person shall, as against the Government, be entitled to a supply of water for irrigation from any irrigation work except to the extent to which such water has been appropriated by him or his predecessors in title.'

"This clause says that there may be appropriations subsequent to the passing of the Act. Sub-clause (f) and the first paragraph of clause 20 are sought to be modified by the addition now sought to be brought in."

The hon. the PRESIDENT :—" I should like this matter to be taken up later, to-morrow morning, seeing that there is nothing else of the same kind. If there was anything else, that also would be similarly taken up."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I have no objection in the case of amendments of this kind, the final form of which reached the hands of hon. Members not many minutes ago, that they should have leisure to arrive at a decision in regard to them. But hon. Members will kindly note that in accordance with the point of order raised by me and supported by the hon. the Advocate-General, matters of substance already disposed of by this House sitting to discuss questions of appropriation may not be reagitated. If that point cannot be raised now, it cannot be raised with regard to anything else. In the printed paper there are seven amendments which would labour under the same objection. You may achieve the same end in two or three different ways. You may have a new clause which in reality detracts the effect of provisions already passed. You may also add something or subtract something which has become part of the Bill. The modes may be different but I submit the main question to be decided is the effect. Let me guard myself as taking you by surprise. If hon. Members and the President would rather consider the motion of the hon. Member for Chingleput to-morrow or the day after, I have no objection. But my only desire is that the same rule need not be applied to cases where the amendments have been before us for some time. In such cases the question of the decision of points of order may be raised just now and decided upon. Let me not be understood that I am of opinion that Mr. Ramaswami Mudaliyar's amendment should at once be disposed of. It is not my object to say any such thing."

The hon. the PRESIDENT :—" If the House has no objection we shall consider Mr. Ramaswami Mudaliyar's amendment to-morrow. We shall go on with the other amendments now."

The consideration of the amendment was accordingly adjourned.

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Mr. B. MUNISWAMI NAYUDU :—" I beg to move the following amendment :—

'For the words "In the case of any irrigation work . . . with reference to the capacity of the irrigation work" in sub-clause (a), substitute the words "In the case where land in an estate is supplied with water conveyed by a channel from an irrigation work of the kind referred to in clause (a) of section 8, and in the case of any irrigation work of the kind referred to in clauses (b), (c) and (d) of section 8, the extent of appropriation shall be determined with reference to the capacity of the channel or irrigation work respectively".'

The amendment was duly seconded.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Let me raise the point of order in a fairly definite form here. In the first place all these amendments have been before us in print for some time. Now I submit, Sir, that the real meaning and intent of this amendment is this. In page 7 of the little brochure, the President will find

'That in the case of any irrigation work of the kind referred to in clauses (b), (c) and (d) of section 8, the extent of appropriation shall be determined with reference to the capacity of the irrigation work at the time of the assumption of control and its customary supply and its conditions, if any, subject to which the construction of the work had been permitted.'

"Now my hon. Friend from Chittoor desires the substitution of certain words in the place of those which have been passed by this Honourable House. If I may say so respectfully the object of the amendment is to bring about a new set of circumstances or to inaugurate a new formula in regard to this type of appropriation. I submit, Sir, that the subject matter of this clause having been considered by the House and the House having voted upon it, this amendment is out of order. I am quoting the language of the Standing Orders :

'An amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion.'

"This amendment negatives the previous decision; it is not consistent with the previous decision and it is not auxiliary to the previous decision."

The hon. the PRESIDENT :—" I have no doubt that as a matter of form merely this amendment cannot be admitted. You cannot go back upon what we have already passed. I cannot admit that. We will go on to the next amendment."

S. R. Y. ANKINEDU PRASAD Bahadur :—" I move :

'Add the following as a new sub-clause after sub-clause (f) :—

"(g) Where land in an estate is supplied with water from an irrigation work of the kind referred to in clause (a) of section 8 and the water is conveyed by a channel which does not fall under clause 4 of section 19 and which is not maintained or controlled by the Government, the extent of appropriation shall be determined with reference to the physical conditions existing at the time of the assumption of control, such as the size of the channel, and [the nature and the dimensions of the sluices and weirs governing the water which enters the channel]".

The hon. the PRESIDENT :—" We must decide the preliminary question whether the amendment is admissible."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"I believe the Advocate-General intended to say something. It will be useful if the hon. Member will reserve his remarks on the merits."

Mr. T. R. VENKATARAMA SASTRIYAR :—"This really deals with cases disposed of under clauses (c) and (f). Clause (c) says, 'where land in an estate is supplied with water from an irrigation work not falling under clauses (2) and (3) [That refers to (a) of clause 8 above] and the water is conveyed by a channel that existed at the time of the permanent or temporary settlement'. Other cases fall under clause (f) which says that the extent appropriated shall be fixed with reference to the quantity of water required for the cultivation in the accustomed manner of the largest area irrigated."

"Now, what is suggested is that in cases in which water is conveyed by a channel, a different mode of appropriation from the one that the Council has already assented to under clause (f) should be provided. That is the decision of the Council with reference to clause (f) on which amendments have been proposed and considered and the clause itself was finally passed. Now that is sought to be negatived, at least in part by the proposal now made. It is open to the same objections as were raised against amendments that were ruled out of order."

The hon. the PRESIDENT :—"I have little doubt and probably the House will agree with me that the Advocate-General's objection must prevail. I do not see how we can take up this question of appropriation in the form in which it is now proposed or in any one of the alternative forms. Unless anybody argues to the contrary I am disposed to disallow it."

"Then there will only remain the amendment of Mr. Ramaswami Mudaliyar to be dealt with to-morrow. I understand that the hon. Member Mr. Ankinedu Prasad wants his amendment to be taken up along with the amendment of Mr. Ramaswami Mudaliyar."

S. R. Y. ANKINEDU PRASAD Bahadur :—"Sir, with your permission I propose to move my amendment along with the other amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, not that I object to that; I thought that in the case of the amendment of Mr. Ramaswami Mudaliyar, in a modified form it was put in our hands this morning. I do not see any modifications sprung upon us in the case of the amendment of Mr. Ankinedu Prasad."

The hon. the PRESIDENT :—"Yes, I think also that it is capable of being dealt with on its own merits."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It might be as well to finish all the amendments of which the House has had notice. I do not see why they should be delayed."

The amendment was disallowed.

S. R. Y. ANKINEDU PRASAD Bahadur :—"Sir, I beg to move the amendment standing in my name which reads thus :

'Insert the following as a new clause after clause 19 :

"19-A. Nothing contained in this chapter shall prevent a landholder from constructing any work of irrigation or drainage within his estate or from altering or improving any existing work of irrigation or drainage within his estate, provided that the appropriation of water from an

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irrigation work of the kind referred to in section 8 by the landholder consequent on such construction, alteration or improvement does not interfere with any project or scheme of improvement or regulation for the purpose of which control has been assumed."

"Sir, the Irrigation works referred to in clause 8"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Before my hon. Friend finishes his speech, I think it is as well here also, as I am raising a point of order on the motion, that the motion is formally seconded so that we might know where we are."

Mr. K. PRABHAKARAN TAMPAN :—"I second the motion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"On the language of the proposed amendment, let us see what we have here. 'Nothing contained in this chapter. . . .'. It starts away as if it was something supplemental to or an addition to what has been passed already. But it is carefully scrutinized with reference to the results we have already arrived at, it takes away in essence certain rights of control and it interferes with the extension of appropriation already indicated by clause 20. Let us see further. We start away by stating that no person shall be entitled to a supply of water for irrigation from any irrigation work except to the extent to which such water has been appropriated by him or by his predecessors in title. A certain general control is provided for and the supply of water also is indicated in the first sub-clause of clause 20 and the extent to which it should go is indicated in the subsequent clauses. In so far as the control is sought to be made conditional upon some other factors that where the landholder at any time after the passing of the Act may construct a work of irrigation and always only subject to this that it does not interfere—no point of time is indicated—the result is this amendment seeks to curtail the rights of control and to make it conditional upon the possibility of landholders doing something in an indefinite period of time always subject further to a more indefinite control on the part of the landholder. He can say 'I have got a project and you better stop *pro tanto*'. I submit that this in essence is a going back on the decisions already arrived at by this House."

The hon. the PRESIDENT :—"I do not think that we can go on with this amendment except in derogation of what has been decided already. I must disallow the motion."

"We shall now take up what was clause 20 in the Select Committee's Bill."

At this stage (1-30 p.m.) the House adjourned for lunch.

After Lunch (2-30 p.m.).

Clause 20.

Mr. R. SRINIVASA AYYANGAR :—"Mr. President, Sir, in the absence of Mr. Muttayya Mudaliyar, I beg leave to move the amendment (No. 154 on the agenda) standing against his name."

The House permitted the hon. Member to move the amendment.

Mr. R. SRINIVASA AYYANGAR :—"I move—

'In the proviso omit the words "involving reduction of supply".'

[Mr. R. Srinivasa Ayyangar] [12th November 1924]

“Hon. Members may perceive that sub-section (1) of clause 20 gives power to Government to execute repairs and the same sub-section also requires publication of notice and an opportunity is also given to the persons affected to state their objections, if any, with respect to the construction, modification, removal or closure of any irrigation or drainage work. These are all, no doubt, perfectly welcome provisions. When we come to the proviso, safeguards are laid down with respect to three classes, modification, removal or closure. So far as this amendment is concerned, it refers only to the first portion of the proviso which in effect deals with modification involving reduction of supply. By moving this amendment I am not to be supposed as in any way seeking or being anxious to take away this valuable and useful safeguard. But I am anxious that the safeguard should be extended to the other cases as well and to cover cases where difference of opinion may possibly arise between the Government on the one side and the ryots affected on the other. For, this proviso makes it incumbent on the Government to institute an enquiry with reference to three classes of cases, removal, closure, and modification which in the opinion of the local Government involve reduction of supply. So far there can be no grievance. But it is possible to conceive of a difference of opinion between the local Government on the one side and the class of persons affected on the other. The local Government may, viewing that the matter is not likely to involve a reduction of supply, think of dispensing with the thing which the proviso contemplates. It is only to bring such cases within the ambit of the proviso, cases where there may be honest difference of opinion, that I move this amendment.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“I second it.”

Mr. E. W. LEGH :—“Mr. President, Sir, I hardly think that a very long reply is needed. The suggestion is that there is one possible case in which there might arise a difference of opinion between the Government and the people concerned as to whether the modification did or did not involve reduction of supply and that, therefore, we should legislate that in all cases of modifications whatsoever, it should be necessary to issue elaborate notices. I should like to point out to the House that it seems to me that for such a small matter it is unnecessary to make a large change and it is not in the interests of the large body of ryots concerned. Imagine, for instance, a case of a channel from the Cauvery. If any change is to be made there, if this amendment is passed, the Government will have to issue elaborate notices to people living at various places down the channel for about 12 miles in length and until those notices are served and the objections are heard, we will not be able to carry out what is really the extension and improvement of an irrigation source. I think that the suggestion made, which is after all to remove a possible difficulty, creates a far greater difficulty than the one which is proposed to be removed.”

Mr. R. SRINIVASA AYYANGAR :—“I do certainly welcome improvements. But in cases where there is some difficulty with respect to a certain work. Government officers saying one thing and the people concerned another, under the section as it stands, it is open to the Government to dispense with the enquiry. I am only anxious that some provision should be made to meet such classes of cases.”

Mr. S. VARADA ACHARIYAR :—“I believe that the hon. Member has noticed that under the first clause it may be any kind of modification and there

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is provision for persons to come and state their objections; and it is only in particular class of cases an extra provision is made.”

Mr. R. SRINIVASA AYYANGAR :—“The earlier portion of the clause deals with notice and the proviso deals with inquiry.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“Sir, if I am not mistaken, this provision, as it stands in the Bill, is one which we accepted in the Select Committee at the instance of some of the hon. Members. I may explain why we wanted such a provision. We were afraid that if such a provision is not made as is made in this clause, cases might be taken up without sufficient notice and works might be undertaken which may affect detrimentally the interests of the ryots enjoying the water. Suppose under the guise of modifying the existing scheme the supply of water is reduced to those who have been receiving a certain quantity of water at present. Difficulties may arise, in the absence of this proviso, which may be detrimental to the interests of those who are enjoying water at present. It is to safeguard the interests of such people, to safeguard the existing rights, to see that this so-called modification did not really end in reduction of supply or if at all there is any reduction sufficient compensation is given, that this provision as it stands is made. But if these words ‘involving reduction of supply’ are now taken away, the result will be that the provision will not apply to cases of reduction of supply. That is, those that have a reduction in supply will not have the same advantage as they would have if the provision remains as it is, according to which an inquiry is to be held. I think the ryots affected must have the privilege of an inquiry. It is in the interests of the ryots themselves that this provision as it stands in the reduction of supply is made, as it stands, if a modification ending in the reduction of supply is made, there is an opportunity for an inquiry which will be taken away if this amendment is accepted. No doubt, notice is provided in both the cases, but is not an inquiry something more than a notice?”

Mr. R. SRINIVASA AYYANGAR :—“Modification may be in the nature of an addition or subtraction. Anyhow I beg leave to withdraw the amendment.”

The amendment was by leave withdrawn.

Mr. J. D. SAMUEL :—“Mr. President, Sir, I beg to move the following amendment :—

‘Insert the words “or drain from” after the words “supply to” in paragraph 2.’

“The clause as it stands does not take note of the drainage channel which also comes under the clause. I, therefore, think that these words should be inserted. I think it is a very necessary amendment. Amendment No. 160 on the paper is also a similar one.”

Mr. R. SRINIVASAN :—“I second the amendment.”

Mr. P. PEDDIRAJU :—“May I point out that the words ‘drain from’ must be ‘drainage from’.”

Mr. E. W. LEGH :—“Mr. President, I must point out that whereas it is said that every land must have a recognized source of supply and be registered as a rule in Government accounts, it does not follow that every land must have a recognized source of drainage. I think in most cases, in

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Mr. J. D. SAMUEL:—"In the previous paragraph, it is stated 'that before ordering the modification involving reduction of supply or removal or closure of any irrigation or drainage work, etc., the Local Government shall hold an inquiry, etc., so that if you make a condition for closing a drainage work you make a provision also for keeping it in good order. Again, we find that whereas you have got an ayacut register, you have no register for drainage works, and the result is most of the lands are affected where there is a surplus of water and where there is no proper drainage."

The hon. Mr. C. P. RAMASWAMI AYYAR :—“I really foresaw some of the remarks that have fallen from the last speaker and Mr. Samuel. I have here an amendment which may meet the case. ‘Before closing or changing the recognized source of supply to *or the recognized drain from* any land, the Government shall, wherever possible, provide another equally effective and convenient source *or drain.*’

The amendment of Mr. J. D. Samuel was by leave withdrawn.

Clause 20 as amended was put to the House and carried and added to the Bill.

Clause 21.

'Omit the words "over which control has been assumed in pursuance of a notification under section 9".'

"Now as it is, the portion of the clause is confined only to notified works. There may be cases where the irrigation work is not a notified work, and under the law it shall revert to the owners when abandoned. That is the object with which I have given notice of this amendment."

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

Rao Bahadur C. V. S. NARASIMHA RAJU:—"There will be all classes of works. In the case of joint works, they may be situated in zamindari areas. The moment you abandon it as an irrigation work, under the ordinary common law, the land will be at the disposal of the person to whom it belongs. All irrigation works come under the definition of 'work'. There may be cases where the land belongs to another person, not to the Government. In that case, if an irrigation work is abandoned, the land must revert to the owner. In the case of Estates Land Act, you say that the tank-bed shall be at the disposal of the zamindar. Just the same principle should hold good here. It may be the case of joint works or it may be where the whole tank is in zamindari area; and the ayacut may be Government."

The amendment was put and passed and the omission made.

Clause 21 as amended was put and passed and added to the Bill.

Clause 22.

Paragraph 1.

Mr. E. W. LEGH:—"I beg to move the following:

'Omit the first sentence.'

"Mr. President, I have drawn attention to it in the note attached to the Committee's report. I have pointed out there that I did not think that this clause as it stands correctly represented the general decision of the Committee. I drew attention to it when signing the draft report of the Select Committee. My main objection to this clause, as it stands, is somewhat wider than what is apparent in the wording. It is this: No one denies for a moment that the Local Government should maintain and repair all irrigation and drainage works and everybody is interested in seeing that they do so. It is another thing to require by statute that Government shall maintain all works in a state of repair. It is a very great question. What would be the result of such a provision in statute? We have not a similar provision in any statute at present. We do not know what the cost may be. There is at any rate a fear on this side of the House that supposing the clause stands as it is now, anybody who thought himself aggrieved, whether really or not, might go to court and say that the local Government did not fulfil the statutory obligation, and claim damages. I do not think that it is the anybody's interest that the ryot should go to the court and get from the State damages for real or imaginary loss of crops. I do not think it is in the State's interest, and I do not think it is in the public interest that this clause should stand as part of the Bill."

The hon. Mr. O. P. RAMASWAMI AYYAR :—“In seconding this motion let me say this: if hon. Members will read the whole of this clause they will realize that adequate and specific safeguards have been made in the Bill in succeeding portions. The second sentence reads:

[Mr. C. P. Ramaswami Ayyar] [12th November 1924]

'When any irrigation work other than that referred to in section 14 or a drainage work requires repair, the owners or occupiers of irrigated lands served thereby may apply to the District Collector to have the necessary repairs executed and the District Collector may, after enquiry in the prescribed manner, make such order as he thinks just.'

"Then again the clause reads:

'Where owing to the omission of the Government to execute the necessary repairs to such irrigation or drainage works the registered holder of lands paying full wet assessment is unable to raise a wet crop thereon he shall be entitled to the grant of a remission of the difference between the wet and the dry assessment on such lands.'

"Therefore certain cases have been specifically provided for. If we go far beyond any provision analogous to these, the danger that is apprehended from such a wide provision as is contained in the first clause is a great one: as the clause stands it reads thus:

'The local Government shall maintain all irrigation and drainage works in suitable repair.'

"Now that is a statutory duty laid on the Government and the infraction of that duty at once gives rise to a legal obligation, and every legal obligation connotes remedy afforded in law in the form of damages. In certain cases the right of damage may be the difference between wet assessment and dry assessment. If it is considered that we should have such a wide provision as is contained in the first sentence of this clause it will be a very difficult task, for, this House and the country at large may have to embark upon a number of suits, and all over the country various parties may contend that they got only one crop while they were entitled to two crops and so on. We shall have many cases of that kind. In a certain year we may have reports about floods and we shall have to make enquiries as to the ways in which floods could have been prevented and find out the extent of damage that was caused to the crops that were raised or could have been raised. It is in order to avoid these contingencies that we want to omit this sentence. I do not mean to say that the Government want to minimise their responsibilities to repair irrigation or drainage works. When once you provide a statutory obligation it means an obligation which connotes a right to damage and enquiry will have to be made as to the extent of damages that will have to be awarded and all this means lot of litigation."

Diwan Bahadur M. KRISHNAN NAYAR:—"I think, Sir, that this House should not accept this amendment. It will be noticed that this provision was not in the original Bill. It was after a great deal of discussion in the Select Committee that this clause was put in. As a matter of fact there is no law at present which requires the Government to keep drainage or irrigation works in repair. It was thought necessary that Government should be kept under some obligation to keep these works in repair. So, I submit that this provision which has been inserted after a great deal of discussion should not be omitted."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As a matter of explanation, Sir. If I understood my hon. Friend to say that the Select Committee applied themselves to this clause and arrived at this conclusion, I think it would not be correct to say so."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I am afraid that while I appreciate all the difficulties that have been expressed by the Government I cannot accept this amendment. It is for this reason: the Government say that this clause might induce persons who are fond of going to courts to launch upon litigation. About the year 1900 when the Irrigation Commission took

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evidence of this Province one of the Superintending Engineers gave evidence to the effect that unless the drainage system is attended to with as much care as the irrigation system itself there would be more danger than good to that part of the country. It is now nearly a quarter of a century since that evidence was given and accepted by the Irrigation Commission and I ask this Government how much money has been spent by them for drainage works, although crores and crores have been spent over irrigation works. And what is the good of these irrigation works? I do not mean to say that they are useless. What would be the result if Government had not attended to drainage works? There is no law at present which imposes an obligation on the part of Government to keep these works in repair. Of course, I have been persistently protesting against acquiring new rights in the Act, but here we must make an exception. Government have failed during the last 45 years to keep the drainage works in repair. They have neglected the evidence of their own officers and have not done that which was due to the drainage system in the Godavari district. By introducing the first sentence in the clause there will be a moral duty at least . . .

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Hardly a moral duty because I shall have to come . . ."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Our greatest trouble is this: we want that there should be statutory mention by the Government of their responsibility and not merely the rights which have been taken here and which will be very easily exercised over the people. We want that that responsibility is recognised as such in this clause. I only request the Government to see whether the acceptance of this sentence which implies responsibility on the part of the Government to maintain all irrigation and drainage works would not give sufficient inducement to Government officials to see their moral liability and their responsibility for maintaining these works in repair. The difficulty is that Government officials take a long time to report on the works which require repair, and our contention is that if Government were to assume this responsibility . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Is it permissible to point out that the Finance Committee turned down a proposal in which I asked for a grant to attend to the repairs of these drainage works?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"We have been asking for grants all these twenty years and the Finance Committee said 'where is money?'"

Mr. C. V. VENKATARAMANA AYYANGAR:—"I think the statement made by the hon. the Law Member is not correct. The Finance Committee's decisions have not yet been published."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I stand corrected. I shall await the publication of the Finance Committee's decision."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I was complaining that during the greater period of all these years, no Government official thought it was his duty to maintain all these irrigation and drainage works in repair. Our only object in asking for the retention of this sentence is that it will constantly remind the Government and their officials of their duty towards these works. That is all and the Government need not apprehend any danger from the retention of this sentence."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Now, the clause, as it stands, covers three distinct classes of cases. It is applicable to zamin areas. It is applicable to inam as well ryotwari areas. If I understand Sir K. Venkatarreddi Nayudu aright he said that in the case of Government areas there must be moral obligation on the part of Government to undertake the repairs of irrigation and drainage works and I only request him to peruse the second sentence of the first paragraph. I think there is a sufficiently strong wording in that which imposes moral obligation on the part of the Government. It reads thus :

‘ When any irrigation work or drainage work requires repair, the owners or occupiers should petition to the District Collector to have the necessary repairs executed and the District Collector may, after such inquiry in the prescribed manner, make such order as he thinks just.’

“ That will have reference to the financial position as well as the requirements of the irrigation work which he has in view. If my hon. Friend wants that moral obligation should be cast on the Government that will be satisfied by retaining the remaining paragraph.

“ Now I only want to point out what effect the retention of the first sentence would have on the general taxpayer. So far as Government areas are concerned it is made obligatory on the part of Government to remit the difference between wet assessment and dry assessment. In the case of zamin and inam areas we do not provide any measure of damage. Regarding other areas if you keep obligation on the part of Government as it is, and leave the measurement of damages undefined, it means persons affected will have to resort to civil courts. For my part, I am of opinion that it is for the court to decide whether there is such an obligation on the part of the Government or not.

“ I do not concede here that the mere omission of the sentence will take away the obligation of the Government to maintain the 3-15 p.m. works in suitable repair. It is open for the courts to decide whether there is such an obligation or not; and, in the event of the obligation not being carried out, the courts can determine also the measure of damage under the common law. We provide a moral obligation on the part of the Government to maintain them irrespective of the areas commanded by the irrigation works; we only provide the measure of damage regarding the ryotwari owners. The words ‘ the registered holder of lands paying full wet assessment ’ in paragraph 2 excludes the inam area. Therefore, the inamdars and the zamindars are to establish in a court of law the liability on the part of the Government to maintain irrigation works in good repair; and, if they succeed in proving the liability in a court of law, they can as well succeed in getting damages. That leaves the matter as it is and only provides a moral obligation which Sir K. V. Reddi has in his mind. It does not hamper the Government at all by retaining it.”

Mr. J. D. SAMUEL :—“ Mr. President, Sir, I think that the first sentence must remain not only to create a moral obligation, but also a statutory one. All that the clause says is that the owners or occupiers of irrigated lands served thereby may apply to the district collector to have the necessary repairs executed and the district collector may, after inquiry in the prescribed manner, make such order as he thinks just. He may or may not. (Laughter.) Let us know where we are. The ryots want to know exactly who is responsible and for that purpose it is absolutely necessary that the first sentence should remain. If the Government want that the measure of damage should

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be only that stated in the second paragraph of the clause, let them say so. It is not a question between the zamindars and the Government, but it is a question of the registered holders. Therefore I think it is necessary that the sentence should remain. When we say that the Collector may, we know that the collector may not very often.”

Mr. R. VEERIAN :—“ Sir, the object of the whole clause itself is to afford facilities to the ryots in the matter of irrigation. It should be obligatory on the part of the Government to keep all irrigation works in suitable repair. Therefore, I fail to see how without the retention of the first sentence the position of the ryots can be safe. Loud complaints of the ryots year after year during jamahandi have been in vain. Even sanctioned estimates prepared by the Tank Restoration Scheme Party remain a dead letter. Therefore, the first sentence is a very vital one and it should not be deleted in any case.”

Mr. B. VENKATARAMAN spoke in Telugu to the following effect :—

“ In this sentence which the Government wish to have omitted, the duty of the Government to maintain all irrigation and drainage works in proper repair is laid down. The second paragraph of the clause does not sufficiently safeguard the rights of the ryots. It refers only to cases where the ryot is unable to raise a wet crop altogether and does not cover cases where the wet crop raised by him falls far short of the customary crop which could be raised on the land. The sentence should therefore remain.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, I am inclined to support this amendment though with certain modifications as suggested by our friend. Otherwise if this sentence is retained as it is, it will lead to great danger. Take the case of a year like the present one where floods have damaged all the irrigation works in the delta system. Is it possible for the Government with any number of divisions at their disposal to have them repaired? Supposing they are not repaired, then every ryot will be entitled to have the damages calculated on the probable yield he would have if the irrigation works were in repair. In that case, I am afraid the ryots of the three deltas will be glad to have floods every year so that they may sue the Government for the damages. The other districts like Coimbatore which are dry, will have to tax themselves ten times more to pay these damages. The first sentence, as it is, unless it is qualified by something, seems to be absolutely dangerous. Of course, there are certain other difficulties as pointed out by our friend in Telugu. Suppose an irrigation work is ruined and a small repair is made which enables it to supply some water. The ryot raises a wet crop, but it is only one-tenth of the usual crop. Even then, according to this section he will have to pay a wet rate of assessment. So far as the first sentence is concerned, the legal liability would involve the Government in the payment of heavy damages in years like the present. It will be absolutely impossible for any Government with any amount of staff and money at their disposal to repair these irrigation works damaged by the floods for two or three years. Then the removal of the first sentence will not affect anybody. The other portion says that the owners or occupiers may apply to the district collector and have the necessary repairs made. If, instead of the word ‘ may ’, the word ‘ shall ’ be substituted, I think it may satisfy the hon. Members. Of course it may not be satisfactory from certain points of view, but so far as this particular amendment is concerned we may omit the first sentence.”

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Mr. K. CHAVADI SUBRAHMANYA PILLAI :—" Mr. President, Sir, I oppose the amendment motion of the hon. Member, Mr. Legh. The grant of remission to a ryot owing to a neglect on the part of the Government to do periodical repairs even after application made to proper authorities is not at all an adequate relief; for the remission of assessment which might be granted will be comparatively too small and will not make up for the loss of his livelihood. I may in this connexion quote one instance. The Manur channel in Tinnevely taluk is a totally neglected one as its repairs have not been undertaken by Government during the past 35 years. The loud complaints of the ryots year after year at the jamabandi have been in vain. Even the sanctioned estimate prepared by the Tank Restoration Scheme Party is remaining a dead letter. The hon. Member, Mr. Legh, would not accept the first sentence of this section. Another instance is the Nambirattikal in Nanguneri taluk of this district which has not been repaired for the last forty years. I am surprised to see how without this sentence the position of the ryots can be safe in view of what I have said already. The object of the Bill itself is to afford facilities to the ryot in the matter of irrigation. If the Government would not look to what the condition of the already existing tanks and channels is and even after knowing is not prepared to put them all in good repairs, where does the necessity come in to go on making large projects, schemes, etc.? It should be obligatory by statute on the part of the Government to keep all the existing irrigation works in good repair. The apprehensions of the hon. Member, Mr. Legh, as to the ryots claiming damages for any neglect of Government to repair a breach are baseless. I am at a loss to know how a breach sufficient to cause damage and thereby creating a claim for compensation can remain unnoticed and neglected by Government officials. Would the hon. Member cite a single instance of a ryot having instituted a suit for damages against the Government as even now under the common law he might?

"If phenomenal breaches as in last year occurred, the Government may make an exception regarding them for the period of a year or two.

"In conclusion, I would say that the first sentence of this clause is the vital point and it should remain as it is *unaltered*. I would further add that the officer who is competent to make inquiries in such matters should be not below the rank of a revenue divisional officer. On the report of such officers final orders must be passed only by the District Collector. *On every such order* passed by the district collector an appeal should lie to the Board and from the Board to the Government."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, I am deeply indebted to the last speaker, because I think the argument advanced by him is sufficient to show how dangerous the sentence is. What the last speaker has said is this: The remission which you promise is absolutely inadequate; I am entitled to large damages and therefore I am not content with the remission provided in the second paragraph. Another argument used by him is equally fatal to his main purpose. He says that under the common law to-day there is a liability. At the present moment under the decisions there is absolutely no liability on the part of the Government to repair any irrigation work. According to the decision in 20 Madras, Law Journal, Government are not legally bound to maintain or repair any irrigation work under their control. That being so, to the extent to which we are enacting this clause, we are making a new law. To the extent to which we

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enact the second sentence of the first paragraph of clause 22 and the second paragraph we are enunciating a new policy. As was pointed out by the hon. the Leader of the Opposition, there are three categories of cases, and it is not intended to take away or derogate from any rights that might at present exist in the case of the estate holders and the Government *inter se* with regard to these irrigation works or their liability in regard to irrigation. Where, however, the law is uncertain or may be said to be enveloped in doubt, certain provisions have been made to place it beyond doubt. Let us take a year like the present. If the section stands as it is to the effect that the Local Government shall maintain all irrigation works in suitable repair, if as a matter of fact there are diverse opinions held as to the state of repair in which the banks or the bunds or the great delta systems have to be maintained, supposing it is held that the Cauvery delta system was not kept in a state of repair which would make it come within the term 'suitable repair,' then every ryot of the delta tracts will sue the Government for damages. That would be a natural and inevitable result of the section as it stands. That being so, not only will the Government have to foot the Bill for putting these works in proper repair again, not only will there be a general obligation on the part of the Government to maintain the works in proper repair which will be enforced either at the budget time or in the course of the year's activities of the Legislative Council, but the general taxpayer, the inhabitants of the other districts, would have to pay the money necessary to keep these delta systems in suitable repair and to pay the damages also.

"In these circumstances, to put the proposition in that way, it seems to me, would convey the answer to my mind. My submission therefore is that to the extent to which the second sentence lays down the obligation, it is there. To the extent to which you get remission in cases where on account of the default of the Government you have not been able to raise the necessary crop, the provisions are not affected. In certain cases pointed out by the hon. the Leader of the Opposition, the law as it stands at present is allowed to remain. But where we are landing ourselves if the law as indicated in this form is to prevail would be that we shall be letting ourselves open to countless enquiries, investigations and liabilities for damages in many cases which are surely not within the contemplation of the House."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Sir, I am not entitled to reply nor am I attempting a reply now. But may I ask one question, Sir? Will the hon. the Law Member be pleased to let us know whether the Government really consider seriously and say that it is fair to take an exceptional year like this and base the arguments upon that? So long as the subject of irrigation remains a Reserved subject, what control has the country and what is the responsibility of the Government to repair them apart from their conscience which we always rely upon? It is a different matter altogether in a country where the Ministry is responsible to the nation in which case it can be said: The Government is national and you can control them. But where, as with us, the subject is a Reserved one and the country has not the slightest way of approaching the Government and make them concede, is it fair, I ask, Sir, to take a year of that kind and base your arguments upon that?"

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"Naturally, Sir, I have not the right of reply but as a quasi-reply was attempted by my hon. Friend, a quasi-quasi reply may also be attempted by me. It is not a question of an exceptional year at all. Supposing we are unable to grant the establishment adequately in certain parts, supposing we are obliged to retrench the staff in a particular locality and irrigation works get into disrepair, the question is whether the body of ryots in the locality should be paid compensation. It is a question which it is for the House to decide."

The amendment was put and declared carried. A poll was taken; the House divided thus:

Ayes.

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| 1. The hon. Khan Bahadur Sir Muhammad Habib-ul-lah Sahib Bahadur. | 17. Mr. J. A. Davis. |
| 2. " Sir Arthur Knapp. | 18. Rao Sahib P. V. Gopalan. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 19. Mr. B. Mahabala Hegde. |
| 4. " Rao Bahadur Sir A. P. Patro. | 20. Honorary Lieutenant Madurai. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 21. Rao Bahadur C. V. S. Narasimha Raju. |
| 6. Mr. R. W. Davies. | 22. Mr. C. Ramalinga Reddi. |
| 7. " P. Hawkins. | 23. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 8. " E. W. Legh. | 24. " T. A. Ramalinga Chettiyar. |
| 9. " P. L. Moore. | 25. Mr. J. A. Saldanha. |
| 10. " T. R. Venkatarama Sastryar. | 26. " A. Ranganatha Mudaliyar. |
| 11. " S. Varada Achariyar. | 27. " C. Gopala Menon. |
| 12. " G. F. Paddison. | 28. " K. Sitarama Reddi. |
| 13. Dr. John Mathai. | 29. " R. Srinivasan. |
| 14. Mr. Abdulla Ghatala Sahib. | 30. " P. V. S. Sundaramurti. |
| 15. " S. Arpudaswami Udayar. | 31. Rai Bahadur T. M. Narasimhacharlu. |
| 16. Rao Sahib T. C. Tangavelu Pillai. | 32. Mr. R. Srinivasa Ayyangar. |
| | 33. " V. C. Vellingiri Gounder. |
| | 34. " Venkatarama Ayyar alias Pantulu Ayyar. |

Noes.

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| 1. S. R. Y. Ankineedu Prasad Bahadur. | 10. Mr. S. Satyamarti. |
| 2. Mr. T. Mallesappa. | 11. " T. Adinarayana Chettiyar. |
| 3. " B. Muniswami Nayudu. | 12. " P. Peddiraju. |
| 4. " C. Muttayya Mudaliyar. | 13. Sir K. Venkatarreddi Nayudu. |
| 5. " K. Prabhakaran Tampan. | 14. Mr. K. Chavadi Subrahmanya Pillai. |
| 6. Rao Bahadur P. Raman. | 15. Diwan Bahadur M. Krishnan Nayar. |
| 7. Mr. P. Sagaram. | 16. Mr. R. Veerian. |
| 8. " J. D. Samuel. | 17. " Abbas Ali Khan. |
| 9. " K. Sarvarayudu. | 18. " B. Venkataratnam. |

Ayes : 34. *Noes* : 18.

The amendment was carried.

*Clause 22.**Paragraph 2.*

Mr. P. PEDDIRAJU:—"Sir, there are certain other amendments which are more comprehensive than mine and I would like that I am permitted to move mine after they are disposed of. Unless those amendments are defeated there will be no use of my moving this amendment. I would therefore request you, Sir, to allow me to move my amendment later on."

The hon. the PRESIDENT:—"We shall then take up the amendments that follow."

Mr. P. ANJANEYULU:—"Sir, I rise to move the amendment standing in the name of the hon. Member, Mr. Koti Reddi, and I beg leave to do so."

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The hon. the PRESIDENT:—"Is it the pleasure of the House to grant the leave asked for?"

Leave was granted.

Mr. P. ANJANEYULU:—"I then move, Sir, the amendment that reads thus:

'For the second paragraph substitute the following:

"If the district collector is satisfied that the irrigation or drainage work is, owing to the omission of the Government to execute the necessary repairs, in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it, every owner or occupier of such land shall be entitled to full remission of all charges leviable by the Government on the land."

"In view of the amendment of my hon. Friend, Mr. Legh, I submit to the House that such a clause as this is absolutely necessary at least to ensure to the ryot that such repairs as are incumbent on the Government at least morally to execute will be executed. The ryot may at least have such a relief as is contemplated by this provision. For that reason, I hope the House will be with me in carrying out this amendment."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I rise to second the motion and I appeal to the hon. the Law Member to accept the amendment, because it does not go very strongly against the Government, even if it is to any extent against the Government. It is the Collector that has to be satisfied. If he is satisfied there is no reason as to why there should be any levy at all. I think this is a very desirable amendment especially as the first sentence of the first paragraph has been deleted."

Mr. E. W. LEGH:—"Mr. President, Sir, I want to point out that there are three difficulties in accepting this amendment. In the first place I do not know exactly what the intention of the hon. Mover is; it is open to doubt what the meaning of the words 'prejudice the irrigation of the lands dependent upon it' is. Does it mean that the cultivators are not able to raise any crop, or full crop, or half crop or a two-annas crop? That requires making clear. My second point is this. In these circumstances the amendment proposes that every owner or occupier of such land should be entitled to remission. I wish to know what 'such land' means. Does it mean all the lands dependent upon it? If so, the amendment would award every owner or occupier, whether damaged or not, whether his own particular land has received any damage or not, a compensation. That does not seem to be quite right. Thirdly, the amendment says that the owner shall be entitled to the full remission of all charges leviable by the Government on the land. We do not know what the extent of the damage caused is and yet it is intended to lay down that whatever the extent of the damage all the charges leviable shall be remitted. For these three reasons it seems to be impossible for me to accept the amendment in the form in which it is brought forward. If it is the desire on the part of the hon. Members of the House to introduce into this Act a reproduction of the remission rules, which I take it is the possible intention behind this amendment, then I would suggest that it would be a very great mistake to do so, because they are found in the Standing Orders of the Board of Revenue and they have not yet been reduced to the form of

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a statute. And I do not think that an Irrigation Bill is the right place for putting them in a statutory form. For that reason I deprecate any attempt to insert in this Bill a reproduction of the remission rules in whatever form."

Mr. B. MUNISWAMI NAYUDU:—"Sir, the amendment while it aims at getting remission if the district collector is satisfied that there has been a material diminution of water, it takes away the right that is given under the clauses of the Bill laying down that where the crops cannot be raised, the Government are bound to give a remission. It is all well to say that the district collector should be satisfied before any remission can be got. Even the present rules of the Board's Standing Orders require that the revenue officer should be satisfied. That rule, I think, would always remain as the standing instruction of the Government. The present amendment provides that if the water is so insufficient that it is not possible to raise the crop . . ."

Mr. E. W. LEGH:—"It does not say that the water should be so insufficient as to make it impossible to raise any crop. It simply says: 'materially to prejudice the irrigation of the lands dependent upon it.'"

Mr. B. MUNISWAMI NAYUDU:—"Even then, the words 'to prejudice the irrigation of the lands' would mean that the ryot cannot raise any crop at all or that he raises an insufficient crop with little water. The clause as it stands gives absolute right in favour of the landholder to cultivate the land with wet crop irrespective of the fact whether the collector wills it or not, and the question is left to a judicial authority to decide as to whether he is entitled to do so. But in cases in which he is able to raise a wet crop but not the full crop, discretion is given to the collector. If what is proposed in the amendment is in addition to the remedy already provided, it is one thing. But if it is a substitution to such a remedy, it would be practically taking away the right which the Bill as introduced by Government has given to the ryot to claim remission."

"After all, Sir, we are here trying to put the collector as the arbiter of all our rights. In fact the Government themselves are not satisfied with such an arrangement, for in the case of notified tanks they say that this question must be left to the arbitrators or umpire or even the civil courts to decide. Why should not the ryots in this case also be allowed to have the civil court to decide when the collector and the ryots do not agree? It is certainly strange that from the right side of the House an amendment should be moved which takes away the powers which have been given under the Bill according to which the district collector is not the final arbiter."

The amendment was by leave withdrawn.

Mr. K. PRABHAKARAN TAMPAN:—"Sir, I beg to move:

'that after the words "or drainage work", the words "or stoppage of the supply of water therefrom on account of any unforeseen occurrence be inserted".'

"The Act provides for remission only in cases of omission on the part of the Government to execute the necessary repairs. Not only on account of non-repair but owing to any unforeseen occurrence also a crop may suffer, and inasmuch as the remission contemplated in the clause is only a difference between the wet and dry assessment, I do not see any reason why my amendment should not be accepted."

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S. R. Y. Ankineedu Prasad Bahadur seconded the motion.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I take it that the hon. Member's intention is that if there is an act of God or any unforeseen occurrence of that kind, remission should be granted."

Mr. K. PRABHAKARAN TAMPAN:—"Yes, Sir."

Mr. E. W. LEGH:—"Sir, I should like to point out that in this Bill we are legislating for provision of irrigation facilities and so on. We are providing in this clause for damage that may occur owing to non repair of an irrigation work, and I do not see how in this Bill we can bring in provisions regarding unforeseen occurrences which are beyond the control of human agency. For that reason it seems to me that this provision is out of place here, apart from the fact which I have already mentioned, that is, that this amendment seeks to bring in the remission rules or part of them rather, in this place and thereby by implication negatives similar powers or concessions."

The amendment was put and negatived.

Mr. P. ANJANEYULU:—"Mr. President, Sir, I beg to move:

'that at the end of paragraph 2, the words "and if neither wet nor dry crop could be raised thereon, to the grant of remission of the full wet assessment" be added.'

"After all the previous amendments embodying the intentions of hon. Members have either been withdrawn or rejected, I trust that the Government would accept this very humble motion at least, because it is already provided in the original clause as it stands here that when registered holders who are paying full wet assessment are unable to raise a wet crop thereon, they will be entitled to the grant of remission of the difference between the wet assessment and the dry assessment. This amendment only provides that if neither wet crop nor dry crop could be raised thereon in the circumstances mentioned in the original clause, the ryots may be entitled to the remission of full wet assessment. With these words, I commend this amendment to the acceptance of the House."

Mr. P. PEDDIRAJU:—"In seconding this amendment, I want to say a word or two. I have been placing before this Council facts regarding the delta tracts in our districts, viz, that lands which are cultivated wet are unfit for dry cultivation at any time if water is not supplied to them. If in such cases, owing to the neglect of the Government in repairing irrigation works, any land is not cultivated, it will not be cultivated either with wet or dry crops. Therefore it is no solace to the ryot to be given compensation of only the water-cess but not the full wet assessment. When he loses his crop, he must be allowed the solace of getting the full remission of the water-cess as well as the wet assessment. It is but just that he should be exempted from paying the whole assessment."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I may at once say that I see what may be called the possible justice of the contention. The point, however, is that these remissions or the details of these remissions are not in place in this Act at all. That is the contention which has been raised by the Revenue Secretary and I wish to reiterate it."

The amendment was put and carried.

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Clause 22 as amended was then put, passed and added to the Bill.
 Clause 23 was put, passed and added to the Bill.
 Clause 24 was put, passed and added to the Bill.
 Clause 25 was put, passed and added to the Bill.
 Clause 26 was put, passed and added to the Bill.
 Clause 27 was put, passed and added to the Bill.

Clause 28.

Mr. S. MUTTAYYA MUDALIYAR:—"Sir, I beg to move the amendment which stands in my name and which runs thus:

'Omit the words "into which the water does not flow from any irrigation work."

"Section 28 provides that if any irrigation officer or other person in the exercise of powers conferred under this chapter proposes to enter, otherwise than with the consent of the occupier, on any land or into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give the occupier of such land, building, court or garden reasonable notice in writing of his intention to do so, etc. The clause provides that when an irrigation officer proposes to enter any land or building into which the water of an irrigation work does not flow he must give notice to the occupier, meaning thereby that when he enters or proposes to enter on lands into which water from an irrigation work flows, he need not give any such notice. I apprehend damage if an irrigation officer is to be given the liberty to enter upon any land and that he can do so even without giving notice to the owner or cultivator. It may be that it is the cultivation season, and there may be valuable crops on the land, crops such as tobacco or sugarcane. If an irrigation officer enters the land and interferes with anything or does any work on the land, the cultivator would be put to an immense amount of loss, and if notice is given, he may be able to avert many of these probable occurrences that may happen if the officer enters on the land without notice. I do not see any reason why any distinction should be made between lands into which water flows and those into which it does not flow. I think notice should be given in all cases in which the irrigation officer enters the land, and really there is no hardship or extra difficulty created in giving this notice which is conceded with respect to certain lands. So, I propose that the notice which is contemplated to be given in the case of lands into which water does not flow should also be given in the case of lands into which water flows."

Rao Bahadur A. S. Krishna Rao Pantulu seconded the motion.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, I can understand the objection regarding any building or enclosed court or a garden attached to a dwelling house. If the hon. Member would confine his amendment to those classes of cases and not to lands, then the matter would be very different, because supposing an irrigation officer wants to enter for certain purposes into an open field to see whether water has been used, there is no objection to his doing so, I think. He does not propose to trample upon the crop as he goes along. If what is really aimed at is only the case of buildings, etc., excepting of course cases of emergency for which the provision must remain as it is, and if the intention is that entry into any building or enclosed

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court or garden attached to a dwelling house should not be made without notice, I think I may be able to accept that. But the suggestion as to entry into the land I do not think I can accept."

Mr. S. MUTTAYYA MUDALIYAR:—"I agree to the suggestion made by the hon. the Law Member and I am prepared to confine my amendment to the cases mentioned by him."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I move the following amendment:

'Insert the words "into which the water does not flow from any irrigation work" after the word "land" in line 4 and omit the same words after "dwelling house".'

Mr. S. MUTTAYYA MUDALIYAR:—"In view of the amendment of the hon. the Law Member, I withdraw my amendment."

The amendment was by leave withdrawn.

4 p.m. The hon. Mr. C. P. RAMASWAMI AYYAR:—"The amended section will run as follows:

'If any irrigation officer or other person, in the exercise of powers conferred under this chapter, proposes to enter, otherwise than with the consent of the occupier, on any land into which the water does not flow from any irrigation work, or into any building or enclosed court or garden attached to a dwelling house, he shall previously give the occupier of such land . . . etc.'

Mr. T. R. VENKATARAMA SASTRIYAR:—"I second it."

The amendment was put and carried.

Clause 28 as amended was put and carried and added to the Bill.

Clause 29.

Mr. K. PRABHAKARAN TAMPAN:—"I move the following amendment:

'For the word "person" in line 1, substitute the words "registered holder of a land".'

"Sir, my difficulty is with reference to its application in relation to Malabar, where even an ordinary mortgagee or a simple tenant or a squatter is entitled to full compensation for the improvements that he makes in the land. He will be entitled not only to the money that he spends on the improvement of the land but to the increase in the yield on the holding on account of his work. To understand the seriousness of this the Malabar Tenants Improvement Act must be read along with this clause. Then only can the hon. Members understand the seriousness of this clause. What I wish to say is that we must define what sort of people are entitled to apply for constructing a water-course. The word 'any person' is not suitable to the conditions of Malabar. So I commend this amendment for the acceptance of the House."

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

Diwan Bahadur M. KRISHNAN NAYAR:—"I really cannot understand my friend. I have been trying my best to understand him. I suppose my friend's point is that tenants should not be allowed to apply for the construction of water-course."

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Mr. K. PRABHAKARAN TAMPAN :—“ I have no objection to the tenants getting their water-course.

“ As the law stands at present, any one in possession of a land under any kind of title is competent to improve it and claim compensation from the owner. This amendment does not preclude the kanamdar from taking advantage of this section as he is a registered holder.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ Suppose there is a person who is a kanam-holder and in whose name the patta does not stand and he wants to construct a water-course. The effect of this amendment will be to prevent the kanam-holder from applying. The registered holder is the person in whose name the patta stands. After the recent settlement, the pattas stand in the name of janmis.”

Mr. K. PRABHAKARAN TAMPAN :—“ I may explain that even now under section 14 of the Malabar Registration Act, the kanam-holder is competent to have his land registered in his own name.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ If both the janmi and the tenant agree, they may have the patta registered jointly in their names. But recently the practice has been that the patta stands in the name of the janmi. No doubt the patta may be in the joint names. But there are, at present, many kanamdars and other tenants in whose names the pattas do not stand. If my friend's amendment is accepted, it will prevent all the kanam-holders and other tenants from applying for water-course. Apparently he is very much surprised at the result of carrying out this amendment. It is not possible to accept that.”

Mr. K. PRABHAKARAN TAMPAN :—“ I want to know what the Government has to say on the matter.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ In the first place, supposing a person puts money into the land and a water-course is constructed, what is the harm? I do not see any harm that arises either to the registered holder or generally from such a procedure. It is not a matter of absolute right. The irrigation officer will have to consider these circumstances, viz., whether a third party will dispute and things of that sort.”

Mr. K. PRABHAKARAN TAMPAN :—“ Ordinary mortgagees are entitled to the improvements effected. Those people can apply to the Government and then construct a water-course and irrigate their lands and improve it altogether out of the mortgagors. That is not a desirable position.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ After all if there are any objections to the system of water-course, they can be put forward by the registered proprietor. If the land is going to be improved and benefited, I do not see any objection to it. I do not see therefore how the amendment is called for.”

The amendment was put and negatived.

Rai Bahadur T. M. NARASIMHACHARLU :—“ I beg to move :

‘ Add at the end as a new paragraph the following :

‘ If the irrigation officer does not consider it necessary to comply with the request, he may reject the application. The applicant may appeal to the collector against the order of the irrigation officer ’.

“ The object of this amendment is this. Whereas there is provision for constructing a water-course and subsequent procedure if the irrigation

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officer considers it expedient to comply with the application there is no provision made for appealing against the order of the irrigation officer when he rejects the application. It may be that the water-course is a very necessary thing. It may be that it may produce beneficial results and still owing to some caprice on the part of the irrigation officer or because other persons interested may raise a hue and cry against the grant of water-course, it is possible that the irrigation officer may not think it expedient to comply with the request. So in order to make a provision for such a contingency against an arbitrary refusal, I submit, Sir, an appeal should be provided in cases of rejection of the application also.”

Mr. R. SRINIVASA AYYANGAR :—“ I second it.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I have no objection to accept this. My only difficulty is the place where it ought to be. I think it ought to come at the end of clause (2) of section 30.”

The amendment was by leave withdrawn.

Clause 29 was put and carried and added to the Bill.

Clause 30

Mr. T. R. VENKATARAMA SASTRIYAR :—“ I move :

‘ In the second sentence for “ he ” substitute “ the irrigation officer ”.’
“ This is a verbal amendment.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I second it.”

The amendment was put and carried.

Sub-clause (1), as amended, was put and carried and added to the Bill.

Sub-clause (2).

4-15 p.m. Mr. T. R. VENKATARAMA SASTRIYAR :—“ I beg to move the following amendment :—

‘ For the words “ receive a supply of water through ” substitute “ be served by ”.’

“ I move this amendment because I want to see that words are used so as to apply not only to supply of water but also to drainage. The substitution proposed serves both the purposes.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I second the motion.”

The amendment was put to the House and carried.

Mr. V. C. VELLINGIRI GOUNDER :—“ I beg to move the following amendment standing in my name, viz. :

‘ For the word “ thirty ” substitute the word “ sixty ”.’

“ My object is this. Giving a notice under this section is always simple so far as the officials are concerned. The difficulty is for the notice to reach the ryots in the villages. If there is a proper provision for effective publication of this notice, there will be no harm.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I second it.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Sir, this amendment, if carried, will put obstacles in the way. I have in fact heard, even as it is, it tends to delay. I do not see the object of the amendment.”

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Mr. V. C. VELLINGIRI GOUNDER:—"May I ask the hon. the Law Member if it is for the benefit of the individual owner?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The whole of this chapter is really a matter for individual benefit and if people are anxious to proceed with the work I should not throw obstacles in the way."

The amendment was by leave withdrawn.

Mr. K. PRABHAKARAN TAMPAN:—"I beg to move the following amendment:

'After the words "share of the cost" insert the words "of the preliminary proceedings and compensation deposited by the applicant under sub-section (1) and of the cost".'

"The idea is this. A new applicant is made to contribute the cost of construction and other things. What I suggest is that the expenses and the cost of preliminary enquiries should also be apportioned between the applicant and the new comer."

No hon. Member seconding the motion, the amendment fell through.

Sub-clauses (2) and (3) were then consecutively put to the House and carried

New sub-clause after sub-clause (3).

Mr. P. PEDDIRAJU:—"Sir, I formally move:

'Add the following as sub-clause (4):—

"(4) An appeal shall lie to the District Collector from any order made by the irrigation officer rejecting an application for the construction of a water-course."

Mr. P. ANJANEYULU:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I accept the amendment."

The amendment was put to the House and carried.

Clause 30 as amended was then put to the House and carried and added to the Bill

Clause 31.

Mr. S. MUTTAYYA MUDALIYAR:—"Sir, I beg to move the following amendment:

'After the words "in section 30" in paragraph 1 insert the words "or within two months of the receipt by the owner or occupier of land referred to in the said section".'

"The object of this amendment is this. Clause 30 provides for notice being given in two ways, by publication in the village and by service of notice on persons through whose lands the water-course is provided to be taken. Under section 31, two months' time is proposed after publication for the persons concerned to state their objections. Supposing the publication in the village under section 30 is made on the 1st of September and the notice is served on the individual landholder who is affected on the 1st November, then the thirty days provided under clause 30 (2) will have expired. What I say is it ought to be open to any person to put in his objection within two months after service on him of notice. If effect should be given to the intention of clause 31, I submit that this amendment should be accepted.

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We have in fact many people who have leased out the lands and have gone away. I submit that in order to make the notice really useful, it is necessary that a period of two months should be given."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"After all the Government is not very much concerned with this matter. But there is one aspect which the hon. Members will see. In all these cases it is a question of one set of persons getting the water-course and others who are really indifferent to it. The difficulty would be if we accept this amendment, it will make it possible for an indefinite postponement by evading service. It is a matter for the House to decide upon as to whether the water-course should be speedily finished. It is a matter of time and convenience."

Mr. T. R. VENKATARAMA SASTRIYAR:—"The original words are within one month. It is sought to be extended to two months to give facilities of service on the person concerned. As it has already been pointed out, two months after service on the individual landholder would mean that the months will vary according to each individual. If a person is in Kameswaram or in Benares, it may take really months or even years, before the whole thing is done. That will consequently result in indefinite postponement."

Mr. S. MUTTAYYA MUDALIYAR:—"I really cannot appreciate the difficulty pointed out by the Advocate-General. If the land owner is absent, registered notice may be served on the person in whose name the land is registered. Or, it may even be that there is an agent or somebody in occupation of the land. Service may be made on him and such service may be held sufficient under the section. All I say is that the person affected should be given the time necessary to formulate and submit his objections."

Mr. T. R. VENKATARAMA SASTRIYAR:—"If it is service on a local person, then the time allowed ought to be sufficient."

Mr. P. PEDDIRAJU:—"The complaint even in the Select Committee has been that the procedure is circuitous and what was wanted was a summary disposal. It won't be really useful from the point of view of the poor ryots. I should therefore oppose the amendment."

The amendment was then put to the House and negatived.

Clause 31 was then put to the House and passed and added to the Bill.

Clause 32.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I move:

'After the word "water-course" insert the words "if necessary."'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put to the House and carried.

Mr. S. MUTTAYYA MUDALIYAR:—"I beg to move:

'For the words "after notice to the persons likely to be affected by the alteration" substitute "after notice as in section 30 and enquiry in section 31".'

"Section 30 contemplates notice being given. I say in the case of a modification of the original alignment notice ought to be given. It is

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entirely in accordance with section 30. This amendment wants that in case of fresh alignment notice ought to be given as provided for in section 30 and section 31. All that I want is to place the landlord who is for the first time to be affected by the proposed water-course in the same position as the original landlord. All persons likely to be affected ought to have notice of it. So I move this amendment."

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

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I have no objection, Sir."

The amendment was put to the House and carried.

Clause 32 as amended was then put to the House and carried and added to the Bill.

Clauses 33 and 34 were put to the House and carried and added to the Bill.

Clause 35.

Mr. R. SRINIVASA AYYANGAR :—"Sir, I beg leave to move the amendment No. 201 on the agenda standing in the name of
+ 30 p.m. Mr. G. Rameswara Rao as the hon. Member is absent."

Mr. R. Srinivasa Ayyangar was permitted to move the amendment.

Mr. R. SRINIVASA AYYANGAR :—"Sir, I beg to move :

'For the word "required" in line 1 substitute the word "acquired".'

"I think it is only a misprint."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I second the amendment."

The amendment was put and carried.

Clause 35 as amended was put and carried and added to the Bill.

Clause 36 was put and carried and added to the Bill.

Clause 37 was put and carried and added to the Bill.

Clause 38.

Mr. S. MUTTAYYA MUDALIYAR :—"Mr. President, Sir, I move :

'After the words "the owner or owners" insert the words "if he or they so desire".'

"The clause provides that when a proposed water-course has been sanctioned and the land has been acquired and afterwards if the work is not carried out, then the land shall re-vest in the original owner. I entirely appreciate that every owner will be anxious to take back the land. But it ought not be compulsory on his part to take it back. He should not be bound to take it back. Suppose a land is acquired and compensation is paid to the owner. He might have spent away all the money which he received or for some other reason he may not be willing to take back the land. Then you should not compel him to take it back. You first compulsorily take the land from him and when you don't find any use for it, it is not proper that you should again compel him to take it back. I therefore want to insert the words 'if he or they so desire'. The option should be given to him."

Mr. P. ANJANEYULU :—"I second the amendment."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, Sir, at present when a land is acquired by the Government and if it is not required by them thereafter, they generally make an offer to the original owner to take it back on payment of compensation amount. If he does not want it, it is disposed of in some other way. The option is given to him. The same principle may be adopted here also."

Mr. S. VARADA ACHARIYAR :—"I do not object to the amendment. But if this amendment is accepted, the necessary changes should be made in section 37. Section 37 says :

'Land acquired for purposes of constructing a water-course under the provisions of section 29 shall be used only for such purpose except as provided in section 38.'

"Section 38, as it stands, says that, if the construction of the work is abandoned, the land shall revert in the original owner. Now if this amendment is passed and if the original owner does not want the land back, then what is to be done? So the necessary changes must also be made, if this amendment is going to be accepted."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, with some of the ideas underlying the remarks that fell from the hon. Member for Tanjore, we are in agreement. But I do not think the particular amendment will carry out his intention. If it is possible to allow it to stand over till to-morrow, we may be able to bring forward a more comprehensive amendment."

Mr. S. MUTTAYYA MUDALIYAR :—"I have no objection to that."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I move that the further consideration of this clause be adjourned till to-morrow morning."

Mr. T. R. VENKATARAMA SASTRIYAR :—"I second it."

The motion was put and carried and the further consideration of the clause was adjourned till the next day.

Clause 39.

Clause 39 was put and carried and added to the Bill.

Clause 40.

Sub-clause (1).

Mr. S. MUTTAYYA MUDALIYAR :—"Sir, I beg to move :

'Omit the words "and any person acting under the special orders of such irrigation officer".'

"My idea in tabling this amendment is that it ought not to be open to the irrigation officer to delegate his functions to his subordinates. He is authorized under this Act to do various things which are very important and we have taken care to define that the irrigation officer shall not be below a certain rank. What is contemplated in the section is not the mere carrying out of what he deems necessary or proper but the actual modification of the scheme itself and the actual construction and extension of works. As the clause stands it will be open to him to delegate his functions to the subordinate officers; it may be a lascar or a watchman. If what is contemplated by

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the section is not delegation of powers but merely carrying out by the subordinates what is designed by the irrigation officer, I have no objection to it. But as the section stands, I think it is objectionable."

The amendment fell through for want of a seconder.

Sub-clause (2).

Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, I beg to move :

' For sub-clause (2) substitute the following :—

" (2) Where measures are taken for the alignment, construction, extension, alteration or improvement of a water-course supplied or proposed to be supplied from a Government channel connected with an irrigation work during the construction of the channel or within three years after it has been opened for irrigation, the Collector may acquire the land required for the water-course in the manner laid down in section 33 as if no objection has been made to the alignment. In other cases the procedure to be followed shall be, as far as may be, the procedure prescribed in sections 30 to 34."

" This is merely a recast of the language of the clause as it stands in the Bill."

Mr. S. VARADA ACHARIYAR :—" I second the amendment."

The amendment was put and carried.

Clause 40 as amended was put and carried and added to the Bill.

Clause 41.

Paragraph 1.

Mr. T. R. VENKATARAMA SASTRIYAR :—" Mr. President, Sir, I move :

' After " water-course " in line 2 omit " to ".'

" This and the next are only verbal amendments."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put and carried.

Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, I move :

' After the word " theretofore " in line 3 insert the words " to do ".'

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put and carried.

Mr. P. ANJANEYULU :—" Mr. President, Sir, I beg to move :

' After the words " entitled theretofore " insert the words " and any person who though entitled thereto is prevented from receiving or discharging water entirely or to a reasonable extent ".'

" My intention in moving this amendment is to simply make the matters easier for the ryot. Because as it is, though certain ryots holding what are known in the deltas as tail-end lands have got certain rights over water, the owners of the upper lands prevent water from flowing down by causing certain obstructions or otherwise. No doubt there is the general law of the land which can be resorted to. But that will take a very long time. It is only to make matters easier for the ryot by a sort of summary procedure, I move this amendment."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not think the irrigation officer will be in a position to enforce this. The amendment itself is very vague and unenforceable."

The amendment was put and lost.

Mr. K. PRABHAKARAN TAMPAN :—" I beg to move :

4-45 p.m.

' For the word " fifteen " substitute the word " thirty ".'

" Sir, fifteen days is the time allowed for the interested parties to put forward their objections. In the case of absentee landlords, more time may be required to present their objections, and nothing will be lost by extending the period to thirty days."

S. R. Y. ANKINEDU PRASAD Bahadur :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The question for the House to consider is whether they are going to make this a protracted affair or a summary one. I consider that any delay is not conducive to the interests of the persons affected."

The amendment was put and negatived.

Paragraph 2.

Mr. S. MUTTAYYA MUDALIYAR :—" I beg to move :

' In paragraph 2 for the words " Subject to the control . . . shall be final " substitute " and the decision of the Collector may be questioned by an aggrieved party in a civil court ".'

" Sir, the clause in paragraph 2 provides that the decision of the Collector shall be subject to the control of the Board of Revenue and subject to that control the order shall be final. In section 41, what is proposed to be done is to give rights to persons who have not already had rights in a water-course or drainage channel to irrigate or drain their fields. New rights are proposed to be given to him, and in deciding objections whether new rights are to be given or not, the original power is given to the irrigation officer, and there is a right of appeal to the Collector. What the section says is : ' Subject to the control of the Board of Revenue or the Government the decision of the District Collector shall be final.' What I submit is that instead of leaving it to the Collector and the Board of Revenue as the final authority upon the matter, it ought to be open to the aggrieved party to resort to court and have it adjudicated."

Mr. T. ADINARAYANA CHETTIYAR :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, this was one of the few categories of cases in which the Select Committee, after having carefully considered the matter, arrived at the decision that resort to civil court was not necessary or expedient for the reason that I have already suggested, that anything that would hamper or delay matters is against the very essence of this chapter which provides for what may be called summary execution of things. This is a chapter dealing with private rights and this is not a matter in which the courts are to be invoked."

The amendment was put and negatived.

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Paragraph 4.

Mr. T. R. VENKATARAMA SASTRIYAR :—" I beg to move :

For the words "by the irrigation officer" substitute the words "under this section".

"The words here are 'until he has complied with the conditions, if any, imposed by the irrigation officer,' etc. Under the terms of this section, it is not only the irrigation officer but other authorities may impose them. So that it is better to say 'imposed under this section' rather than 'by the irrigation officer.'"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put and carried.

Clause 41 as amended was put and carried and added to the Bill.

Clause 42 was put and carried and added to the Bill.

Clause 43.

Mr. S. MUTTAYYA MUDALIYAR :—" I beg to move :

*'Add the following as a separate paragraph :—**"Provided the water-course lies wholly on the land of the person whose fields are irrigated or drained".*

"The clause as it is makes every owner of land who receives water from a water-course responsible for maintaining it in proper order. Take a particular case where 100 acres are watered from an irrigation source. The section as it stands would mean that even if a ryot owns 2 acres of land irrigated by a water-course, he is under an obligation to maintain the whole water-course in proper order. This, I submit, will work unnecessary hardship on small owners. The liability ought to be on all the people who are benefited by the water-course and it ought not to be open to the majority of the land-owners to throw off the whole liability on this man alone. He ought not to be made liable for the whole charges. All I say is that persons benefited by the water-course ought to be made liable for maintaining it. That is the object of my amendment."

Mr. T. ADINARAYANA CHETTIYAR :—" I second it."

Mr. P. PEDDIRAJU :—" I want to interfere at this stage, because on account of the difficulties that have been created in the minds of some people in the wording of this section, I just now gave notice of an amendment which will decide disputes that will arise between two owners or two people who are interested in a water-course. So that amendment together with this clause may be considered to-morrow."

The hon. Mr. C. P. Ramaswami Ayyar and the House agreeing, clause 43 was allowed to stand over till to-morrow morning, equally with clause 38.

Clause 44.

Mr. S. MUTTAYYA MUDALIYAR :—" I beg to move the following amendment :—

'Omit this clause.'

"Sir, in view of the fact that clause 43 has been put off and that clause 44 has a large bearing on clause 43, because clause 44 provides penalty for

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something omitted to be done under clause 43, I submit this also may be put off till after the discussion of clause 43."

Mr. A. RANGANATHA MUDALIYAR :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not think the postponement is necessary for this reason: the present attempt is to provide for settlement and adjudication of disputes between two or more persons as regards their liability, the relative amount of which is provided by a particular statute. Clause 44 arises from no obligation that may be created under the section as it at present exists or under the amended section. Therefore the question that there will be some obligation which will come into existence is common ground. Clause 44 comes into existence only in regard to an obligation, the incidence of which is not in doubt, but the relative amount of which may be in doubt."

Mr. S. MUTTAYYA MUDALIYAR :—" The object of my amendment is to show that the incidence of obligation is placed too much on one man. If clause 43 is so amended as to place it on all, it is not necessary to move this amendment. My object is that the incidence shall not fall wholly on one man. If the clause 43 is so amended as to distribute the liability, then it may not be necessary to move the amendment to clause 44, and so I said that it might be taken subsequent to 43."

The hon. C. P. RAMASWAMI AYYAR :—" I have no objection."

With the leave of the House, the consideration of clause 44 was adjourned to the next day along with clause 43.

The House adjourned at 5 p.m. to meet again at 11 a.m. the next day.

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

APPENDIX A.

[Vide item III. Communications to the Council on page 43 supra.]

G.O. No. 1690, Development, dated 1st October 1924.

READ—the following papers :—

I

Letter from E. F. THOMAS, Esq., C.I.E., I.C.S., Director of Industries, Madras, to the Secretary to Government, Development Department (through the Accountant-General), dated the 28th August 1924, No. 88 E/24.

With reference to paragraph 2 of G.O. No. 1092, Development, dated the 14th June 1924, I have the honour to state that arrangements have been made for the outstanding debts to be realized as rapidly as possible.

[12th November 1924.

2. As desired in paragraph 3 of the Government Order under reference I submit herewith a copy of the accounts prepared by Messrs. Fraser & Ross for the half-year ending 30th September 1923. The accounts were not submitted earlier since in G.O. No. 27, Development, dated 3rd January 1924, the instructions in regard to the preparation of half-yearly statements of accounts were cancelled in favour of the submission of quarterly accounts of the several commercial concerns under this department. The loss of Rs. 15,875-6-4 on the operations of the institute for the half-year ending 30th September 1923 is attributable partly to adverse trade conditions in the early part of the year and the competition of cheap and colourable imitations of our soap and partly to the disorganization of work and dislocation of trade which occurred consequent on the transfer of the factory to the new building and the erection of the machinery and plant therein and the introduction of the new sales system. Manufacture was carried on only for a short period during this half-year. In these circumstances a loss could hardly have been avoided.

3. It may not be out of place to mention here that a great improvement in the position occurred later in the year. The results of the quarter ending 31st December 1923 showed a net profit of Rs. 1,299-4-4, while during the last quarter of the year ended 31st March 1924 a net profit of Rs. 4,636-9-7 was made. Thus the loss of Rs. 15,875-6-4 which occurred during the first half of the year was substantially reduced by the profits of the two subsequent quarters.

12th November 1924]

ENCLOSURES
THE KERALA SOAP INSTITUTE, CALICUT.

(1)

Balance Sheet as at 30th September 1923.

[illegible]

Balance Sheet as at 30th September 1923—cont.

CAPITAL AND LIABILITIES—cont.		RS.	A.	P.	PROPERTY AND ASSETS—cont.		RS.	A.	P.
Brought forward	..	2,19,980	8	0	Brought forward	..	83,051	12	10
					Laboratory apparatus—				
					At cost less depreciation.	..			1,336 13 4
					Library—				
					At cost less depreciation.	..			1,409 13 0
					Loose tools—				553 12 0
					At re-valuation	..			
					Stores and raw materials—		30,124	5	10
					Soda ash..	..	5,417	9	5
					Perfumes, essential oils	..			
					and colours.	..			
					Sundry stores	..	1,745	0	8
					Packing materials	..	2,408	6	0
					Raw materials and other	..	25,498	12	5
					sundries.	..			
					Stores in factory for in	..	1,161	0	9
					complete work orders.	..			
					Soap basis—				66,355 3 1
					Washwell	..	12,082	7	4
					Toilet	..	1,936	3	4
									14,018 10 8
					Stock in trade—				
					Vegetol	..	2,793	8	11
					Washwell, etc.	..	3,878	7	5
					Toilet	..	1,487	5	9
					Cheap bar soap	..	1,649	14	6
					Fish oil soaps	..	520	13	5
									10,330 2 0
					Book debt—				
					Considered good	..	18,823	15	10
					Considered doubtful	..	64	0	8
					Considered bad	..	327	12	1
									19,215 12 7
Carried over	..	2,19,980	8	0	Carried over	..	1,96,271	15	6

[12th November 1924.]

Balance sheet as at 30th September 1923—cont.

CAPITAL AND LIABILITIES—cont.		RS.	A.	P.	PROPERTY AND ASSETS—cont.		RS.	A.	P.
Brought forward	..	2,19,980	8	0	Brought forward	..	1,96,271	15	6
					Deposits and advances—				
					Fixed deposit receipts of the Imperial				
					Bank of India held as security	..	6,287	0	0
					deposits of employees and late travel	..			
					ers as per contra.	..			
					Advances for expenses	..	478	0	0
									6,765 0 0
					Cash and other balances—				
					Cash and cheques on hand	..	868	2	2
					Permanent advance	..	200	0	0
									1,068 2 2
					Loss for the half-year—				
					As per Profit and Loss account	..			15,875 6 4
Total	..	2,19,980	8	0	Total	..	2,19,980	8	0

Examined and found correct.

FRASER & ROSS,

MADRAS,
6th November 1923.Chartered Accountants, Commercial Accountants and
Auditors to the Government of Madras.

(2)
Manufacturing Account for the half-year ending 30th September 1923.

	Vegetol soap.	Washwell soap.	Toilet soap.	Fish oil soap.	Total.
To Stock in process of manufacture	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
„ Raw materials, firewood, etc., used	20 3 9	22,411 12 8	2,889 15 8	1,194 10 11	26,322 0 1
„ Wages	4,275 10 9	6,211 12 5	1,596 7 7	60 10 5	13,280 9 8
„ Factory overhead	127 3 6	415 7 7	37 11 11	531 12 5	641 0 5
„	1,067 9 9	7,186 2 2	686 9 10		2,472 2 2
Total	5,490 10 9	36,225 2 10	5,210 13 0	1,789 1 9	48,715 12 4
By Materials used for other soaps	587 15 11		279 14 4		867 14 3
„ Finished soaps sent to stores	4,902 10 10	24,142 11 6	2,994 11 4	1,789 1 9	33,829 3 5
„ Stock in process of manufacture		12,082 7 4	1,936 3 4		14,018 10 8
Total	5,490 10 9	36,225 2 10	5,210 13 0	1,789 1 9	48,715 12 4

(3)
Trading Account for the half-year ending 30th September 1923.

	Vegetol soap.	Washwell soap.	Toilet soap.	Fish oil soap.	Cheap bar soap.	Total.
To Stock on hand	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
„ Cost of soaps received from factory	1,692 5 4	789 12 2	1,112 0 3	670 4 11	1,744 5 0	6,008 11 8
„ Packing charges	4,902 10 10	24,142 11 6	2,994 11 4	1,789 1 9		33,829 3 5
„ Perfumes and essential oils	257 15 3	1,188 12 6	1,138 0 8		31 8 0	2,616 4 5
„ Gross profit carried to Profit and Loss account	920 14 2	1,203 0 4	1,224 5 4	167 15 0	120 1 6	1,221 5 4
Total	7,778 13 7	27,324 4 6	6,469 1 7	2,627 5 8	1,895 14 6	46,034 2 3
By Sales less returns	4,341 12 2	22,275 7 8	4,613 0 3	2,102 7 3	243 3 0	34,575 14 4
„ Scraps used for manufacture of other soaps	617 2 10	105 3 3				722 6 1
„ Free samples given	31 5 8	65 2 2	312 6 0	4 1 0	2 13 0	405 11 10
„ Stock on hand	2,793 8 11	3,878 7 5	1,487 5 9	520 13 5	1,649 14 6	10,330 2 0
„ Gross loss			56 5 7			
Total	7,778 13 7	27,324 4 6	6,469 1 7	2,627 5 8	1,895 14 6	46,034 2 3

[12th November 1924]

12th November 1924]

(4)
Profit and Loss Account for the half-year ending 30th September 1923.

	Rs. A. P.	Rs. A. P.
To Expenses—		
Establishment charges	6,971 12 3	
Rent, rates and taxes	362 15 4	
Bonus to travellers	409 2 4	
Traveling expenses	1,211 10 0	
Advertisement charges	1,190 2 10	
Printing and stationery	412 9 7	
Postage and telegrams	325 11 6	
Repairs and replacements	35 0 0	
Depreciating charges	675 15 4	
Sundry office and factory expenses	423 0 3	
Free samples issues	405 11 10	
Laboratory experimental work	70 15 0	
To Depreciation on—		
Office buildings	169 14 6	
Laboratory apparatus	217 0 0	
Office furniture	213 7 0	
Books	120 13 9	
To Reserve for expenses credited to Government—		
Director's supervision charges	1,706 0 0	
Insurance premium—Share of general overheads.	18 10 0	
Interest on capital	2,871 13 5	
Audit fee	425 0 0	
To Lianantling and transporting charges—		
From old factory to new buildings.	6,021 7 5	
..	606 7 2	
Total	18,843 12 1	
By Gross profit from Trading Account		2,355 9 5
„ Sundry sales		498 12 10
„ House-rent		113 15 6
„ Net loss carried to Balance Sheet		15,875 6 4
Total		18,843 12 1

[12th November 1924]

II

*Endorsement of the Accountant-General, No. Mal. 15-892,
dated 9th September 1924.*

Forwarded.

2. The figures given in the balance sheet are not susceptible of verification by this office.

M. SUBRAHMANYA AYYAR,
Deputy Accountant-General.

To the Secretary to Government, Development Department.

Order—No. 1690, Development, dated 1st October 1924.

Recorded.

(By order of the Government, Ministry of Development)

F. NOYCE,
Secretary to Government.

To the Director of Industries.
" the Accountant-General.
" the Finance Department.
" the Secretary, Legislative Council (for placing on the Council table).
" Messrs. Fraser & Ross.
" the Auditor-General (with C.L.).

APPENDIX B.

[Vide item III. Communications to the Council, on page 43 supra.]

*Proceedings of the fifth meeting of the Finance Committee for 1924-25
held on Friday the 17th October 1924 at 2-15 p.m. at the Cabinet
Chamber, Fort St. George.*

PRESENT:

The hon. Mr. R. A. GRAHAM, C.S.I., I.C.S. (*Chairman*).
M.R.Ry. C. V. VENKATARAMANA AYYANGAR Avargal, M.L.C.
" M. R. SETURATNAM AYYAR Avargal, M.L.C.
" A. RAMASWAMI MUDALIYAR Avargal, M.L.C.
" P. N. MARTHANDAM PILLAI Avargal, M.L.C.
Rai Bahadur Sir K. VENKATAREDDI NAYUDU Garu, Kt., M.L.C.
Janab MUHAMMAD YAHYA ALI SAHIB Bahadur, M.L.C.
A. E. RENCONTRE, Esq., M.L.C.
R. W. DAVIES, Esq., M.L.C.
Mr. H. Tireman, Chief Conservator of Forests, was also present.

[12th November 1924]

Supplementary Demands.

1. The Committee recommended that the following supplementary demands be moved:—

(i) "34-A. AGRICULTURE—III Agricultural stations and District work—(2) Agricultural stations—Contingencies—A. Capital charges—2. Im-movable—Cost of land" on account of excess compensation payable for the land acquired for the paddy-breeding station at Aduthurai—Rs. 7,343.

(ii) "8. FOREST" on account of the purchase of a portable saw mill for Beypore timber depot—Rs. 12,000.

(iii) "LOANS AND ADVANCES BY THE PROVINCIAL GOVERNMENT" to ryots in the flood and famine affected areas—Rs. 14 lakhs.

Part II Schemes for 1925-26.

2. Re-employment of Mr. Ram Singh Ahuja for a period of 20 months from 1st April 1925 for the preservation of bronze images in the Madras Government Museum—

	RS.
Total cost of the scheme	10,700
Cost in 1925-26	3,850

The Committee desired that the question should be adjourned for further consideration at their next meeting.

3. Subsidies to local bodies for the development of public libraries—

	RS.
Estimated cost	10,000
Cost in 1925-26	10,000

The Committee placed the scheme in class II.

4. Additional buildings—Government College—Mangalore—

	RS.
Estimated cost	41,000
Cost in 1925-26	21,000

The Committee placed the scheme in class III.

5. Construction of quarters for the Sub-Registrar and his staff at Coonoor—

	RS.
Estimated cost	11,200
Cost in 1925-26	11,200

The Committee placed the scheme in class III.

6. Construction of a first-class sub-registry office at Chokli (Tellocherry)—

	RS.
Estimated cost	11,000
Cost in 1925-26	5,000

The Committee placed the scheme in class III.

[12th November 1924]

7. Appointment of two additional plant collectors for the paddy-breeding station at Aduthurai—

	RS.
Average cost per annum	702
Cost in 1925-26	550

The scheme was placed in class II.

8. Additional staff for cotton improvement work—

	RS.
Ultimate average extra cost per annum	10,735
Cost in 1925-26	7,920

The Committee placed the scheme in class III.

Scheme for immediate adoption.

9. Transfer of the post of English Assistant in the Government College, Mangalore, to the cadre of the Subordinate Educational Service—Collegiate branch—

	RS.
Ultimate extra cost per annum	750
Cost in 1925-26	Nil.

The Committee recommended the scheme for acceptance.

FORT ST. GEORGE,
18th October 1924.

R. A. GRAHAM.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 13th November 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, 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.]

Deputy Collectors.

Alleged supersession of Anglo-Indian deputy collectors by Mr. P. T. Srinivasa Acharyar.

1152 Q.—MR. A. E. RENCONTRE: Will the hon. the Member for Revenue be pleased to state—

(a) whether the attention of Government has been drawn to the leading article in *Justice* published on the 11th September 1924 under the heading "Efficienciometre";

(b) whether it is a fact that Mr. P. T. Srinivasa Acharyar has been allowed to supersede no less than three Anglo-Indian deputy collectors;

(c) whether it is a fact that Mr. P. T. Srinivasa Acharyar has done ministerial work in the Secretariat and in the office of the Board of Revenue for the last fifteen years while the officers superseded have all been in executive appointments;

(d) whether Government consider that ministerial work in the Secretariat gives an officer a right to supersede his seniors in executive duty;

(e) whether officers have ever been passed over for promotion to the selection grade before, except for a definite flaw in their records; and

(f) whether the superseded officers are not men of long and meritorious service?

A.—(a) & (b) Yes.

(c) & (d) The Government would point out that the post in question is on a 'selection' grade, i.e., one for appointing to which the Government have the right to select from officers available and qualified.

(e) & (f) The Government do not think that public interest would be served by a discussion of the merits or services of the officers.

[13th November 1924]

Mr. S. SATYAMURTI:—"With reference to the answer to clauses (e) and (f) that 'the Government do not think that public interest would be served by a discussion of the merits or services of the officer', I may say that this answers clause (f) of the question. Now with regard to question (e) 'whether officers have ever been passed over for promotion to the selection grade before, except for a definite flaw in their records', may I ask whether promotion is stopped for other reasons than for a definite flaw in their records?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"Promotion to the selection grade is made by a strict selection consistent with the merits and qualifications and the past records of the officers concerned; I cannot say more than that. Nor am I prepared to definitely answer clause (e) of the question, for I do not think it will be in the interests of the officers concerned."

Mr. J. A. DAVIS:—"Will the claims of backward communities be disregarded?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"They will never be disregarded."

Mr. A. RAMASWAMI MUDALIYAR:—"Is it not a case that in this particular instance it is a question of disregarding the communal Government Order according to which promotions are to be made on the grounds of seniority and community?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"Certainly the officer in question was not selected on account of communal reasons. Promotion to selection grade is made entirely on other grounds."

Mr. A. RAMASWAMI MUDALIYAR:—"Is it not a fact that according to the communal Government Order wherever selection grade appointments are made they are made not entirely on grounds of seniority but on other considerations consistently with the claims of backward communities, and in this particular case men of seniority and men who had prior claims were kept back and this particular officer was selected although he does not belong to backward community? I ask the hon. the Revenue Member whether there has not been a violation of the communal Government Order."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"The hon. Member is assuming other matters which the Government are not prepared to accept."

Mr. A. RAMASWAMI MUDALIYAR:—"Is it a fact—and there is such an apprehension—that but for the acceptance of this communal Government Order, Anglo-Indians would have had better chances of being selected for this post? Is it a fact that Government are contemplating to go back upon the communal Government Order?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"Not at all."

Mr. A. RAMASWAMI MUDALIYAR:—"Has it been suggested that these appointments may be made by that brilliant and immaculate body the Staff Selection Board?"

[13th November 1924]

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"It is not at all under consideration to entrust these appointments to the Staff Selection Board. It is only intended at the initial stage."

Mr. A. RAMASWAMI MUDALIYAR:—"May I ask the hon. the Leader of the House whether these Anglo-Indians have been permanently superseded or whether there will be any *moksham* for them?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I am not in a position to answer that question now."

Mr. S. SATYAMURTI:—"May I ask the hon. the Leader of the House—I am comparatively ignorant of the communal Government Order—whether that Government Order applies to promotion to selection grade appointments also?"

Mr. A. RAMASWAMI MUDALIYAR:—"I am aware of the communal Government Order unlike my hon. Friend, the Member for the University."

Mr. S. SATYAMURTI:—"I thought the Government Order was issued by the Government."

Mr. A. RAMASWAMI MUDALIYAR:—"And placed on the table of the House."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I am not able to answer that question in the absence of information as to which particular communal Government Order the hon. Member for the University is referring."

Rao Bahadur C. NATESA MUDALIYAR:—"I want to know whether consideration has been paid to G.O. No. 618 of 1922."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"As far as possible."

Stamps.

Enhanced value of court-fees and general stamps.

1153 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) what is the increase in revenue from the enhanced court-fees and general stamps during the years 1922-23 and 1923-24;

(b) whether the increase has justified the expectations of the Government;

(c) whether the increase has affected the institution of suits and other proceedings in Courts; and

(d) whether the Government propose to reduce court-fees in *ex-parte* cases and in cases which are compromised before the commencement of the trial?

A.—(a), (b) & (c) The Member is referred to the answer to question No. 321. It is not possible to obtain accurate information.

(d) No.

Rai Bahadur T. M. NARASIMHACHARLU:—"With reference to the answer to clause (d) of this question, is there any chance of the rates being reduced in the near future?"

[13th November 1924]

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As I said in answer to another question, the matter is under consideration, and as soon as we get information as to how far the increase in revenue has been commensurate with the rise in court-fees, we shall be able to say whether steps will be taken to reduce the fees."

Arms and Explosives.

Application for licence of arms, etc.

1154 Q.—MR. G. RAMESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) the total number of applications for arms and the number of applications granted with the class and profession of the applicants whose applications were rejected and granted during the last five years;

(b) the number of licences for guns, revolvers and pistols in the last five years in the Anantapur district; and

(c) the reason for the decrease in their number?

A.—(a) The hon. Member is referred to the answer to question No. 795 (a). Statistics are not collected for applications which are refused.

(b) & (c) The statistics under the Arms Act are published annually. The Government have not compiled the special information asked for in the case of Anantapur district and do not know whether there has been a decrease as suggested in the question.

Mr. S. SATYAMURTI:—"May I ask the hon. the Home Member with reference to the answer to the whole question whether there is any principle or set of principles governing the grant or refusal of licences under the Arms Act, or each District Collector follows his own notions of propriety or discretion?"

The hon. Sir ARTHUR KNAPP:—"There are various principles which have been laid down in the resolution of the Government of India. No doubt the interpretation and application of these rules may vary with the discretion of District Magistrates, but the general principle adopted will be the same."

Mr. S. SATYAMURTI:—"May I ask if there are such general principles laid down by the Government of India and whether this Government will find out whether the interpretation of those rules does not vary from district to district and from Collector to Collector?"

The hon. Sir ARTHUR KNAPP:—"As I have said, it does vary."

Mr. S. SATYAMURTI:—"Are the Government satisfied with this principle of the Chancellor's foot in dealing with applications for licences under the Arms Act?"

The hon. Sir ARTHUR KNAPP:—"I do not think that it is possible to eliminate the personal element in the case of District Magistrates or anybody else and such variations may occur owing to this personal element."

[13th November 1924]

Railways.

Programme of railway construction in the Presidency.

1155 Q.—MR. A. RANGANATHA MUDALIYAR: With reference to my question No. 13 in the Legislative Council meeting of the 10th December 1923 and the Government's reply thereto, will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether a decision has since been arrived at in regard to the programme of railway construction in this Presidency;

(b) if the answer to the above be in the affirmative, whether any, and if so, which of the district boards' schemes have been included in it; and

(c) if the answer be in the negative, when a decision is likely to be arrived at?

A.—(a) Yes. Attention is invited to the Railway Board's Press Communiqué, dated 28th February 1924; a copy * of which is attached.

(b) The Railway Board are considering the construction of the following lines which were proposed by the respective district boards:—

- (1) Madura-Bodinayakkanur;
- (2) Nidadavole-Narasapur;
- (3) Gudivada-Bhimavaram;
- (4) Salem-Attur-Ulundurpet;
- (5) Mayavaram-Tranquebar;
- (6) Tiruturaipundi-Vedaranniyam Railway extension to Point Calimere; and
- (7) Tinnevely-Tiruchendur Railway extension to Kulasekarapatnam.

(c) The question does not arise.

Railway extension under district boards.

1156 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there has been any extension of railway under any district board since the year 1920, and if so, how much and in what districts;

(b) what is the sum available for railway purposes in each district board;

(c) whether the Government have received applications from the Coimbatore District Board for permission to build the Erode-Satyamangalam and Pollachi-Udamalpet lines, and, if so, what is the reason for the delay in granting the permission; and

(d) whether any other district boards have applied for similar permission, and if so, to put what lines and with what result?

A.—(a) Yes, a length of 38.18 miles in the Tinnevely district known as the Tinnevely-Tiruchendur Railway was opened for traffic on 22nd February 1923.

(b) The hon. Member's attention is invited to the answer to question No. 9 given at the meeting of the Council held on 10th December 1923.

[13th November 1924]

- (c) Yes. As regards the Erode-Satyamangalam line, the hon. Member is referred to the answer to question No. 117 given at the Council meeting held on 5th February 1924. Proposals have since been received from the district board only on the 16th September last and these are under consideration.

As regards the Pollachi-Udamalpet line, it forms part of the through line from Dindigul to Pollachi which is likely to be constructed by the Railway Board from Imperial Funds.

- (d) As regards the other district boards lines which are under contemplation, the hon. Member is referred to the answer to question No. 17 given at the Council meeting held on 18th August 1924. Of these items, Nos. 8 (1) and (2), 12, 15 (1) and (2) with an extension to Udamalpet, 16 (1) and 17 (2) and (3) are now under the consideration of the Railway Board. The other schemes were held over on account of (1) want of funds or (2) the unremunerative nature of the project or (3) prevailing high cost of construction and working expenses or (4) the preference shown by the district board to alternative lines or (5) are pending the decision of the Railway Board on the future policy of railway development, the question of gauge, working terms, etc.

Mr. C. V. VENKATARAMANA AYYANGAR:—"As regards the answer to clause (c) of this question, paragraph 2, which reads 'As regards the Pollachi-Udamalpet line, it forms part of the through line from Dindigul to Pollachi which is likely to be constructed by the Railway Board from Imperial Funds', has not the District Board of Coimbatore forwarded to the Government a resolution that they should be permitted to put up the Pollachi-Udamalpet line and that they would hand it over to the Railway Board when the whole line from Dindigul to Palghat is constructed?"

The hon. the RAJA OF PANAGAL:—"I do not think there is any such proposal before the Government."

Mr. C. V. VENKATARAMANA AYYANGAR:—"My question is whether the district board has not sent a copy of their resolution to that effect."

The hon. RAJA OF PANAGAL:—"I do not think any such resolution was sent up by the district board to the government."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"In view of the fact that this is going to be on the imperial programme, will not the Government be pleased to allow the district board to construct the Pollachi line and hand it over to the Railway Board when the whole line is taken on hand?"

The hon. Sir ARTHUR KNAPP:—"I think it may perhaps elucidate the matter if my hon. Friend will say whether the resolution to which he refers was passed before or after the Railway Board enunciated their present policy."

Mr. C. V. VENKATARAMANA AYYANGAR:—"So far as the resolution of the District Board of Coimbatore is concerned, what they stated was that they should be permitted to construct the Pollachi line on condition that they would be prepared to hand it over to the South Indian Railway Company or any other body when the whole railway line has been completed."

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The hon. Sir ARTHUR KNAPP:—"That is since November last? I do not think I have seen that proposal."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Supposing the district board sends up a resolution to the Government that they would construct the line on that condition, will not the Government be pleased to consider that proposal favourably?"

The hon. Sir ARTHUR KNAPP:—"I am afraid that the Railway Board are intending to take up the whole line and I do not think that anything will be gained by the district board constructing this line and handing it over to the Railway Board in a few months. Whether the Railway Board construct the line practically immediately or not, the railway line will have to be constructed practically through the agency of the South Indian Railway. The Railway Board is likely to take over the railway line as soon as the district board is able to finish the work. The Railway Board are themselves the names of the South Indian Railway."

Light feeder railways.

1157 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Home Member and the hon. the Minister for Local Self Government be pleased to state—

(a) whether he possesses full control over all matters connected with light feeder railways;

(b) whether any light feeder railway line has been commenced anywhere or at least sanctioned anywhere since the year 1920, if not, what were the reasons for the same; and

(c) whether there is a suggestion to consider all or some of the district railways as light feeder railways so as to bring them under the control of the Local Government and whether the Government have any intention of taking any steps in that direction?

A—(a) No. Light and feeder railways are a Central subject except in so far as provision for their construction and management is made by provincial legislation.

(b) Nil. The reasons are—

- (1) want of funds,
- (2) the schemes not being advanced up to the stage of construction or sanction, and
- (3) the general policy of the Railway Board in regard to future railway development in Southern India, and the questions of gauge and method of construction have been under their consideration.

(c) The answer is in the negative.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I wish to know whether the Government have taken or propose to take any steps for the purpose of having legislation regarding the construction of light feeder railways."

The hon. the RAJA OF PANAGAL:—"The matter is under consideration."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Have Government passed any orders on the report of the Committee appointed for the purpose of considering proposals of the district boards?"

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The hon. the RAJA OF PANAGAL :—"No."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"When are they likely to pass orders? That report has been pending for too long."

The hon. the RAJA OF PANAGAL :—"The Government are waiting to know what the position of the Government of India is in this matter. I think my hon. Colleague, the Home Member, will be able to enlighten the House further on this point."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"With reference to the answer that only seven district boards are under the consideration of the Railway Board, I may point out that there are several of them which require the attention of Government. May I ask what steps the Government have taken in pushing through the programme of district board railways?"

The hon. Sir ARTHUR KNAPP :—"My hon. Colleague has suggested that I should answer this question. As far as I can see the position is fairly clear, i.e., the Railway Board have made a new declaration of policy. They have stated that in regard to lines which are likely to pay they would construct them themselves (Laughter). In cases where it will not pay they wish us to take the financial responsibility. I am not going to make any comment on the resolution of the Railway Board. The result of that is that they themselves are practically making a selection of the schemes which the district boards have hitherto proposed. We are not actually waiting for a declaration of their policy. We are waiting for their selection of the lines which they will take up. Until that is known, it is difficult to give a definite answer to this question. As soon as they have made their selection I trust it will be possible for the Local Self-Government Department which deals with the matter to take up the question of the other proposed lines."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The line from Erode to Satyamangalam is not included in this list. Will the Government be waiting to see if this will be included or whether they will take up the question so that the Government of India may, if necessary, interfere?"

The hon. Sir ARTHUR KNAPP :—"I am not quite sure about it. So far as we are concerned we are anxious to get on, but while waiting for the application of the new Railway Board's policy, our progress is blocked. I may instance the Bodinayakkannur or Ammayanayakkannur line. In this case we are pressing the Railway Board for their programme. In regard to the Erode-Satyamangalam line I am not sure whether arrangements have been made to raise the necessary capital."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The District Board of Coimbatore has got plenty of money."

Floods.

Relief measures in districts affected by floods.

1158 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU : Will the hon. the Law Member be pleased to state—

(a) the relief measures taken by the Government in the districts affected by the recent floods;

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(b) the measures taken by the Government to repair the irrigation works in the flood-affected area;

(c) whether estimates are being got ready for the repairs of irrigation works in the said area and if so the total cost of the estimates; and

(d) what are the steps taken for the allotment of the necessary funds and whether all or any of the irrigation works will be maintained in working order during the course of this year?

4.—(a) The hon. Member is referred to the speeches made by the hon. Member for Revenue in connexion with resolution No. 3 at the meetings of the Council of the 15th and 16th October 1924.

(b) Repair of breaches is in progress. Special staff has been appointed and special measures have been taken as regards labour, organization, sanitation and other important factors.

(c) The total cost of the closing of breaches and of emergent temporary measures required to restore irrigation supplies is roughly estimated at six lakhs. Exact estimating is not possible at the present stage.

(d) A supplementary grant will be moved in due course.

Every possible effort is being made to restore the irrigation supplies. The supply to irrigation under the Cauvery and Vennar depends upon the closure of a large breach above the Grand Anicut. This is a work of exceptional difficulty but every possible effort is being made.

Mr. S. SATYAMURTI :—"With reference to clause (b), may I ask the hon. the Law Member seeing that there is a great deal of anxiety in the matter, whether the breaches in the Cauvery system have been repaired and whether water is now available to the cultivators?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"About 18 to 20 remain to be filled, I think. I may mention that 14,000 coolies are at work in that particular locality and very great efforts are being made. We had expected to report the complete closure of the breach at the last meeting of the Legislative Council and we had not been able to do it. Any how, I am glad to be able to say now that water is flowing along the system."

Mr. S. SATYAMURTI :—"May I know since when?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It is from about eight to ten days ago."

Mr. A. RAMASWAMI MUDALIYAR :—"May I ask the hon. the Law Member whether a first attempt was made to close the breaches and that having failed, later on a second attempt has been made on a larger scale by getting experts from Madras?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In the first attempt, boats were sunk and they were washed away. Then the question of having piles driven into the water by means of steam power was considered and adopted as the best way of stopping the breaches. Under this system, piles are driven into the bed of the river, i.e., up to the bottom. Various experiments have been made and, of course, we are expecting that some one of them will succeed."

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Mr. S. MUTTAYYA MUDALIYAR :—“ May I know the normal flow during the last ten days ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It has been about 50 per cent. ”

Mr. S. MUTTAYYA MUDALIYAR :—“ May I know the depth ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I have not got the answer ready. ”

Mr. S. MUTTAYYA MUDALIYAR :—“ It is enough if I get the answer in the course of the day or to-morrow. ”

Public Works.

Traffic over the Coleroon bridge at Trichinopoly.

1159 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Law Member, the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether at the time when the question of the grant of licences for buses plying along the Coleroon bridge at Trichinopoly was under consideration, the Superintending Engineer, Trichinopoly Circle, was asked to inspect the bridge and offer his opinion as to the fitness or otherwise of the bridge for heavy bus traffic ;

(b) whether it is a fact that the Superintending Engineer, Mr. L. D. Venkatarama Ayyar, inspected the bridge and submitted his report thereon ;

(c) whether it is a fact that the Superintending Engineer reported that one or two spans in the bridge were not in a strong condition to bear heavy bus traffic ;

(d) whether it is a fact that, in spite of expert opinion to the contrary, licences were issued for the passage of buses along the bridge ;

(e) whether it is a fact that during the collapse of the aforesaid bridge in the recent floods the particular spans referred to by the Superintending Engineer gave way first ; and

(f) whether the Government will be pleased to place all the connected papers on the table of the House ?

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

(c) The answer is in the negative.

(d) Licences for the plying of buses were issued in accordance with the Superintending Engineer's recommendations. Special licences were issued to cross the bridge in the case of a few other vehicles which had to be taken to Trichinopoly for repairs.

(e) Please see the answer to clause (c). The question does not arise.

(f) The Government do not propose to place the papers on the table.

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (d), may I take it that such licences were issued without reference to the Superintending Engineer or in spite of it ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, I want notice of the question. ”

Mr. S. SATYAMURTI :—“ May I know how many such licences were issued ? ”

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“ With reference to clause (f) of this question, may I know why the Government do not propose to place the papers relating to such a small matter as this on the table of the House ? ”

The hon. the RAJA OF PANAGAL :—“ It is not a small matter and the Government do not think it desirable to place the papers relating to it on the table of the House. ”

Mr. S. SATYAMURTI :—“ I congratulate the hon. the Minister. ” (Laughter).

Appointments.

Rules made by the Secretary of State in Council regarding the power of appointments.

1160 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Finance be pleased to state—

(a) whether his attention has been drawn to the new rules made by the Secretary of State in Council under sub-section (2) of section 96-B of the Government of India Act and published in the *Hindu* of 5th July 1924 ;

(b) whether under the new rules the promoting authority in the case of the All-India Services in provincial cadre and the appointing and promoting authority in the case of the provincial and subordinate services which is defined as the Local Government is in Madras the Governor in Council in regard to Reserved subjects and the Governor acting with the Ministers in regard to Transferred subjects ; and

(c) whether, in view of rule 18, the practice is to be continued if it exists in Madras, viz., “ He (the Governor) must take the initiative in appointments ; he must personally concur in every order to the prejudice of an officer in an All-India or Provincial services and in the case of All-India service even in postings ? ” (See question 197 of 7th February 1924.)

A.—(a) Yes.

(b) Yes. This part of the rules is however not new.

(c) Yes, except in so far as delegations are made under rule IX.

Mr. S. SATYAMURTI :—“ I am sorry the hon. the Member for Finance is not in his place ; but may I ask whoever is going to answer for him, how to reconcile the answer to clause (b) with the answer to clause (c) ? May I explain ? Under the new rules, the promoting authority in the case of the All-India Services in provincial cadre and the appointing and promoting authority in the case of the provincial and subordinate services which is defined as the Local Government is in Madras the Governor in Council in regard to Reserved subjects and the Governor acting with the Ministers in regard to Transferred subjects. But the answer to clause (c) is ‘ the Governor must take the initiative in appointments ; he must personally concur in every order to the prejudice of an officer in an All-India or Provincial service and in the case of All-India Service even in postings. ’ I am asking whether if in the case of All-India Service even in postings, the promoting authority in the case of the All-India Services in the provincial cadre is the Governor in Council in regard to Reserved subjects and the Governor acting with his Ministers in the case of the Transferred subjects and in the matter of appointing and promotion in the case of Provincial and Transferred subjects is again the Governor in Council or acting with his Ministers according as they are Reserved or Transferred subjects, how that fits in with the statement here that the Governor must take the initiative in appointments ? ”

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The hon. Sir ARTHUR KNAPP :—"It seems to me that there is nothing whatever inconsistent between the two answers. My hon. Friend referred to the fact that in both the cases the appointments were made by a body, in one case by the Governor in Council and in the other by the Governor acting with the Ministers. It is obvious that in both cases some one must take the initiative."

Mr. S. SATYAMURTI :—"I am much obliged for the answer. I am sure the hon. the Home Member perceives the vital difference between 'he must take the initiative' and 'he does take the initiative'. I may ask whether it is open to the Ministers when they are acting with the Governor to take the initiative. I would put it in another way. I would appeal to the hon. Member to say whether a majority in the Executive Council can overrule the Governor and say 'we will take the initiative in regard to particular appointments' in spite of the practice which has the force of law."

The hon. Sir ARTHUR KNAPP :—"I am afraid that even now my hon. Friend has not understood my view of the case, viz., that somebody must take the initiative. The Governor being the presiding officer takes the initiative. I think it is hardly necessary to go into the question of what would happen if the Members of the Council got together and said that in a particular instance they are going to take the initiative. When such a question arises, it will be time enough to consider it."

Mr. S. SATYAMURTI :—"I am much obliged for the answer. I see that we are looking at the question from different points of view. May I ask whether it is open under the existing practice for the Minister to take the initiative in regard to any appointment in the Transferred department?"

The hon. Sir ARTHUR KNAPP :—"The answer is 'No'. The practice is for the Governor alone to take the initiative in all appointments, Reserved and Transferred."

Mr. S. SATYAMURTI :—"May I know how old is the practice?"

The hon. Sir ARTHUR KNAPP :—"In the case of the Ministers it certainly does not go back beyond 1920."

Mr. S. SATYAMURTI :—"Was it not since January last the practice began?"

Mr. C. RAMALINGA REDDI :—"Did it exist in 1920-21?"

The hon. Sir ARTHUR KNAPP :—"The practice, to my knowledge, has certainly gone on from the time of the Reforms. I am not prepared to say that there were not deviations from it; but the practice did exist."

Mr. C. RAMALINGA REDDI :—"I think the hon. the Minister for Education referred to some changes in the Rules of Business recently made and said that he considered them unsound."

The hon. Sir ARTHUR KNAPP :—"I would suggest to my hon. Friend to question him on the subject." (Laughter.)

Mr. S. SATYAMURTI :—"May I know if the Ministers have acquiesced in this practice and whether they were consulted at all?"

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The hon. Sir ARTHUR KNAPP :—"I am afraid I cannot go into further details. I have no reason to believe that the Ministers have protested in any way."

Mr. S. SATYAMURTI :—"Apart from publicly protesting, they can privately protest."

The hon. Sir ARTHUR KNAPP :—"I am not prepared to disclose what has been done inside the Cabinet." (Laughter.)

Mr. A. RAMASWAMI MUDALIYAR :—"So far as the question of the Governor taking the initiative in appointments is concerned, may I know, whether it is based on any rule issued by the Secretary of State or is it merely hallowed by immemorial custom?"

Mr. C. RAMALINGA REDDI :—"May I just ask my hon. Friend whether it is not with reference to this that the hon. the Minister for Education said at Guntur that certain changes were made in the Rules of Business?"

The hon. Sir ARTHUR KNAPP :—"Again I would suggest that my hon. Friend opposite might ask the hon. the Minister for Education to whose speech he is referring."

Mr. C. RAMALINGA REDDI :—"On a previous occasion, when I put a similar question, it was answered by the hon. the Finance Member and since that is the case and since I am sure that they would have had consultation about it, I am entitled to ask to what he was referring and what its significance was with reference to the present discussion."

The hon. Sir ARTHUR KNAPP :—"I am afraid I am not competent to give an opinion as to what my hon. Colleague referred to in his speech."

Mr. S. SATYAMURTI :—"My hon. Friend does not want to know what the opinion of the hon. the Minister is. I have no such scruples. But may I ask the hon. the Minister for Education to tell us what he was referring to in his speech at Guntur and whether he was referring to the change in the Rules of Business among other things?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I do not remember. (Laughter). I must ask for some decency and decorum in the House. People are losing their heads altogether. They must maintain dignity in the House. We find that the Member for the University loses that dignity."

Mr. S. SATYAMURTI :—"I must appeal to you, Sir. The hon. the Minister made a statement which provoked laughter. I am not the only one who laughed. Everybody laughed."

Mr. C. RAMALINGA REDDI :—"Sir, I directed this question to the hon. the Home Member who answered on behalf of the Finance Member who, on a previous occasion, acted as the spokesman of the Government."

Mr. P. ANJANEYULU :—"Is good humour equivalent to bad manner, Sir?"

Mr. S. SATYAMURTI :—"With reference to the answer to clause (c) may I ask the hon. the Home Member speaking for the Finance Member whether any such delegations were made?"

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

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Mr. C. RAMALINGA REDDI :—" Just to dispel the point made by the hon. Member for the University may I request the hon. the Minister for Education to look up his own Guntur speech and find out whether there was any reference to it to these rules and let us know on a subsequent occasion ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" My hon. Friend who seems to be more conversant with the speech than I am may refer to it, refresh his memory and find out whether it was so or not."

Mr. C. RAMALINGA REDDI :—" We want to know what the hon. the Minister for Education had in his mind when he made this speech at Guntur. These interpellations are, as you yourself said, Mr. President, are a form of criticism, and when the hon. the Minister said that he did not remember what he spoke at Guntur it would be a valuable supplementary question to ask him whether he would look up his speech and answer us on a subsequent occasion."

The hon. Rao Bahadur Sir A. P. PATRO :—" These interpellations are intended for the sake of getting information and not for cross-examination. (Cries of Oh!) If the constitutional principle is to be accepted, an hon. Member who knows the information cannot ask for it. If he does so he is not entitled to have an answer. The hon. Member knows the speech delivered at Guntur as he was constantly referring to it and he may draw his own inference."

Mr. C. RAMALINGA REDDI :—" With due deference to the novel theory regarding the scope of the interpellations, may I say that very often questions are started like this; whether it is a fact that such and such a school exists in Guntur, etc? Is it then open to the hon. Member of the Government to say that because the interpellator knows that such and such a school exists and therefore he is not entitled to an answer? I submit, Sir, that it is an absurd position to take."

The hon. Rao Bahadur Sir A. P. PATRO :—" Yes, it is an absurd position for the Member when he knows and yet asks for information."

Mr. C. RAMALINGA REDDI :—" I ask you, Mr. President, for a ruling whether we are not entitled to ask for information in order to elicit a statement of policy or to bring criticism or to present our view of matters. Matters which are within our personal knowledge may not be within the knowledge of the entire Council or the country. The questions are asked not for our private benefit."

The hon. the PRESIDENT :—" The hon. Member has already asked the hon. the Minister for Education to answer his question at leisure; and if he is so minded he will probably do so separately. I do not see any reason why we should continue this controversy any further."

Indian Civil Service.

Changes of the office of the Collector of Salem.

1161 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Finance be pleased to state—

(a) how many changes have taken place of District Collector in Salem during the past twelve months; and

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(b) whether there were any special or unavoidable reasons for the frequent changes in the person of the chief revenue and magisterial officer of the district?

A.—(a) Three.

(b) Yes.

Mr. T. ADINARAYANA CHETTIYAR :—" May I know the reasons for the frequent transfers ? "

The hon. Sir ARTHUR KNAPP :—" There were three transfers during the year, Sir. In the first case the transfer took place in the ordinary course. In the second case, the officer was appointed to a special appointment in the Government of India. He was succeeded by another whose services have now been lent to the Resident in Mysore."

Local Boards and Municipal Councils.

Nominations of Members of the Legislative Council to various offices.

1162 Q.—Sriman BISWANATH DAS MAHASAYO : Will the hon. the Minister for Local Self-Government, the hon. the Minister for Education and the hon. the Minister for Development be pleased to state the names of the Members of the Legislative Council that are and have been nominated to the following offices noting in each case the dates of nomination :—

- (a) Presidencies of District Elementary Education Councils,
- (b) Do. of District Secondary Education Boards,
- (c) Memberships of District Elementary Education Councils,
- (d) Do. of District Secondary Education Boards,
- (e) Do. of District Boards,
- (f) Do. of Municipal Councils,
- (g) Honorary Assistant Registrars, and
- (h) Public Prosecutors?

A.—(a) to (d) The hon. Member is referred to the undermentioned issues of Part I-B of the *Port St. George Gazette* in which the names have been published :—

- (a) Part I-B of the *Port St. George Gazette*, dated 19th April 1921, page 425, Part I-B of the *Port St. George Gazette* dated 10th January 1922, page 22.
- (b) Part I-B of the *Port St. George Gazette*, dated 16th October 1923, pages 877-878, Part I-B of the *Port St. George Gazette*, dated 13th December 1923, page 1138.
- (c) Part I-B of the *Port St. George Gazette*, dated 12th April 1921, page 400, Part I-B of the *Port St. George Gazette*, dated 19th April 1921, page 425, Part I-B of the *Port St. George Gazette*, dated 3rd May 1921, page 494, Part I-B of the *Port St. George Gazette*, dated 10th May 1921, pages 513-514, Part I-B of the *Port St. George Gazette*, dated 7th February 1922, page 96, Part I-B of the *Port St. George Gazette*, dated 13th May 1924, page 420, Part I-B of the *Port St. George Gazette*, dated 20th May 1924, page 435, Part I-B of the *Port St. George Gazette*, dated 24th June 1924, page 571.

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- (d) Part I-B of the *Fort St. George Gazette*, dated 16th October 1923, pages 877-878.
- (e) & (f) The hon. Member is referred to the Annual Civil List for 1924 and the issues of Part I-A of the *Fort St. George Gazette* in which the appointments of members of district boards and municipal councils have been from time to time notified.
- (g) The hon. Member is referred to the Annual Civil Lists for 1923 and 1924 and the *Fort St. George Gazette*, Part I, pages 875-876, 904-905, 935 and 965, dated the 19th July, 5th, 12th and 19th August 1924, respectively.
- (h) Nil.

Mr. R. SRINIVASA AYYANGAR :—"Sir, the answer merely gives reference to the *Fort St. George Gazette*. May I ask the hon. the Minister whether giving the actual names of such Members of the Legislative Council would not have taken less time than giving a long reference to the date, page, and part of the *Fort St. George Gazette*? May I further ask whether any difficulty and if so what difficulty was felt in giving us the details?"

Mr. S. SATYAMURTI :—"May I ask whether, if the names had been printed, it would have taken more space than the answer takes now?"

Nomination of Maruthuvakula people to local boards and municipalities.

1163 Q.—Mr. B. OBALESAPPA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether a copy of the resolutions passed at the conference of Maruthuvakulars (Barbers) held at Madras on the 20th and 21st October 1923 was communicated to Government;

(b) if so, what steps have hitherto been taken to give effect to Resolution No. 3 regarding nomination to local boards and municipalities; and

(c) whether any member of the said community applied in the month of March 1924 for nomination to a membership of the Dharmavaram Taluk Board of Anantapur district; if so, whether he was nominated; if not who was nominated?

A.—(a) The answer is in the negative.

(b) The question does not arise.

(c) Members of taluk boards are appointed by the president of the district board.

Nominations to local bodies.

1164 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the names of the members of this Council who have been nominated by him to local bodies;

(b) the principles on which nominations to local bodies are made; and

(c) the grounds on which the following gentlemen were nominated to the respective district boards :—(1) Mr. K. P. Venkatachala Padayachi, South Arcot, (2) Messrs. M. V. Chinnasampu Chetti, P. V. Subramania Pillai and P. Ponnuswami Gramani, Chingleput, and (3) Mr. G. F. F. Foulkes, Salem?

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A.—(a) The attention of the hon. Member is invited to the answer to clauses (e) and (f) of question No. 1162. Members of taluk and union boards are appointed by the President of the district and the taluk board respectively.

(b) The attention of the hon. Member is invited to the answer given to question No. 36 at the meeting of the Council on 18th August 1924.

(c) The gentlemen referred to belong to minority communities.

Mr. S. SATYAMURTI :—"With reference to the answer to clause (c), may I ask the hon. the Minister for Local Self-Government to say whether the gentlemen referred to do not belong to minority communities which are already represented by election?"

The hon. the RAJA OF PANAGAL :—"I should like to have notice of the question. The Minister is not expected to know which of the communities are represented and which are not. Nominations of members to the district boards are made on the recommendation of the presidents of district boards; and in the case of the municipal councils, they are made on the recommendation of the Collector of the district."

Mr. S. SATYAMURTI :—"With reference to clause (c) of the question asking for the grounds on which the gentlemen were nominated, may I ask the hon. the Minister whether Mr. Venkatachala Padayachi, for example, was nominated to the South Arcot District Board because he belonged to a community which had no representative at all?"

The hon. the RAJA OF PANAGAL :—"The nomination of Mr. Venkatachala Padayachi was made on the recommendation of the President of the district board. He ought to have seen whether that community was adequately represented or not."

Mr. S. SATYAMURTI :—"Assuming that the President of the district board did not see to that, is it not the duty of the Government to find out whether the gentleman recommended belongs to a community already over-represented in the district board or not?"

The hon. the RAJA OF PANAGAL :—"I am not sure whether that community is over-represented in the district board."

Mr. R. SRINIVASA AYYANGAR :—"May I ask the hon. the Minister to tell us whether when he nominated this gentleman to the district board, he was not aware that there were four members of his community in the district board?"

The hon. the RAJA OF PANAGAL :—"No, Sir."

Mr. R. SRINIVASA AYYANGAR :—"Arising out of the answer to this question, may I ask the hon. the Minister to say whether the name of this gentleman was not suggested to the President of the district board by the hon. the Minister himself?" (Hear, hear.)

The hon. the RAJA OF PANAGAL :—"I am not prepared to answer that question."

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Mr. R. SRINIVASA AYYANGAR :—“ May I ask, Sir, whether Mr. Venkatachala Padayachi is not a Member of this Council ? ”

The hon. the RAJA OF PANAGAL :—“ That he is a Member of the Council is obvious.” (Laughter.)

Mr. S. SATYAMURTI :—“ May I ask whether he belongs to the party to which the hon. the Minister belongs ? ”

The hon. the RAJA OF PANAGAL :—“ That is also obvious.” (Laughter.)

Inclusion of the hamlet—Kalingarayampalaiyam Puthur—in the union of Bhavani.

1165 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have received a mahazar from the residents of Kalingarayampalaiyam Puthur, hamlet of Methinasavampalaiyam village, Erode taluk, praying that their hamlet should not be included in the union of Bhavani in the taluk of Bhavani ;

(b) whether the district board of Coimbatore and the taluk board of Gobichettipalaiyam have passed resolutions to that effect and recommended to the Government that their prayer should be granted ;

(c) whether it is a fact that there was a similar proposal to make the hamlet a part of the same union about two years ago and whether the then Revenue Divisional Officer of Erode reported against the proposal and it was then dropped ;

(d) whether the Government have now passed an order that the hamlet should be made a part of the union, and if so, whether the Government will be pleased to place a copy of the Government Order on the table ;

(e) whether it is a fact that the hamlet is separated from the town of Bhavani by a river and a channel and that the hamlet and town belong to different villages, to different taluks and to different revenue divisions ;

(f) what is the number of houses in the hamlet and how many of them are tiled houses ;

(g) what is the number of pattadars residing in the hamlet and how many of them own lands in the Bhavani village ; how many of the pattadars pay over Rs. 10 kist and how many over Rs. 50 kist ; and

(h) whether the order of the Government is final or whether the Government have any intention of revising it, if they get fresh light in the matter ?

A.—(a) The answer is in the negative.

(b) The answer is in the affirmative.

(c) In 1920, the Erode and Gobichettipalaiyam Taluk Boards and the Coimbatore District Board recommended the inclusion of the Kalingarayanpalaiyampudur village within the Bhavani union, and the proposal was sanctioned by the Government. The Government have no information as to whether the then Revenue Divisional Officer was against the proposal.

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(d) A copy of * G.O. No. 1513, L. & M., dated the 6th June 1924, in which the Government declined to approve the proposal to exclude the village from Bhavani union is placed on the table.

(e) The answer is in the affirmative.

(f) & (g) The Government have no information in the matter.

(h) The Government will be prepared to consider any representation which may be made in the matter.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, in clause (c), I have made a suggestion that the proposal was dropped between 1920 and 1924 ; but I find nothing in the answer with reference to that ? ”

The hon. the RAJA OF PANAGAL :—“ I should like to have notice of the question.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I thought the notice was there, but the answer was not to be found. Sir, clauses (f) and (g) suggest that there are very few houses and very few pattadars. And taking into consideration the fact that both the district and the taluk boards have recommended that this should be separate, may I request whether the hon. the Minister will be pleased to reconsider the matter ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, the request will be considered.”

Mr. A. RANGANATHA MUDALIYAR :—“ What is the distance of the hamlet from the main village ? ”

The hon. the RAJA OF PANAGAL :—“ I cannot say without reference.”

Medical.

Pay and prospects of nurses attached to hospitals.

1166 Q.—Sir JAMES SIMPSON : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the hospitals in Madras find it impossible to recruit fully qualified nurses and to retain nurses in their service owing to the inadequacy of the remuneration offered and the unfavourable conditions of service ;

(b) whether the Government would give statistics of sanctioned and actual staffs for the various hospitals and state to what extent the staff has been cut down without the approval or against the advice of the Superintendents ; and

(c) the average length of service of nurses ?

A.—(a) The answer is in the negative. The nursing staffs of all the hospitals in Madras are up to the sanctioned strength. In the General Hospital the staff was undermanned for some years, but with the improvements made in the scale of pay and other conditions of service, it has been found possible to fill up all the sanctioned appointments.

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- (b) It is presumed the hon. Member refers only to the nursing staffs of the various hospitals. The following table gives the sanctioned strength of these staffs. As already stated, all the sanctioned posts have been filled up :—

	Sanctioned strength.
Government General Hospital	122 (a)
Do. Rayapuram Hospital	35 (a)
Do. Royapetta Hospital	10
Do. Women and Children Hospital.	73 (a)
Do. Ophthalmic Hospital	6
Do. Leper Hospital	1
Do. Tuberculosis Hospital	4
Do. Victoria Caste and Gosha Hospital	27 (a)
Do. Mental Hospital	9
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(a) Includes nurse pupils and midwifery pupils.

There has been no reduction in the strength of the nursing staff of any hospital. The question of reducing the number in the General Hospital is under consideration.

- (c) The average length of service of nurses in the several hospitals is given below :—

—	Years.	Months.	Days.	Remarks.
General Hospital	..	11	24	The General Hospital is looked upon as a training hospital and naturally the stay of nurses is short. (Since the opening of hospital in 1921.)
Rayapuram Hospital.	1	2	..	
Royapetta "	5	..	24	
Ophthalmic "	8	4	17	
Women and Children Hospital.†	..	..	..	
Tuberculosis Hospital.	3	6	..	
Leper Hospital	9	..	..	
Victoria Caste and Gosha Hospital.	1	..	..	
Mental Hospital	4	5	24	

† The Superintendent states that the majority are probationers, some of whom after completion of their course are taken on at their option for at least a year on the staff. There are 14 European staff nurses, of whom 10 have under one year's service and 10 Indian staff nurses whose service averages 11½ years.

Retrenchment in the hospitals in Madras.

1167 Q.—Sir JAMES SIMPSON: Will the hon. the Minister for Local Self-government be pleased to state—

(a) what steps are being taken to implement the Retrenchment Committee's recommendation regarding the purchase of stores, the supervision of contractor's supplies and the prevention of leakage in the hospitals in Madras;

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(b) whether the Government will be pleased to give specimens of pre-retrenchment and post-retrenchment average diet scales, showing where reductions have been made; and

(c) whether there has been a decrease in the number of patients admitted to hospitals since the Retrenchment scheme was put into effect; and what are the admission figures for the various hospitals for the first six months of the year 1923-24?

4.—(a) In accordance with the recommendations of the Retrenchment Committee, wholesale contracts were entered into this year by the Surgeon-General for the supply of the undermentioned important articles to all the hospitals in the Madras City :—

Rice, milk, mutton, beef, bread, vegetables, potatoes, eggs, ice, barley, aerated water, coffee powder, cotton, sugar and firewood.

The Superintendents and Resident Medical Officers of hospitals have been instructed to exercise close and constant supervision over the stores and kitchen departments and the work of the stewards. The appointment of a special officer to check the accounts and registers of hospitals is under consideration.

- (b) Specimens of diet scales before and after retrenchment in the Royapetta, Ophthalmic, Leper and Mental Hospitals are given in the appended statements.* In the case of other hospitals, there has been no change in the diet scales.
- (c) There has been no general decrease in the number of patients admitted. There was an increase in six hospitals and a decrease in two. The number of in-patients admitted during the first six months of the years 1923 and 1924 was as shown below :—

Number of in-patients admitted during the first half-year of 1923 and the number in the corresponding period of 1924.

Name of institution.	1923.	1924.
Government General Hospital	4,351	4,415
Do. Ophthalmic Hospital	1,949	1,856
Do. Rayapuram do.	2,518	3,082
Do. Royapetta do.	1,073	1,244
Do. Women and Children Hospital.	2,803	2,978
Do. Tuberculosis Hospital	119	126
Do. Leper Hospital	704	904
Do. Victoria Caste and Gosha Hospital.	1,594	1,476
Do. Mental Hospital	91	126
Total	15,202	16,207

Rao Bahadur C. NATESA MUDALIYAR :—“ Will the hon. the Minister be pleased to state the reason why there is a fall in the attendance at the Victoria Caste and Gosha Women's Hospital: it is due to retrenchment or other conditions? ”

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The hon. the RAJA OF PANAGAL :—" If there is a fall, it must be due to inadequate accommodation. The accommodation does not appear to be adequate."

Rao Bahadur C. NATESA MUDALIYAR :—" Is the Government aware that the hospital is rapidly becoming unpopular now?"

The hon. the RAJA OF PANAGAL :—" No, the Government are not aware."

Rao Bahadur C. NATESA MUDALIYAR :—" It is not due to want of accommodation; but it is due to the indifferent treatment given to the patients."

The hon. the RAJA OF PANAGAL :—" I do not think so, Sir."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (b), we are referred to Appendix III. One thing strikes me there and it may perhaps strike the hon. the Minister also. May I ask why in the retrenchment carried out in the Royapetta Hospital, there has been no reduction in the diet for European patients whilst there has been retrenchment in the case of Indians alone?"

The hon. the RAJA OF PANAGAL :—" Because the diet in that hospital was already low."

Mr. S. SATYAMURTI :—" Was the diet already low for Europeans?"

The hon. the RAJA OF PANAGAL :—" Yes, in that particular hospital."

Mr. S. SATYAMURTI :—" They are still kept on that low diet!"

The hon. the RAJA OF PANAGAL :—" I think so."

Contract for supplies to district hospital at Tanjore.

1168 Q.—Mr. S. MUTTAYYA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) who is the contractor for the supplies to the district hospital at Tanjore;

(b) whether it is a fact that the tender of one Somu Rao, a long-standing contractor, though the lowest, was rejected after it was once accepted; if so, what reasons there were for such rejection; and

(c) whether it is a fact that the present contractor was specially got down from Trichinopoly and his rates are higher than the previous rates or the rates of Somu Rao?

A.—Information is not available but has been called for.

Mr. S. MUTTAYYA MUDALIYAR :—" May I know when the information was called for?"

The hon. the RAJA OF PANAGAL :—" The information was called for, but we have not received it yet."

Mr. S. MUTTAYYA MUDALIYAR :—" May I know when it was called for?"

The hon. the RAJA OF PANAGAL :—" Sir, I can't say exactly when it was called for; but it was called for soon after the question was received in the Secretariat."

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Mr. S. MUTTAYYA MUDALIYAR :—" What is the usual time that the hon. the Minister for Local Self-Government takes to get replies from his subordinates in the districts?"

The hon. the RAJA OF PANAGAL :—" The time varies according to the nature of the information asked for."

Mr. S. MUTTAYYA MUDALIYAR :—" Does not the hon. the Minister for Local Self-Government know that a question must be answered within a particular time from the date of notice, and that if he is unable to do so he should ask for an extension of time from the hon. the President stating the grounds for doing so?"

The hon. the PRESIDENT :—" I have no doubt that an extension of time has been asked for in this case. But with reference to the observation of the hon. Member that Members of Government should not take more than a week to answer the questions put to them, I may say that it applies only to cases where the information is readily available. Under ordinary conditions, it is expected that questions will be asked about matters within the immediate knowledge and notice of the Members of the Government. But the great majority of questions asked in this Council are not of that nature. They require reference; and when a reference is required, I do not think we should insist on the answer being furnished within a week."

Mr. S. MUTTAYYA MUDALIYAR :—" I am not insisting that in such cases answers should be given within a week. But what I submit is that when the Government are not able to get the information they should apply to the hon. the President for an extension of time for a definite period stating the reasons therefor. They should not merely apply for an extension of time and take it for an indefinite period. That is not the proper procedure in applying for an extension of time indefinitely."

Transfer of Assistant Surgeons in Tanjore.

1169 Q.—Mr. S. MUTTAYYA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many Assistant Surgeons have been transferred from (i) the Medical School at Tanjore, (ii) the hospitals in the district, since 1st January 1924, and on what grounds;

(b) what is the amount of travelling expenses caused by such transfers;

(c) how many honorary Sub-Assistant Surgeons who were doing service in the district hospital at Tanjore resigned after 1st January 1924, and the reasons for their resignation; and

(d) how many nurses resigned or went away from the district hospital after 1st January and the reasons for the same?

A.—Information is not available but has been called for.

Mr. S. MUTTAYYA MUDALIYAR :—" May I again ask with reference to this question when he called for the information? Tanjore is only a day's journey from here. It may be that the information has been got after the answer was sent to the Legislative Council office four or five days ago."

The hon. the RAJA OF PANAGAL :—" Government have not yet got the information."

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Mr. S. MUTTAYYA MUDALIYAR :—" May I ask when he called for the information ? "

The hon. the RAJA OF PANAGAL :—" The information was called for when the question was tabled. "

Mr. S. SATYAMURTI :—" Was any reminder sent in order that the answer may be expedited ? "

Closure of Tanjore hospital for three weeks in August.

1170 Q.—Mr. S. MUTTAYYA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the district hospital at Tanjore was closed for admission of in-patients about three weeks about the beginning of August 1924 ;

(b) if so, why it was closed and who is responsible for the same ;

(c) whether it is a fact that the places of Assistant Surgeons in some hospitals in the Tanjore district usually presided over by Assistant Surgeons have not been filled up for some time ; and

(d) if so, which are the hospitals and what are the periods of vacancy ?

A.—Information is not available but has been called for.

Mr. S. MUTTAYYA MUDALIYAR :—" The hon. the Minister was willing to tell us that he called for the information when this question was tabled. This was sent to the Council office thirty days ago. Will the hon. the Minister tell us when he called for the information ? If he is not able to say that from the records in his office, I do not press it. "

Mr. S. SATYAMURTI :—" May I also repeat my question whether in view of the long delay any reminder has been sent, unless Government think that delay is the order of the day ? "

The hon. the RAJA OF PANAGAL :—" No reminder has been issued. "

Mr. S. SATYAMURTI :—" May I know the reason why ?

The hon. the RAJA OF PANAGAL :—" Government thought that no reminder was necessary. "

Mr. S. SATYAMURTI :—" What is the conception of time in the mind of the hon. the Minister after which a reminder should be issued ? "

The hon. the RAJA OF PANAGAL :—" Sir, after a time, the Government think reasonable. " (Laughter.)

Scheme for rural medical relief.

1171 Q.—Mr. K. SARABHA REDDI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) when the scheme for rural medical relief adumbrated by the hon. the Minister for Local Self-Government will be given effect to ;

(b) whether it is a fact that dispensaries have been ordered to suspend their work in the afternoon ; if so, the reasons for such a change ; and

(c) whether it is a fact that some municipalities have been permitted to employ their own doctors ; if so, whether any such requisition was made by the President of the Nandyal Taluk Board some time back ?

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A.—(a) The attention of the hon. Member is invited to G.O. No. 1522 P.H., dated 22nd October 1924, which has been published in the *Fort St. George Gazette*.

(b) The answer is in the negative. The attention of the hon. Member is invited to the answer given to question No. 504 at the meeting of the Legislative Council held on the 6th March 1924.

(c) The appointments of medical officers employed by municipal councils are made by the Chairman concerned under the rules for the appointment and punishment of municipal servants published in Part I-A of the *Fort St. George Gazette*, dated the 29th January 1924. The Government have not received from the Nandyal Taluk Board any requisition such as is referred to in the question.

Expenditure on the hospital at Palni.

1172 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what was the total expenditure spent on the hospital at Palni for the year 1923-24, and how much was spent for establishments and how much for medicines ; whether anything was spent on additional buildings and on repairs to the hospital in that year, and if so, how much ;

(b) whether the hon. Minister has visited Palni at any time, and if so, when ;

(c) whether the Municipal Chairman or any other person has reported about the present state of the hospital buildings at Palni, and if so, when and to what effect ;

(d) (i) whether it is a fact that the cholera shed in that hospital is practically unfit for use and is very near the *post-mortem* room ;

(ii) whether the in-patient rooms are very small and one of them is very dangerous for occupation on account of the bad state of the beam ;

(iii) whether it is a fact that a new room intended for dressing wounds, etc., is incomplete for years and unfit for any use ; and

(iv) whether it is also a fact that there are no spare bottles in the hospital as all empty bottles were auctioned away recently ; and

(e) whether there has been any suggestion at any time before the Government that the hospital should be taken up by them in view of the fact that Palni is a great centre of pilgrimage, and if so, what has become of that suggestion ?

A.—(a) The total expenditure on the hospital at Palni for the year 1923-24 was Rs. 5,403. Details for the expenditure have not yet been received from the Chairman. No capital expenditure was incurred.

(b) The answer is in the negative.

(c) In forwarding the administration report of the municipality for the year 1923-24, the Chairman reported on 10th September 1924 to the following effect :—

"The institution is at present in an old building. It is high time for the Council to go in for a type-design building. This municipality is not in a position to lay

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aside anything towards the construction of a pucca building and this state of circumstances could not but continue till the introduction of railway when only there are chances for improving the resources of the municipality in addition to the levy of pilgrim tax."

(d) (i), (ii), (iii) & (iv) The Government have no information on the points referred to.

(e) There was no such suggestion before the Government.

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to the answer to clause (b), may I ask when the hon. the Minister proposes to visit Palni ? "

The hon. the RAJA OF PANAGAL :—" Government cannot say exactly when a particular Minister will be visiting a particular place. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to (d) wherein I have raised several points specifically, the Government in their answer say that they have no information. May I know whether the Government considered the information to be unnecessary or whether they called for the information or if they have not, whether they will be pleased to call for it ? "

The hon. the RAJA OF PANAGAL :—" The Government will have no objection to call for the information. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to the report of the Chairman of the municipality given in the answer to (c) of the question, saying that till the introduction of railway this state of things should continue, will the Government be pleased to take into consideration the importance of the place as a pilgrimage centre and be pleased to give a grant to the municipality for the purpose ? "

The hon. the RAJA OF PANAGAL :—" The municipality may levy a pilgrim tax and I do not think there is any reason for the Government to give a special grant. It is open to the municipality to levy the tax. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" The place is far away from the railway station ; I do not know whether the pilgrim tax can be levied. I do not know whether the Act authorizes the municipality to levy a pilgrim tax for a place thirty or forty miles from the nearest railway station. "

Medical help at the Bhavani hospital.

1173 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the taluk board president of Gobichettipalayam has issued an order that no medical treatment should be granted in the hospital at Bhavani to any one residing at Kumarapalaiyam on the opposite side of the Cauvery simply because Kumarapalaiyam is in the taluk of Sankari ;

(b) whether this order was based on the refusal of taluk board of Sankari to pay any contribution towards the hospital expenses ;

(c) whether it is a fact that the people of Kumarapalaiyam appealed to the taluk boards of Gobichettipalayam and Sankari and to the district board of Coimbatore but to no effect ;

(d) whether it is a fact that those people finally appealed to the Government and they have also refused to interfere in the matter ;

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(e) what is the distance of Sankari from Kumarapalaiyam and whether the people of Kumarapalaiyam have any hospital or dispensary nearer than the hospital at Sankari ; and

(f) when there is a difference of opinion arising between two local bodies whether the Government have any power to pass final orders in such matters directing the nearest and the most convenient hospital to be available to all the subjects of His Majesty in this province irrespective of the taluk board that may chance to have jurisdiction over the place ?

A.—(a) & (b) The Government understand that the Gobichettipalayam Taluk Board has closed the hospital at Bhavani to the residents of Kumarapalaiyam and other villages within the limits of the Sankari Taluk Board on the ground that the latter taluk board declined to contribute towards the cost of maintenance of the hospital.

(c) From a petition received from the Secretary, Tax-payers' Association, Kumarapalaiyam, the Government understand that the Executive Committee of the Association addressed the Presidents of the district boards of Salem and Coimbatore on the subject, but they are not aware of the result of the representation.

(d) In reply to the petition referred to in clause (c), the Government informed the Secretary of the Association that the matter was one for settlement between the taluk boards concerned.

(e) Kumarapalaiyam is 13 miles from Sankari. The hospital at Sankari is the nearest medical institution within the Sankari Taluk Board area available to the inhabitants of Kumarapalaiyam.

(f) Under section 234 of the Madras Local Boards Act, 1920, the Government have the power to adjudicate disputes between local boards in regard to matters arising from the provisions of the Act in case of their failure to settle them amicably between themselves. This provision does not however confer on the Government the power to compel a local board to provide medical relief for the inhabitants of an adjoining local board area.

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to the answer given to the whole question, may I know whether it is considered legal on the part of a taluk board, whether it is permissible to any taluk board president to make an order preventing admission of any patient from whatever taluk he may come ? "

The hon. the RAJA OF PANAGAL :—" The Government regret that it has been so. But it is a matter entirely left to the discretion of the board. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" With reference to (f) of the answer, will the hon. the Minister consider the desirability of compelling the recalcitrant taluk board to pay a contribution to the Gobichettipalaiyam taluk board ? "

The hon. the RAJA OF PANAGAL :—" The matter will be considered. "

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Public Health.*Extension of the Health scheme to the Agency tracts.*

1174 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Government propose to extend the Health scheme to the Agency tracts;

(b) whether it is a fact that malaria has been a great source of devastation in those tracts and what is being done to combat the disease;

(c) whether vaccination for smallpox succeeded to any extent in the Agency; if not, the reason for the slow progress in that direction; and

(d) whether the number of Sanitary Inspectors and Deputy Inspectors of Vaccination now engaged in the Agency is sufficient for so large an area as the Agency tracts?

A.—(a) The answer is in the negative.

(b) Yes. Quinine is distributed free in the Agency tracts as a curative measure. The employment of a Malaria brigade to conduct investigation in the worst-affected areas in the Vizagapatam Agency and report on the anti-malarial measures necessary was sanctioned in 1923-24, but the work was not started for want of a trained medical officer. When the question was again raised in 1924-25, no budget provision existed. Proposals for the inclusion of a sum of Rs. 8,700 for carrying out anti-malarial operations in the Agency in the budget estimate for 1925-26 are under consideration.

(c) Considering the adverse conditions to which the lymph is exposed during the comparatively long period in transit from Madras and the difficulties of communication and the small number of post offices, the condition of vaccination in the Agency should be considered as satisfactory, the percentage of success in the operations done in 1923-24 being 84.2 against 89.6 for the whole Presidency.

Registration of vital statistics is done only in limited areas of the Agency. If these are taken to represent the whole of the Agency area, the mortality from smallpox was 0.2 per mile compared with 0.6 per mile in the whole Province.

(d) The number of Health Inspectors in the Agency was increased from 8 to 9 in 1922-23. Proposals for the provision of four additional posts of Health Inspectors and twenty vaccinators for work in the Agency in the Budget Estimate for 1925-26 are under consideration.

Water-supply to Coimbatore.

1175 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether the Government have passed final orders about the water-supply to Coimbatore, and if so, to place a copy of the Government Order on the table of the Council;

(b) whether any order has been given for the supply of the necessary pipes, and if so, with whom and for what price;

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(c) of what material the pipes are to be made and by whom and in what country they are to be manufactured;

(d) when the contract for the pipes was completed and whether it was before or after the final decision of the Government in the whole matter; whether there was any advertisement made and whether any tenders were called for;

(e) whether the estimate for the scheme includes the cost of a reservoir at Coimbatore, and if so, in what part of the town is it to be constructed and at what cost; and

(f) whether there is any arrangement to supply water out of this scheme to the Central Jail, the Forest College and the Agricultural College, and if so, what are the terms under which water is to be supplied to them?

A.—(a) G.O. No. 1277*, P.H., dated the 6th September 1924, is placed on the Council table.

(b) An order has been placed by the Chief Engineer with the South Indian Export Company for the supply of the 18" pipes required for the gravitation main at Rs. 180 per ton, f.o.r., Coimbatore, and of the pipes of smaller sizes and specials at Rs. 200 and Rs. 295, respectively, per ton, f.o.r., Coimbatore. These low rates were quoted for the supply of all the pipes for the scheme.

(c) The pipes are to be made of cast-iron and manufactured by the Bengal Iron Company, Kulti, Bengal.

(d) The contract was made in September last after the final decision of the Government in the matter. No advertisement was made but tenders were called for from leading firms for the 18" pipes which form the bulk of the supply.

(e) The estimate includes a provision of Rs. 1.16 lakhs for a service reservoir which is to be located to the north of the Forest College on the highest ground available on the outskirts of the town.

(f) The estimate for the scheme does not include provision for water-supply to these three institutions.

Mr. C. V. VENKATARAMANA AYYANGAR:—"With reference to the Government Order placed on the table, paragraph 5 which says that further orders will issue in the Public Works Department on the question of the acceptance of the offer of the South Indian Export Company for the supply of pipes, etc., I wish to know whether the Government will be pleased to say whether further orders have been issued and, if so, whether the Government will be pleased to lay a copy of the orders on the table."

The hon. Rao Bahadur Sir A. P. PATRO:—"The Chief Engineer has accepted the tender which he is authorized to do under the store rules."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I was referring to the Government Order, Sir, which contemplates the issue of a further order by the Government in the Public Works Department as to whether the South Indian Export Company's offer should be accepted; I wish to know whether there was any order or whether the Chief Engineer has accepted the offer without any further orders."

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Public Health.*Extension of the Health scheme to the Agency tracts.*

1174 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) whether Government propose to extend the Health scheme to the Agency tracts;
- (b) whether it is a fact that malaria has been a great source of devastation in those tracts and what is being done to combat the disease;
- (c) whether vaccination for smallpox succeeded to any extent in the Agency; if not, the reason for the slow progress in that direction; and
- (d) whether the number of Sanitary Inspectors and Deputy Inspectors of Vaccination now engaged in the Agency is sufficient for so large an area as the Agency tracts?

A.—(a) The answer is in the negative.

- (b) Yes. Quinine is distributed free in the Agency tracts as a curative measure. The employment of a Malaria brigade to conduct investigation in the worst-affected areas in the Vizagapatam Agency and report on the anti-malarial measures necessary was sanctioned in 1923-24, but the work was not started for want of a trained medical officer. When the question was again raised in 1924-25, no budget provision existed. Proposals for the inclusion of a sum of Rs. 8,700 for carrying out anti-malarial operations in the Agency in the budget estimate for 1925-26 are under consideration

- (c) Considering the adverse conditions to which the lymph is exposed during the comparatively long period in transit from Madras and the difficulties of communication and the small number of post offices, the condition of vaccination in the Agency should be considered as satisfactory, the percentage of success in the operations done in 1923-24 being 84.2 against 89.6 for the whole Presidency.

Registration of vital statistics is done only in limited areas of the Agency. If these are taken to represent the whole of the Agency area, the mortality from smallpox was 0.2 per mile compared with 0.6 per mile in the whole Province.

- (d) The number of Health Inspectors in the Agency was increased from 8 to 9 in 1922-23. Proposals for the provision of four additional posts of Health Inspectors and twenty vaccinators for work in the Agency in the Budget Estimate for 1925-26 are under consideration.

Water-supply to Coimbatore.

1175 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

- (a) whether the Government have passed final orders about the water-supply to Coimbatore, and if so, to place a copy of the Government Order on the table of the Council;

- (b) whether any order has been given for the supply of the necessary pipes, and if so, with whom and for what price;

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- (c) of what material the pipes are to be made and by whom and in what country they are to be manufactured;

- (d) when the contract for the pipes was completed and whether it was before or after the final decision of the Government in the whole matter; whether there was any advertisement made and whether any tenders were called for;

- (e) whether the estimate for the scheme includes the cost of a reservoir at Coimbatore, and if so, in what part of the town is it to be constructed and at what cost; and

- (f) whether there is any arrangement to supply water out of this scheme to the Central Jail, the Forest College and the Agricultural College, and if so, what are the terms under which water is to be supplied to them?

A.—(a) G.O. No. 1277*, P.H., dated the 6th September 1924, is placed on the Council table.

- (b) An order has been placed by the Chief Engineer with the South Indian Export Company for the supply of the 18" pipes required for the gravitation main at Rs. 180 per ton, f.o.r., Coimbatore, and of the pipes of smaller sizes and specials at Rs. 200 and Rs. 295, respectively, per ton, f.o.r., Coimbatore. These low rates were quoted for the supply of all the pipes for the scheme.

- (c) The pipes are to be made of cast-iron and manufactured by the Bengal Iron Company, Kulti, Bengal.

- (d) The contract was made in September last after the final decision of the Government in the matter. No advertisement was made but tenders were called for from leading firms for the 18" pipes which form the bulk of the supply.

- (e) The estimate includes a provision of Rs. 1.16 lakhs for a service reservoir which is to be located to the north of the Forest College on the highest ground available on the outskirts of the town.

- (f) The estimate for the scheme does not include provision for water-supply to these three institutions.

MR. C. V. VENKATARAMANA AYYANGAR:—"With reference to the Government Order placed on the table, paragraph 5 which says that further orders will issue in the Public Works Department on the question of the acceptance of the offer of the South Indian Export Company for the supply of pipes, etc., I wish to know whether the Government will be pleased to say whether further orders have been issued and, if so, whether the Government will be pleased to lay a copy of the orders on the table."

The hon. Rao Bahadur Sir A. P. PATRO:—"The Chief Engineer has accepted the tender which he is authorized to do under the store rules."

MR. C. V. VENKATARAMANA AYYANGAR:—"I was referring to the Government Order, Sir, which contemplates the issue of a further order by the Government in the Public Works Department as to whether the South Indian Export Company's offer should be accepted; I wish to know whether there was any order or whether the Chief Engineer has accepted the offer without any further orders."

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The hon. Rao Bahadur Sir A. P. PATRO :—"There was no order from the Government. But under the store rules, it was a case of emergency and the Chief Engineer, according to those rules, I am advised, is empowered to accept the tender under the circumstances of the case."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I then take it, Sir, that under paragraph 5 of the Government Order laid on the table, no order has been issued at all in the Public Works Department?"

The hon. Rao Bahadur Sir A. P. PATRO :—"That is so. As I said yesterday, it was a case of emergency. There was a time-limit and therefore in order to have the agreement completed, the Chief Engineer acted under the store rules and accepted the offer of the South Indian Export Company. There was no order issued by the Government on this matter because it was already acted upon by the Chief Engineer."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I take it, then, that it is left to the tendering company to say that if the tender is not accepted within three days, it will not be open and the Government will be bound to accept it within that time without any further enquiry?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I submitted to the House yesterday the exceptional circumstances of the case."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Will the Government be pleased to let us know what exactly the quantity that was required in the pipes of several sizes?"

The hon. Rao Bahadur Sir A. P. PATRO :—"If the hon. Member wants the exact quantity in each class of pipes, I am afraid I cannot give it without reference to the estimate."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I have no objection if the hon. Minister takes time to answer the question. I will be satisfied if the hon. Minister will only be pleased to say that he will furnish the information later on."

The hon. Rao Bahadur Sir A. P. PATRO :—"Yes; if it serves any useful purpose."

Mr. C. V. VENKATARAMANA AYYANGAR :—"If the hon. Minister may take it from me, it serves a very very useful purpose."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"With reference to the Government Order at page 24 that is laid on the table, is it not a fact that the municipality has made it a condition that any extra cost over 41 lakhs should be borne by the Government?"

The hon. the RAJA OF PANAGAL :—"Yes; they made a request; I do not treat it as a condition."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Have the Government agreed to the request, if it is considered to be a request?"

The hon. the RAJA OF PANAGAL :—"The Government have made their conditions; they have not yet decided about the request being considered."

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Mr. C. V. VENKATARAMANA AYYANGAR :—"Has the municipality agreed to the Government's condition that anything over 41 lakhs should be paid by them?"

The hon. the RAJA OF PANAGAL :—"They are taking a loan."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Have they agreed to pay the excess amount? If they have not, the Government may refuse and the municipality may refuse and the work will not be done."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Is it not a fact that in the resolution in which the Government Order was accepted, they have stated that the extra cost should be paid by the Government?"

The hon. the RAJA OF PANAGAL :—"I cannot say that off-hand."

Mr. S. SATYAMURTI :—"With reference to the answer to part (d) of the question, may I take it that neither any advertisement was made nor any tender called for with reference to the other classes of pipes?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Yes; it is so."

Mr. S. SATYAMURTI :—"May I ask on what basis was this offer from the Bengal Iron Company accepted?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The quotations were got from England by cable and it was found that all other firms except this imported the pipes from England. The quotation from England which the Chief Engineer received by cable was much larger than the quotation made by this firm. Hence it was thought that the offer of this firm was more beneficial to the Government than that from any other firm."

Mr. S. SATYAMURTI :—"May I take it that the quotations were got for pipes other than 18-inch pipes as well?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The largest quantity required was of 18-inch size and it comprised the main portion of the estimate, about 20 lakhs of rupees."

Mr. S. SATYAMURTI :—"I am asking, Sir, again, whether the quotations got by cable from England by the Chief Engineer covered pipes other than 18-inch pipes or not."

The hon. Rao Bahadur Sir A. P. PATRO :—"I do not want to reply off-hand and I want notice of the question, Sir."

Mr. S. SATYAMURTI :—"May I know how many leading firms were asked to submit tenders for 18-inch pipes?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Quotations were called, as I said yesterday, from about six firms."

Mr. S. SATYAMURTI :—"I am asking about tenders, Sir."

The hon. Rao Bahadur Sir A. P. PATRO :—"As I submitted to the House yesterday, there were no tenders. Quotations were called for by the Sanitary Engineer under instructions from the Chief Engineer."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" In answer to clause (d) I find that tenders were called for from leading firms."

The hon. Rao Bahadur Sir A. P. PATRO :—" That is loosely worded. Tenders were not actually called for but only quotations were called for."

Mr. C. GOPALA MENON :—" What is the delivery time stipulated for these pipes ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I am afraid it is a matter of detail for which I require notice."

Mr. C. GOPALA MENON :—" May we know why the tender was placed so much in advance. Yesterday, Sir, we were told that pipes were required only four years hence. It is for that reason that we want to know what the time for delivery stipulated is."

The hon. Rao Bahadur Sir A. P. PATRO :—" There is no time stipulated for the delivery of the pipes. The supply would be as soon as the work begins. The pipes may be required at any time. But to have the levels prepared and the trenches made it may take some time. The firm must be ready to supply whenever they are called upon to do so."

Mr. S. SATYAMURTI :—" I am asking, Sir, whether there is any clause in the agreement making it obligatory on the firm to supply these pipes on a particular date and imposing a penalty for failure thereof."

The hon. Rao Bahadur Sir A. P. PATRO :—" The details of the terms of the agreement are under consideration now. The tender was accepted as I said by the Chief Engineer; the detailed terms are now under consideration."

Mr. S. SATYAMURTI :—" I confess to being surprised, Sir. But am I to understand that the agreement has been accepted but the terms are being discussed."

The hon. Rao Bahadur Sir A. P. PATRO :—" I understand the quotations have been accepted."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Suppose there is a difference of opinion; the Government want the supply in a year and the firm wants too. Is the agreement to become null and void ? "

Public Works.

Condition of old bridges.

1176 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state whether it is a fact that the recent floods have revealed that some of the older bridges, viz., the one across the river Bhavani at Satyamangalam, are now owing to the rise of the level of the river-beds and other causes found to be too low and consequently in many cases the bridges themselves acted as checks to the free flow of flood water and held it back to flood the towns ?

A.—The subject is under enquiry.

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Education.

Educational facilities for Muhammadan children in Saidapet.

1177 Q.—Mr. MUHAMMAD MOOSA SAIT : Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that although there is a Muhammadan chairman for the Saidapet municipality there is not a single school maintained by the municipality for the education of the Muslim children in their vernacular;

(b) if so, whether he has ascertained the reasons why the municipality has not opened schools for the Muslim children;

(c) what is the amount of contribution paid by the Government to the municipality for the purposes of education; and

(d) what is the total number of elementary schools maintained by the Saidapet taluk board; out of them, how many are Muslim schools for boys and how many for girls and what is the nature of the report submitted by the Inspector with regard to the progress of Muslim schools in general?

A.—(a) There is no separate school for Muhammadans in the municipality.

(b) There is no adequate provision in the municipality for all school-going children. The council has recently submitted proposals for the levy of education tax from 1st April 1925 to secure additional funds for the opening of new schools.

(c) The municipal council receives an annual subsidy of Rs. 3,609 for elementary education.

(d) The taluk board maintains 90 elementary schools, of which five are for Muhammadan boys and two are for Muhammadan girls. Annual inspection reports on board schools are furnished by the Deputy Inspectors of Schools to the president of the taluk board through the District Educational Officer.

Mr. P. ANJANEYULU :—" With reference to the answer to (d) of the question, I wish to know whether Muhammadan teachers are employed in these schools."

The hon. Rao Bahadur Sir A. P. PATRO :—" Notice."

Mr. S. SATYAMURTI :—" May I ask whether the Muslim boys and girls in these schools are taught their own languages ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I believe so. I cannot answer definitely without inquiry."

The Dalton plan attached to the Training College, Rajahmundry, and the changes in the staff.

1178 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education be pleased to state the number of members of the staff who are concerned in the working of the Dalton plan, introduced in the model school attached to the Training College at Rajahmundry, and the changes made in that staff between 1st November 1923 and the end of the short term of 1924 ?

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A.—Nineteen members of the staff participate in the working of the Dalton plan. There were nine changes. One was at the end of the term and of the remainder one was due to illness, three were due to the return of officers from leave and four were in the public interests, including a promotion which necessitated a transfer.

Stipends to students undergoing training for Lower Elementary grade.

1179 Q.—MR. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) why a sum of Rs. 10-8-0 is paid as stipends to Muhammadans (males) and Hindu mistresses and Rs. 9-8-0 only to depressed classes while undergoing training for Lower Elementary grade—vide *Port St. George Gazette*, Part I-B, page 748, dated 2nd September 1924;

(b) whether the amount of stipends, viz., Rs. 9-8-0 per month, is applicable to Hindus as well as Christian depressed classes, if they so classify themselves;

(c) whether the Government are prepared to give the same amount of stipends, viz., Rs. 10-8-0 per month, to the depressed classes also as that of Muhammadans and Hindu mistresses;

(d) if not, why not;

(e) why a guardian allowance not exceeding Rs. 5 per mensem is being given only to caste Hindu women and Muhammadan women ignoring the depressed classes women;

(f) whether the Government intend to extend the same privilege to the depressed classes women also as that of caste Hindu women and Muhammadan women;

(g) why a sum of Rs. 25 is being given per month for Europeans and Anglo-Indians (masters) and Rs. 15 for mistresses for Elementary grade training;

(h) why no amount of stipends is mentioned in the Secondary training department for depressed classes (masters and mistresses) as specified in the Collegiate department;

(i) whether the Government propose to specify the amount of stipends in the Secondary department for the depressed classes as noted clearly in the Collegiate department; and

(j) if not, why not?

A.—(a) & (g) Differential rates are prescribed so that each rate may be in conformity as far as possible with the standard of living usually adopted by the recipients.

(b) The special rate of stipend is not allowed to Christians.

(c) & (d) The Government will consider the suggestion.

(e) & (f) When the allowance was instituted no woman of the depressed classes applied for training as teacher. The question of the retention of the allowance is under consideration.

(h) Because there is no special rate of stipend applicable to the teachers in question.

(i) & (j) There is no need to specify, as the Government do not propose to institute any special rate of stipend for this class of students under training.

MR. R. VEERIAN:—"Sir, with reference to the answer to (a) of the question, may I know how this difference arises in the standard of rates?"

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The hon. Rao Bahadur Sir A. P. PATRO:—"It was considered by the department on enquiry what would be the suitable rate for each class of pupil."

MR. R. VEERIAN:—"I ask further, Sir, when the educational rules were framed and whether there is any likelihood of their being revised soon."

The hon. Rao Bahadur Sir A. P. PATRO:—"I do not see any immediate prospect of revision."

MR. R. VEERIAN:—"With reference to (f) of the answer, may I know, Sir, whether Government consider giving the same amount of allowance to depressed classes women teachers as to those of all the other classes, as I see now that several women of the depressed classes are coming forward for being trained as teachers?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The question will be considered."

Registration.

Direct recruitment in the Registration department.

1180 Q.—MR. G. RAMESWARA RAO: Will the hon. the Minister for Education be pleased to state—

(a) the special necessity for direct recruitment to the Registration department;

(b) whether there is any special branch of work to which the new recruits are being trained and for which those already in service are unfitted;

(c) the number of sub-registrars who are lower in rank than the new recruits and the longest service put in by any one of them; and

(d) how long this direct recruitment has been in vogue and what has been the effect of the system?

A.—It is presumed that the hon. Member refers to the direct recruitment to the upper grade of sub-registrars as distinct from the direct recruitment to the ordinary grade of sub-registrars.

(a) & (b) The object of direct recruitment is to improve the efficiency of the department by introducing specially selected men into the higher grades who can be given district charge, if they prove themselves qualified for it by character and ability, at an earlier age than the officers who rise from the lower grades. Similar recruitment is in vogue in other departments, with the same end in view.

(c) The attention of the hon. Member is invited to the "List of Officers in the Registration department in the Madras Presidency" corrected up to 1st May 1924.

(d) The system has been in vogue only from last year and it is too early to gauge its effects.

Agriculture.

Mr. Anstead's address at a meeting of the Nellore Co-operative Bank.

1181 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that Mr. Anstead, Director of Agriculture, when addressing a meeting of the Nellore Co-operative Bank, advocated the use of the products of a European firm of manufacturers of manures; and

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(b) whether the officers of the Government, paid out of public revenues, are by the rules of their service permitted to push the sale of the products of a particular European firm working in this Presidency instead of merely advocating the use of scientific manures?

4.—(a) & (b) The Director of Agriculture did not advocate the use of manure manufactured by any particular firm. He advised ryots to start bone disintegrating machines of their own in order to be able to sell manure more cheaply than existing suppliers.

Qualifications for the office of Assistant Director of Agriculture.

1182 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state the qualifications prescribed for the office of Assistant Director of Agriculture, Live-stock; and whether the present incumbent possesses those qualifications and whether there are any others now in the department possessing equal or even superior qualifications, fit for appointment as Assistant Director of Agriculture, Live-stock?

A.—The Government have not prescribed any special qualifications for the post of the Assistant Director of Agriculture, Live-stock.

Mr. A. RANGANATHA MUDALIYAR:—“May I know the minimum qualification required for the post of Assistant Director of Agriculture?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“He must know something of agriculture.” (Laughter.)

Mr. A. RANGANATHA MUDALIYAR:—“May I know, Sir, whether there are any other officers who possess qualifications superior to the present incumbents?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“I do not know, Sir, which persons he refers to. It is only then that I may be able to compare the qualifications of the different persons and say whether one is superior to the other or whether one has got superior qualifications.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“Have the claims of other professors in the College of Agriculture been considered, Sir?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“The claims of every one of them were considered, as to whether they are more fit or not.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“May I know whether there are other people who are considered more fit so far?”

The hon. the PRESIDENT:—“The hon. Minister has said that he does not know who is referred to.”

Fisheries.

Chaliyam factory and apprentices.

1183 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Development be pleased to state—

(a) how the Director is justified in his remarks that local apprentices could not be trained for want of facilities for accommodation at Chaliyam when they did train in the same factory some students sent by the Travancore Darbar and from Baroda; and

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(b) the total stock of tinned goods at the Chaliyam factory and at the agencies put together at present and what is the age of these goods?

A.—(a) The fact that one or two students were, on the special request of other Governments or public bodies, admitted and trained at some inconvenience to the Cannery, does not disprove the Director's general remark that for want of facilities of accommodation local apprentices could not be regularly admitted and trained.

(b) A statement * giving information as on 1st October 1924 is laid on the table.

Mr. C. GOPALA MENON:—“With regard to clause (b) of the question I find that a statement has been given, but I find the figures as they stood up in April which were given in answer to a question by me, to be practically the same as they are given now. I do not find any appreciable decrease in the stock. The second portion of this question (b) is not also answered, that is, the question regarding the age of these goods. I want to know how old is the stock carried on, and for what period it is kept.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“If the hon. Member would refer to the headings, he would find the figures as to various ages of tins, those between five years and over four years, those between four years and over three years and so on.”

Mr. C. GOPALA MENON:—“I find in a Government Order issued on the 22nd August that the Director of Fisheries says that these tins admittedly improved on storage and there is no reason to apprehend loss. Is that the way of carrying on the business of a Government department?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“That is the opinion of the expert.” (Laughter.)

Mr. M. RATNASWAMI:—“Are we to take it then that these tinned goods improve by keeping?” (Renewed laughter.)

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“That is the opinion of the expert.”

Mr. S. SATTAMURTI:—“Sir, may I ask the hon. the Minister to look at this table in the appendix? I know I am not an expert, nor is the hon. the Minister one (laughter). But still I want to ask him whether he can ascertain from his expert advisers whether in a tropical climate like India, 4,607 tins of sardines in oil between five and over four years, 4,147 tins between four and over three years, 15,460 tins between three and over two years, curried sardines of 7 oz. size numbering 1,564 tins between four and over three years, 10,340 tins between two years and over one year, whether all these are improving and whether the Government think it worth while to keep them on like that.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“These tins are hermetically sealed (laughter), and these sardines are kept in such tins.”

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Mr. M. RATNASWAMI :—" May I know whether the expert will say how many orders were received for these tins of various ages ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" He has told us that orders are received for old and new tins." (Laughter.)

Mr. M. RATNASWAMI :—" The information given by the Minister is really staggering. May I ask the hon. the Minister to place on the table of this House the names of all those persons who have cultivated such unwholesome and unhealthy taste for old tinned sardines ? (Laughter.)

" If it is the opinion of the expert that these improve on keeping, I want information as to who wanted such tins."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I will have to get that information from the expert." (Laughter.)

Mr. C. GOPALA MENON :—" By carrying on this stock from four to five years, do the Government think that the sound business of other private persons will suffer ? There are some of us who have invested our own capital in it."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" That is a matter regarding which I want notice."

One or two hon. Members rose again to put supplementary questions.

The hon. the PRESIDENT :—" It is past 12 o'clock, and interesting as the subject is, I think we should put a stop to further discussion at present."

Industries.

Dispensing with the services of the gardeners in the School of Arts.

1184 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state with reference to paragraph 4 of G.O. No. 1242, Development, dated 8th July 1924, whether the Superintendent of the School of Arts has since dispensed with the services of one or more of the nine gardeners employed in his school garden of not more than one acre in extent ; whether there is also another garden attached to the residence of the Superintendent and if so, its extent ?

A.—The services of all the gardeners except three were dispensed with with effect from 11th April 1924.

There is no separate garden attached to the residence of the Superintendent.

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the particular garden referred to serves also as a garden for the bungalow. There is a garden which is called the school garden ; may I know whether that garden also serves as a garden to the private residence of the Superintendent ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The answer itself shows that there is no separate garden attached to the residence of the Superintendent."

Mr. T. ADINARAYANA CHETTIYAR :—" May I explain ? There is a garden attached to the School of Arts, but that portion of the garden which my hon. Friend refers to is exclusively used by the Superintendent, that is, the other teachers and staff have no access to it."

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The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Is the test of a garden being private based on the question whether other members of the staff are admitted to it or not ? "

Mr. A. RANGANATHA MUDALIYAR :—" The question is this. There is a garden which is maintained out of the amount provided for the school. My question is whether this garden is really the garden attached to the residence of the Superintendent of the School of Arts. There is no reason for the money provided for the school being spent practically for a private garden."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is only a small appendage ; the whole extent is about an acre, and this garden may be a few cents."

Amount spent by the present Superintendent, School of Arts, on his own residence.

1185 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state with reference to paragraph 10 of G.O. No. 1242, Development, dated 8th July 1924, the total amount of expenditure incurred from time to time by the present Superintendent of the School of Arts on his own residence, out of the money provided for the institution of Arts and whether any and, if so, what portion of the sum has been received from him and the reasons for the non-recovery of the balance if any ?

A.—The total expenditure incurred was Rs. 40. No recovery was made as the nature of the expenditure was such as to be ordinarily necessary for the upkeep of a Government bungalow.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, was not this amount placed under audit objection and its recovery suggested ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes."

Mr. A. RANGANATHA MUDALIYAR :—" Has it been recovered ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Government did not consider it necessary."

Apprenticeship at the School of Arts.

1186 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state the steps taken by the Government for the institution of a proper system of apprenticeship at the School of Arts as the outcome of the deliberations, if any, of the Apprenticeship Bill Committee ?

A.—The Apprenticeship Bill Committee have not yet submitted their report.

Mr. T. ADINARAYANA CHETTIYAR :—" How long has the committee been considering the Bill, Sir ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" From the time of its appointment."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know when it was appointed ? "

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Mr. A. RANGANATHA MUDALIYAR :—“ May I know when the report can be expected ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ Only when they will submit the report. I can only send reminders for submission of the report.”

II

PUBLICATION OF SELECT COMMITTEES' PROCEEDINGS IN NEWSPAPERS.

The hon. the PRESIDENT :—“ At the last meeting of the Council, the hon. the Leader of the House brought to the notice of hon. Members an unauthorized report in the *New India*, dated 17th October 1924, of the proceedings of the Select Committee on the Malabar Tenancy Bill and stated that the publication of such proceedings without authority constituted an infringement of the right of members of Committees to conduct their discussions in private. From the speeches made by hon. Members on that occasion it appeared that other newspapers had also published similar reports and that the source of information was in all cases the Associated Press. I agreed that there had been a very reprehensible invasion of the privileges of the House and undertook to make inquiries in the matter.”

“ I have caused copies of the subsequent correspondence with the offending journals and journalistic bodies to be placed on the table for the information of the House. It will be seen that the Editors of the *New India* and the *Swarajya* and the Manager of the Associated Press have agreed not to publish such proceedings in future and I consider their replies to be quite satisfactory. It is to be hoped that other newspapers also will not publish such proceedings in future without authority.”

Mr. S. SATYAMURTI :—“ Sir, arising from your statement and with reference to the answer of the *Madras Mail*, I want to say a few words. The answer runs :

“ While anxious to respect the wishes of the Legislative Council as far as possible, we regret we can give no undertaking not to publish anything of the proceedings of Select Committees of the House before these are placed before the Council. Whenever we learn anything about such proceedings of a definite news value we consider it our duty to publish the same for the benefit of our readers, such news being a matter of importance. We think the object of the House would be better served by an instruction to members of Select Committees to treat their proceedings as confidential.”

“ If I may take your memory back to the time we discussed this matter last, you will remember that some of us said that newspapers may be given a warning and asked how the secrecy of the Select Committee proceedings was to be achieved. And you gave an answer which is very satisfactory, namely, that these newspapers ought to know if they are permitted to report such proceedings. They are the best judges of that, and they know they are not permitted and it is not open to them to publish such proceedings. Practically unanimously this was resolved upon, although not by a resolution but by an informal understanding, and you took a consensus of opinion in the House on that occasion, and you, as representative of this House, communicated our wishes in this matter. It seems to me that to save the matter at that and to leave the *Madras Mail* to snap its fingers at it will certainly not conduce to the dignity of this House and will be a bad

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example to other newspapers. We have here influential newspapers edited by Indians, papers which have rightly and readily acknowledged their duty to abide by the wishes of the House, and I do not think the *Madras Mail* can claim to be above law. I look to you, Sir, and to every section of this House to say that when we were so anxious to put this down in respect of all newspapers, the standing of the *Madras Mail* ought not to save it from the rightful protest or condemnation—I have to use this word—which this House ought to pass on what I very deliberately call the impertinent answer which the *Madras Mail* has thought fit to send back to you, Sir. If I may say so, it is up to you and I am sure the House will support you in any action which you may feel called upon to take, to see that this paper keeps its proper place. There is one method which you can adopt at once without any legislative powers. Admission to this House is in your hands, and I do not think any paper has a right to come here. If the *Madras Mail* is not going to yield to us, we shall not allow their reporters here. They can do what they want outside its walls, but they shall not come inside. I look to you, Sir, and to every Member of the House to support me.”

Mr. A. RAMASWAMI MUDALIYAR :—“ Mr. President, Sir, on behalf of those who are sitting on this side of the House, I heartily echo the sentiments that have been so vigorously given expression to by my hon. Friend, the learned Member for the University. I feel after reading this answer that it has been rightly characterised as a most impertinent answer, and I want to know if it is not open to you as President of this House and to us Members belonging to a dignified and respectable body like this Legislative Council, to protest against such conduct. I think that any newspaper which snaps its fingers at the very decorous and courteous suggestion made by the President on behalf of this House should have its proper place in the body politic. I only support the suggestion which my hon. Friend has made that very effective steps so far as this House is concerned can immediately be taken. Apart from other powers which you may possess or be invested with later, I would suggest that you can peremptorily issue one more notice to the *Madras Mail* pointing out the rule which it offends and warning it if necessary. If it chooses still to take up an attitude of obstinacy, there is the course immediately open to you as the custodian of the privileges and dignity of the House, the course of shutting out the *Madras Mail* from the precincts of this House. It is with some little confidence that I suggest that this course may be adopted by you. I appeal to every section of the House to support me, and I hope that all including the hon. Members on the Treasury Bench will support me in this appeal. I make an appeal further to the Leader of the House who is leading us so far as the dignity of the proceedings of this House is concerned, to support the appeal which has been made from both sides of the House. The question may arise again, and I hope the House will bear with me at least now when I suggest once more that the time has come when initiative should be taken and an effort made to arm you with adequate and more effective powers than even the powers involved in the suggestion. I do venture to suggest that the time has come when an effort should be made to justify the position that we as responsible Members of this House representing the people of this Presidency hold and that you as President of this House occupy.”

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The hon. the PRESIDENT:—"I am much obliged to the hon. Members who have spoken on the subject. They will have noticed that I purposely caused the whole of the correspondence to be placed on the table of the House in order that they may be informed and prepared as to what they would do in case such offences are repeated. I say 'repeated', because as to what has already passed, all the offending journals are on the same footing and the House recognized with me that all of them were ignorant of the gravity of the infringement with which they were charged. In my own opinion, it ought to be sufficient that we have taken what I might call very severe notice of the delinquents both this morning and on the last occasion. The House has a dignity to maintain, and I am sure it will agree with me that it is not going to take lying down any repetition of this offence. I am also sure that if there should be any repetition, notwithstanding the warning that has been conveyed, I shall be supported by the House in any repressive or disciplinary steps that I may take. For the present, I deprecate anything further being done. I think that what has been said this morning is a sufficient reprimand and that no journal can afford to snap its fingers at censures passed by this House. It would have been necessary, if I were to take action upon particular replies from journalistic editors, that I should have weighed very carefully everything that all of them had said in the light of legal and other pronouncements in the matter. I do not think the occasion calls for such discrimination. I have therefore satisfied myself with these general remarks and I hope that the House, while it strongly feels that its dignity has not been respected, will hold itself in patience till, as I said, we have an opportunity of judging whether these offences are repeated. That is my opinion in the matter. I do not, of course, prevent the House from taking any action which it may think fit of its own motion to take."

III

COMMUNICATION TO THE COUNCIL.

The SECRETARY laid on the table proceedings * of the sixth meeting of the Finance Committee for 1924-25 held on Thursday, the 23rd October 1924.

IV

THE MADRAS IRRIGATION BILL—cont.

The House then resumed consideration of the Madras Irrigation Bill.

Clause 43.

Mr. S. MUTTAYYA MUDALIYAR:—"I understood yesterday that in the place of my amendment another amendment would be moved."

Mr. P. PEDDIRAJU:—"Sir, I beg to move a new clause after clause 43. The clause is:

"44. Whenever a dispute arises between two or more persons in regard to their liabilities in respect of the maintenance and repair of a water-course, any person interested in the matter of such dispute may apply, in writing to the Irrigation Officer, stating the matter in dispute. Such officer shall, after inquiry, pass such orders thereon as he deems fit. An appeal shall lie from such order to the District Collector whose order thereon shall be final."

* Printed as Appendix VI on pages 181-184 infra.

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[Mr. P. Peddiraju]

'Any sum directed by such order to be paid within a specified period, may, if not paid within such period, be recovered from the person directed to pay the same as if it were an arrear of land revenue.'

"In moving this amendment, I am only interested in saying that some doubts has arisen in the minds of some hon. Members regarding the course open to the parties who are interested in having a water-course. Clause 43 says that every owner is bound to repair and keep in proper repair all water-courses in which he is interested. There were some doubts raised by certain hon. Members as to why one should be made liable and not all the others. As clause 43 stood, it says all are proportionately liable. But if the Government takes interest and punishes one man, what is the course open to him except going to a civil court? In order to avoid that, I propose this amendment which is found in the original Bill of 1908 and the Burma Act."

Mr. S. MUTTAYYA MUDALIYAR:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I suppose that the hon. Member who spoke last will allow me to move an alternative amendment which carries out the same object, though in a slightly different language. The object of the amendment would be served in this manner. Hon. Members will find that clause 43 commences with the expression 'every owner'. If instead of that we have 'owner or owners' it will be more convenient. The following should also be added at the end of the clause:—

'(2) If one or some of the owners carry out the obligations imposed under this section and any other or others of them dispute their liability to contribute, an application may be made in writing to the Irrigation Officer setting out the matter in dispute. Such officer shall, after inquiry, pass such orders thereon as he deems fit. An appeal shall lie from such order to the District Collector whose order thereon shall be final.'

"If that suits the hon. Member and if he withdraws his amendment, I shall move it formally."

Mr. P. PEDDIRAJU:—"In view of the amendment to be moved, I withdraw my amendment."

The amendment was by leave withdrawn.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Now, Sir, with your leave I move:

'that instead of the words, "Every owner . . . discharges" insert the words, "The owner or owners of lands which receive or discharge".'

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I second it."

The amendment was put and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I then move, Sir, to insert the following as a new clause—sub-clause (2):—

'(2) if one or some of the owners carry out the obligations imposed under this section and any other or others of them dispute their liability to contribute, an application may be made in writing to the Irrigation Officer setting out the matter in dispute. Such officer shall, after

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inquiry, pass such orders thereon as he deems fit. An appeal shall lie from such order to the District Collector whose order thereon shall be final."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I second it."

The amendment was put and carried and the sub-clause was inserted.

Clause 43 as amended was put to the House, carried and added to the Bill.

Clause 44.

Mr. T. R. VENKATARAMA SASTRIYAR:—"There are a number of amendments standing in my name. With your leave, Sir, I shall read the clause, paragraph 2, with the amendments thereto I propose to move:

'Where a water-course is not maintained in a fit state of repair and a stoppage of the supply of water thereto or of the discharge of water through it is necessary to prevent waste of water or damage, the Irrigation Officer may stop the supply or discharge until the repairs are executed provided that three days' notice of such stoppage shall be given to the defaulter except where immediate stoppage is deemed necessary to prevent serious waste of water or damage'.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second the motion."

Mr. P. PEDDIRAJU:—"I want to pass one or two remarks on this. I do not quite understand the omission of the words, 'of water'. In the Select Committee it was thought that this power should be given to the Government only when there is a serious waste of water. Now that these words have been removed I do not know whether the Government can be restricted to cases of wastage of water alone."

Mr. T. R. VENKATARAMA SASTRIYAR:—"If the insertion of the words 'of water' in addition will satisfy the hon. Member, I have no objection."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Then a similar addition of the words is necessary, because there cannot be waste of water by means of damage."

The amendment was put to the House and carried.

Clause 44 as amended was then put to the House, carried and added to the Bill.

Clause 18.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think there are two things left over, viz., clauses 18 and 38. May we now go back to clause 18?"

"Notice has been given of an amendment, and at one stage, I think the hon. Member, Mr. Ramalinga Chettiyar, moved that amendment, and then it was pointed out that it would not serve the object; and so, the Revenue Secretary drafted another amendment which he will move now."

Mr. E. W. LEGH:—"I beg to move the following:—

'In paragraph 2 after the word "prevent" insert the letter and brackets "(a)" and add the following at the end of the paragraph:—

"or (b) the repair or, in case of total destruction by floods, renewal within a reasonable time after such destruction of any work recognized by or on behalf of the Government as a private work. Such repair or renewal shall be in accordance with the conditions subject to which the work was so recognized."

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"Hon. Members of this House, I think, know the purport of this amendment which is moved on behalf of Mr. Ramalinga Chettiyar. The section as it stood prevented the reconstruction or repair of works which have been recognized already by executive order or which have by long custom been allowed as private works and are maintained and kept up as private works. Some of those works are limited by conditions which were made at the time when they were recognized as private works. All that we now want is some protection in the Act itself by which the repair of these works is not prevented by this section, and it is with this object that this amendment has been drafted in consultation with Mr. Ramalinga Chettiyar who has accepted it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I second the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, this morning I handed over two amendments one of which is to omit the words 'by or on behalf of Government'. When a private work is going to be recognised for purposes of renewal, it might be that there has been dispute between the Government and the private person and that the private work might have been recognised by a civil court. If such a right also is recognised, then the insertion of the words 'recognised by a decree of the civil court' or something must also be made."

Mr. E. W. LEGH:—"I think there is no objection to the addition of that."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Then I shall move—

'Insert the words "has been recognized as such by a decree of a civil court" after the words "as private work".'

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

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I suggest for the consideration of the hon. the Leader of the Opposition that it might run as follows:—

'of any work which has been recognised by or on behalf of Government or by a decree of a civil court as a private work'."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I accept that form. I will also move—

'that the words "if any" be added after the words "with the conditions" in the last line of Mr. Legh's amendment'."

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

Rao Bahadur Sir K. VENKATAREDDI NAYUDU:—"Sir, may I submit that the negotiations between the Treasury Bench and the hon. the Leader of the Opposition have been done so confidentially that we on this side of the House have not had the benefit of hearing anything at all? May we not have them explained, Sir?"

The hon. the PRESIDENT:—"Certainly. What has happened is this. The hon. Member, Mr. Legh, moved an amendment which is in the hands of hon. Members. As soon as that was done, the hon. the Leader of the Opposition suggested certain improvements which were partly accepted by the hon. the

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Law Member, and the hon. the Law Member has finally suggested the wording which with the improvements made runs as follows:

'or (d) the repair or, in case of total destruction by floods, renewal within a reasonable time after such destruction, of any work which has been recognized by or on behalf of the Government or by decree of a civil court as a private work. Such repair or renewal shall be in accordance with the conditions, if any, subject to which the work was so recognized.'

The amendment was put to the House and carried.

Clause 18 as amended was put to the House and carried and added to the Bill.

Clause 19.

The hon. the PRESIDENT:—"The House will now take up the clause suggested by the hon. Member, Mr. Ramaswami Mudaliyar, at the end of clause 20 as on the reprint. Hon. Members have got copies of same circulated to them."

12-45 p.m. Mr. A. RAMASWAMI MUDALIYAR:—"Sir, I beg to move:

'Add the following at the end of the clause:—

"Notwithstanding anything contained in this chapter, a landholder who before the issue of a notification under section 8, takes up the execution of a new irrigation work or begins to repair or improve an old work shall (during a period of ten years from the date of the passing of this Act) have the right to continue such construction, repair or improvement and shall be entitled to appropriate whatever water is available from the work so constructed, repaired or improved free of charge, unless the landholder agrees to the Government taking up the execution of the work."

Mr. B. MUNISWAMI NAYUDU:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As I have already said, I raise the point of order. That is, at this stage the amendment really derogates from the doctrine of appropriation which we have adopted."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Yesterday, the hon. Member, the Raja of Chellapalli, moved an amendment and it was disallowed by you. So far as I can see there is not much difference between that amendment and the present one. The issues involved in both are practically the same."

Mr. B. MUNISWAMI NAYUDU:—"Sir, the amendment which is now moved consists of two parts. The first part relates to the time when a work is begun and partly finished and a notification has been issued. The question is whether the work is to be completed or not. The second part relates to the time when the work is completed, and the question is: what is the extent to which the person is entitled to appropriate water from that work? So far as the first portion is concerned, it has nothing to do with section 19. The second portion is with regard to appropriation. So far as the first portion is concerned, I do not think we have come to any decision which goes contra to it. In fact, section 19 does not contemplate the completion of a work which is incomplete on the date of the notification. With regard to the appropriation, it is the whole clause that has to be put to the Council and not part of a clause. That is what Standing Order 48 says. But, for the sake of convenience, we have been going sub-clause by sub-clause. Now this clause contains some 6 or 7 paragraphs, almost all of

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which have been passed and we have now to consider the proviso. It cannot be said that because the previous paragraph is accepted, all others which are inconsistent with it, go out. So, both on the ground that this amendment is not inconsistent with the provisions already passed, and on the ground that what is now proposed is not to undo what has been done, I submit that this is in order."

Mr. A. RAMASWAMI MUDALIYAR:—"Sir, I think this raises a very important and substantial question as regards procedure. My hon. Friend has referred to Standing Order 48. As the point has been raised, it is better that the Council should go back to the fundamentals with regard to the procedure. Standing Order 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.'

"Thus, in the Standing Order, there is no provision at all to put a portion of the clause to the vote of the House. The smallest portion of a Bill which is to be put to the Council for its decision is a clause and not any portion of the clause. But for the sake of convenience we have been going on with parts of the clause. But as I said, if we go back to the Standing Orders and stand by our rights, it is only a clause of the Bill that should be put to the vote. In that sense clause 19 has not yet been passed by this House. The passing of the sub-clause is only a tentative one.

"Apart from these technicalities, I do venture to suggest that my amendment, as I said yesterday, is neither in spirit nor in essence a derogation of the clauses already passed. The contingency contemplated in my amendment, I do state with some kind of emphasis, is a contingency which has not yet been provided for by the old clause 19 or the new clause as amended. The first portion of my amendment contemplates a state of affairs which this Council has not yet decided one way or the other and in no form has this suggestion been submitted to the House for decision. Another aspect of the question, I wish to emphasise. The hon. Member from Coimbatore, has referred to the fact that the Raja of Chellapalli's amendment was ruled out of order and hence my amendment also should be ruled out. It will be within the recollection of the House—and I appeal to the hon. the Law Member's memory also—that yesterday when he took objection to that amendment, one of the grounds mentioned was that no specific period was given in that amendment for which this clause should be in operation. The hon. the Law Member implied that if a particular period had been mentioned, or if another clause to that effect had been moved, it would have stood in a different position altogether. In my amendment I have specifically stated that for a period of ten years from the date of the passing of the Act a certain contingency has to be provided for. I do submit that it is a very vital distinction which can be drawn—and which has been drawn by the hon. the Law Member himself—between the amendment of the hon. Member, the Raja of Chellapalli, and the amendment which I have moved. Under these circumstances, I request you, Sir, to give a ruling in my favour. Whether this new clause should be part of clause 20

or 21 is a matter of detail. Even if we introduce it as part of one clause now, it may be put under another clause in the third reading of the Bill as a verbal amendment."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—“I want to have some information, Sir. I wish to know from the hon. Member in charge of the Bill whether there was any arrangement or agreement between himself and the hon. Mover of this amendment as regards the period. Unfortunately, yesterday at that particular time I was not here. But from what has now fallen from the last speaker an impression has been left in my mind that perhaps the Government are willing to accept the amendment only if the question of period is settled. I want to know the details.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ AS I have been asked, I may say that there is no question of any agreement or settlement. The only point is—it was stated by the hon. Member, Mr. Ramaswami Mudaliyar—that the objection I took to the amendment of the Raja of Chellapalli was based upon an indefiniteness of the period. It is only a statement made by him.”

1 p m. The hon. the PRESIDENT:—"This present amendment seems to be in derogation from clause 18."

Mr. B. MUNISWAMI NAYUDU :—" Clause 18 says that without the sanction of the Collector, no person shall construct, remove or alter any channel, etc. This clause is for the purpose of laying down instructions, as it were, that in such cases the Collector should not prohibit."

The hon. the PRESIDENT :—“ When you have allowed the mover of this Bill to carry clause 18 that except with the sanction of the Collector no such work shall be constructed after the issue of a notification, I cannot understand how you claim still to provide that you can go on with the work after the issue of notification.”

MR. A. RAMASWAMI MUDALIYAR :—"I may point out, Sir, that the words 'irrigation work' I have used in my amendment do not refer to the irrigation work defined in the Act. It cannot be the irrigation work defined in sub-clause (5) of clause 4."

The hon. the PRESIDENT:—“What occurs to me is this: Clause 18 says that no person shall, without the sanction of the District Collector, construct any structure or part of an irrigation work after the issue of a notification. The amendment now is:

‘ Notwithstanding anything contained in this chapter, a landholder who before the issue of a notification under section 8, takes up the execution of a new irrigation work or begins to repair or improve an old work shall . . . have the right to continue such construction, etc.’

“I want to know why this was not pressed at the time when clause 18 was under discussion.”

Mr. A. RAMASWAMI MUDALIYAR :—“ My amendment, with respect, refers to the whole of that chapter, and not to any particular section. That is why I could not put it under any particular clause. The exception can come only at the end of the chapter.”

The hon. the PRESIDENT:—"After having given away the right to construct works after notification, how can you call back that right by making an addition like that?"

Mr. A. RAMASWAMI MUDALIYAR :—“ By consenting to the postponement of the point of order in this case, I shall only be damning myself.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Regarding clause 18, I may be permitted to say it was agreed that only Mr. Ramalinga Chettiyar's amendment should be taken into consideration. It was specifically said by the hon. the Law Member, when we postponed clause 18, that the postponement was on the understanding that only that amendment was to be brought forward."

The hon. the PRESIDENT:—"That perhaps is not quite correct, because, at the beginning of this day's proceedings when we took up this Bill, I asked the hon. the Law Member definitely whether we had done anything to commit us to any part of clause 18. He said 'No'. It was perfectly open to the hon. Member, Mr. A. Ramaswami Mudaliyar, to have pointed out then that this clause was pertinent to the amendment he proposed."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If I did not wish to lay any stress upon Mr. A. Ramaswami Mudaliyar's not putting forward his amendment when clause 18 was carried, subject to what appeared in the *journal*, my recollection is that clause 18 was discussed thoroughly subject to one particular point being held over. But if, on the other hand, it was on account of a misapprehension when the whole of clause 18 was on the tapis that any amendment was not moved, I do not want to take any advantage of it, though I do not want to give up my point of order."

Mr. A. RAMASWAMI MUDALIYAR:—"In the reprinted Bill, voting on this clause has been postponed. That is all that appears in the amended Bill which is circulated."

The hon. the PRESIDENT:—"If the hon. the Law Member is satisfied that there is nothing in the way of the House considering the present amendment of the hon. Member, Mr. A. Ramaswami Mudaliyar, except the fact that under what appears now to be a mistake on his part, this clause 18 was passed without giving him a chance to move this part of the amendment, as far as it concerns that clause, I would like the House to do what it has done on a former occasion in my predecessor's time, viz., re-open for that purpose clause 18, which we have just passed."

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Let me make myself clear. The points of order I raised not only with regard to Mr. A. Ramaswami Mudaliyar's amendment, but with regard to the amendment of the Raja of Chellapalli and other amendments, were that those amendments in essence and in substance derogated from the rights of appropriation laid down under the clause 19, as it then was, and clause 20 as it is now numbered. That is the objection that I desired to put forward. But if, as has now transpired in the course of the discussion, the objection is further taken that because clause 18 has been allowed to be passed without this matter coming in as an amendment or as a possible amendment to clause 18, then, Sir, I do not desire to insist upon what was obviously a slip by which the hon. Member, instead of moving it at that time, wants to move it at a later time for, probably he did not realize that it was with reference to clause 18, but not to clause 20, that the discussion would have to proceed. I do not want to take advantage of the slip. That is what I am saying. But the point that I have raised is :

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Are we entitled to go back upon questions of appropriation which we have settled? Another point arises equally that it would not be fair for me to raise it in certain cases. I have raised it in all cases. That is a different matter that stands by itself, and it depends upon what ruling the President will give, as to whether this particular clause that is sought to be moved in this Council is a detraction from or a derogation of or a whittling away of the doctrine of appropriation laid down or sought to be laid down under clause 19. While I say this, I do not wish to raise the further ground, viz., that my hon. Friend from Chingleput ought to have moved it when clause 18 was taken up and has now lost his right. It may be due to a misconception and I do not desire to take advantage of it. I leave it to the House."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I wish to draw the attention of the House to the discussion on clause 18, which took place last month. It is as follows:—

'The hon. the PRESIDENT:—By the consent of the House, this clause will be put again to-morrow morning.

'The hon. Mr. C. P. RAMASWAMI AYYAR:—I take it, Sir, that nothing else than a definite proposal to be put forward by the hon. Member for Coimbatore will be considered to-morrow in regard to this clause.

'The hon. the PRESIDENT:—On that being decided by the House, the clause will be put."

At this stage the House adjourned for lunch (1-20 p.m.).

After Lunch (2-20 p.m.).

The hon. the PRESIDENT:—"Mr. Ramaswami Mudaliyar's amendment consists of two parts. The first part proposes that, notwithstanding anything contained in chapter II, a landholder who, before the issue of a notification under section 8, has taken up the execution of a new irrigation work or begun the repair or improvement to an old irrigation work shall, during a period of ten years from the date of the passing of this Act, have the right to continue such construction, repair or improvement. This is inconsistent with clause 18 which says that 'after the issue of a notification under section 8, no person shall construct, remove or alter any work to which that notification relates so long as such notification remains in force.'

"The second part of the amendment further proposes that a landholder shall, in the circumstances mentioned therein, be entitled to appropriate whatever water is available from the work so constructed, repaired or improved free of charge. This would be in derogation from the sub-clauses of clause 19 which have already been passed and particularly from sub-clause (7) which is intended to cover all cases of appropriation of water not falling under any of the previous provisions of the clause. Under the circumstances I do not think there is any room for the amendment of the hon. Member for Chingleput and it has therefore to be disallowed.

"With reference to the contention of the hon. Member, Mr. A. Ramaswami Mudaliyar, that clause 20 (19 in the reprint accompanying the Select Committee's report) has not yet been passed as a whole, I have to remark that the taking of votes on the separate sub-clauses was resorted to for the convenience of the House in registering its decisions and that Standing Order No. 48 is complied with by putting the whole of every clause to the vote as soon as its several parts have been disposed of. Standing Order

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No. 32 (4) regarding decisions of the House applies as fully to decisions in regard to sub-clauses and parts of sub-clauses as it does to votes on entire clauses."

Mr. A. RAMASWAMI MUDALIYAR:—"May I just say a word, Sir? I bow to the ruling that has been made by you with regard to my amendment, but I wish only to point out that, as stated by you, my amendment really consists of two parts. The first part relates to clause 18 and the second part relates to appropriation. I hope, Sir, you will allow me to move the first part of the amendment especially in view of what the hon. the Law Member stated this morning, namely, that he would not take undue advantage of the fact that I was to a certain extent prejudiced by the passing of clause 18. If I had any idea that the passing of that clause would prejudice my amendment, some of us would have taken a different attitude not only on the amendment relating to the clause but to the clause itself. The hon. the Law Member has stated that he has not pressed his objection on the ground of passing of clause 18. I do press that the same indulgence may be shown to me by the Chair and that, so long as the first portion of my amendment is concerned, I may be allowed to introduce it. I agree to drop the second part. If I had an inkling that the passing of that clause would prevent me from moving this amendment and if your ruling had been given yesterday, I would have moved my amendment then."

The hon. the PRESIDENT:—"Does the hon. the Law Member wish to say anything?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As I said this morning—I do not know whether you, Mr. President, are going to allow a discussion on this matter, but as I have been appealed to I may say this—what I desire to repeat is this: if any hon. Member has been misled by clause 18 and having come in for discussion and been passed this morning and therefore did not move his amendment at that stage either in inadvertence or the exact time when the clause was moved or on account of any misunderstanding, I would not stand in the way of discussion on that matter. But, I take it that your decision covers two points, namely, one relating to clause 18 and the other relating to substance of clause 19. Therefore to the extent to which your objection concerns clause 18, my jurisdiction is limited. All I can say is that I do not propose to press any objection on the ground that he ought to have moved the amendment as soon as the question was put to the House, whether 18 should be discussed, considered and voted upon. To that extent I am not anxious to press the objection and, if the hon. Member says that on more than one occasion he has been misled by the procedure and therefore he did not move his amendment at a particular stage, whereas he intended to do so, I do not take advantage of any such misleading."

Mr. P. ANJANEYULU:—"On a point of order, Sir. With due respect to you, Sir, may I ask whether it is open to an hon. Member to raise the question when once the President has given his ruling on the point?"

The hon. the PRESIDENT:—"I take it that the hon. Member from Chingleput does not wish to question the ruling but that he desires, in view of what happened this morning, to try his chance as to whether clause 18 could be re-opened, as both the hon. the Law Member and myself referred to the possibility of that happening. But I must say this that in all these matters and particularly where we have to deal with amendments of which full

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notice has not been given, the Chair is very much in the hands of the House. I did take the sense of the House this morning and I think I am justified in saying that nobody wished the discussion of clause 18 to be re-opened in the same sense in which the hon. Member from Chingleput now wishes it to be re-opened.

"It appears to have been understood that one particular thing only would be discussed in regard to clause 18 and that having been disposed of, clause 18 was finally put to the House. Still, if during the progress of the discussion of clause 18 the hon. Member from Chingleput had got up and wished to discuss any amendment to it though full notice had not been given I do not know but that his request might have been acceded to. Seeing that we have come to fair decisions in regard to both the clauses 18 and 20 so far as they have progressed, I do not feel justified in taking the extraordinary step—it would be extraordinary considering the general feeling of the House—of re-opening clauses 18 and 20."

Clauses 37 and 38.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The only other clause that remains to be disposed of is clause 38."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, with reference to amendment No. 203-A on the agenda moved by the hon. Member from Tanjore, I wish to say that I have re-drafted section 38 to give effect to the above. With your permission I will read the clause as re-drafted—

'When the construction of the proposed water-course is for any reason abandoned, the irrigation officer shall give notice of such abandonment to the persons from whom lands have been acquired for the purpose, and, if they so desire, the lands shall be returned to and re-vested in them on their paying the amount of compensation paid to them subject to any deduction that the Collector may allow. Lands not taken back within six months of the date of the notice shall become the property of the persons who have paid for the acquisition.'

"With your permission I will also move a consequential amendment to clause 37 which becomes necessary in consequence of the re-drafting of clause 38. That is, in clause 37 (1) (ii) we have there the words 'land acquired for the purpose of constructing a water-course under the provisions of section 29 shall be used only for such purposes except as provided in section 38.' For the words 'as provided' I suggest that the words 'in cases falling under' be substituted so that the language may be fairly clear, and the lands may be used only for such purposes except when falling under section 38. That is, when the land goes either to the owner from whom it was acquired originally or when it is given to the persons on whose behalf it was acquired by the Government, they may thereafter use it for other purposes also without the limitation contained in section 37 (1) (ii). I would suggest therefore that these two amendments may be accepted."

Mr. E. W. LEGH:—"I second the amendments."

The amendment to clause 38 was next put and carried and the clause as amended was put and carried and added to the Bill.

The consequential amendment to clause 37 (1) (ii) was deferred.

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Clause 45.

Sub-clause (1).

Mr. B. MUNISWAMI NAYUDU:—"Sir, I move:

'The words "or by percolation" in paragraph 2 be omitted.'

"Sir, the right to charge for percolation had not been granted to the Government till the year 1895. It is only in that year they passed an amending Bill taking power to levy cess for water used by percolation and from that time they are charging water-cess for percolation. This has been objected as not being proper. There are many arguments against this I request the House to pass this amendment."

Mr. A. RAMASWAMI MUDALIYAR:—"I beg to second the motion."

Mr. E. W. LEGH:—"This subject of percolation is one which has already met with a good deal of discussion in the Select Committee and also prior to that. It is one on which there is a good deal of difference of opinion. The question briefly is this: water-cess is levied for a given amount of water to raise a specified crop: it does not matter by what method or means water reaches the land whether directly from an irrigation work or otherwise. This is a simple matter. What has been and is being claimed for the last thirty years is that if water comes from an irrigation work the land benefited thereby should pay water-cess. We, therefore, only propose to continue the present law in the existing Bill. I would give very strong reasons for not altering that law. In the Select Committee I referred to two instances where cultivation is being carried on on an extensive scale by percolation. One is at Salem where a very large area is cultivated with water drawn by percolation. There is a spring at the foot of a tank bund and from that spring is irrigated 5 to 100 acres of land. Now I would ask the House, why should that land not pay cess for water which comes from an irrigation source and which reaches the land producing crops? I cannot see any logic in it.

"Another thing I want the House to remember is that we do not know and we have not been able to know how much revenue is involved in this. I am inclined to think that a very large amount—I have asked for figures to be placed before the House, but they have not yet come to my hands—would have to be abandoned if the House passes this amendment. I therefore think that it would be unreasonable to pass this amendment.

"I believe the ultimate objection to charging for percolation is this: That there are certain cases in which a man might be getting a limited supply through the bund of a tank and not a complete supply. If that be the case, it is open to the House to make a provision. I believe there is already such a provision in the rules for providing that there shall be no charge for percolation when a wet crop is not raised and when a case does not fall under (a), (b) or (c) of this clause. It seems to me quite easy for the House to so word the clause that charge will not be made for what is merely an additional supply or an incidental flow of water only and not an adequate flow of water or a regular supply. For that reason, I would ask the House to retain the words sought to be omitted."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I regard this matter as one of the subjects of contention in this Bill.

I crave liberty to say a few words after the remarks that have

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fallen from the hon. Member, Mr. Legh. Now there are certain objections to the levy of water-cess on lands irrigated by percolation. In order to meet those objections various provisos, (a), (b) and (c), are laid down. Proviso (a) says that no such cess shall be levied on land irrigated by wells on the ground that the wells derive water by percolation from an irrigation work. If, for instance, a well derives water by percolation from an irrigation work it may be argued as a hardship that the owner of the well which gets water so to say by a spontaneous process should be charged cess. Further proviso (b) exempts lands irrigated by percolation unless a wet crop or an irrigated dry crop is raised thereon. What possible objection can there be to charge water-cess if water flows into the land by percolation and the owner is able to raise a crop, and what possible justification can there be for not charging cess? Then the proviso says that no cess shall be levied on land irrigated by percolation from works over which control has been assumed under section 9 where such land has been so irrigated even prior to the assumption of such control. These are the safeguards which have been provided. There are cases in which there is field to field irrigation, not by a direct flow but by an indirect flow. It may also be by percolation in such cases. But where the field is irrigated purely by percolation there can be no objection to charge cess. I may say that this is a matter in which the Government feel that in justice to the general taxpayer they cannot lose a large amount of revenue which they have been getting for the last thirty years. The safeguards that have been provided are sufficient to remove all the difficulties. I must say that Government regard this matter as one of the fundamentals of this Bill."

Mr. S. SATYAMURTI:—"Sir, I am somewhat surprised that the hon. the Law Member should make this one of the fundamentals of the Bill . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I hold that the chief object of this Bill is to regulate the rights in regard to irrigation works in this Presidency and not to interfere with the levy of cess as it is at present. If as a result of the passing of the Bill Government were to lose some revenue which they are getting now, I do not see much point in proceeding with the Bill."

Mr. S. SATYAMURTI:—"It seems to me he says, 'Heads I win, tails you lose'. If the Government could get something more than they are getting at present, they would allow us the luxury of voting for them; on the other hand, if they are likely to lose some money, they say to us: 'You shall not make your laws, and we cannot be partners.' I am surprised that the hon. the Law Member should make this a fundamental of this Bill. I thought, Sir, and I still think, that throughout the discussions on this Bill as on the Bill of his distinguished predecessor the whole object was to define in an exact way the irrigation rights of the Government over the water-sources of this Presidency. When that object is being achieved by the co-operation of all sides of the House, why the hon. the Law Member should make this point on which he challenges the whole House as a fundamental part of the Bill passes my comprehension."

"I thought the hon. the Law Member would give us some figures as to the revenue which Government hope to get by the levy of water-cess on lands irrigated by percolation, but not coming under the provisos (a), (b)

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and (c). If the hon. the Law Member is able to come to this House and say that we are likely to lose so much revenue, there will be some point in what he says. I speak subject to correction because I have not calculated the figures myself; I think that there will be very little loss to Government, if the amendment is accepted. If the amendment fails, the clause as it is will be a constant source of petty annoyance on the part of petty Irrigation and Revenue officers of Government; but it will not bring a substantial addition to the coffers of Government. I am supporting this amendment, mainly because I do not want this perpetual harassing of the ryots of this Presidency by the petty officials of the Irrigation and Revenue departments. The citizens of this Presidency badly need some freedom from such petty annoyances."

"As regards the other arguments in favour of this amendment, I am afraid I cannot improve on the arguments stated in some of the dissenting minutes appended to this Bill in the Report of the Select Committee. They are some of the most enthusiastic supporters of the Bill who, irrespective of the place they occupy in this House, have shown themselves zealous to help the hon. the Law Member to push forward this Bill. At page 44 of the Report of the Select Committee, let us see what three distinguished Members of the House, my hon. Friends, the Raja of Chellapalli, Dr. Subbarayan and Mr. Bhanoji Rao, have said:

"Section 45: Taxation of water obtained by percolation has been objected to by every publicist ever since the amending Act of 1900. A provision like this is unknown to the Irrigation Act of the other provinces excepting Bombay where, however, there are adequate safeguards provided for. There is absolutely no justification why the Government should be empowered to levy water-cess for percolation for the supposed benefit conferred on the landholder by percolation. The informal Committee which sat on the draft Irrigation Bill was opposed to it without making the Government liable for damage caused to the landholders' lands by percolation. The informal Committee a substantial minority were opposed to taxation of water obtained by percolation under any circumstances."

"If you want the Select Committee, please have it. The Select Committee has by a substantial majority decided against taxing water got by percolation. When I proposed that the Bill be referred back to the Select Committee it was argued that the Select Committee had discussed everything in full and that there was no use in referring the Bill once more to the Select Committee. But now it is attempted to go against the conclusions of the Select Committee. We must either accept the one thing or the other."

The hon. the PRESIDENT:—"It is not a substantial majority but a substantial minority that was opposed to the taxation of water obtained by percolation."

Mr. S. SATYAMURTI:—"I stand corrected. It is a minority. But I cannot but oppose this principle of taxing water got by percolation. Let me read what my hon. Friend, Mr. Krishna Rao, who leads this section of the House and who is an enthusiastic supporter of the Bill, says:

"It is not possible to justify on principle the levy of water-cess on land irrigated by percolation. On the whole, I consider it desirable to delete the provision for the levy of water-cess on land irrigated by percolation." (Page 53 of the Report of the Select Committee.)

"Last but not least my hon. Friend, Mr. P. Siva Rao, who strongly opposed my motion to refer the Bill back to the Select Committee, equally strongly says:

"I am strongly opposed to the insertion of the words 'by percolation or drainage,' in this clause."

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"I have a galaxy of supporters and the amendment is fathered by Mr. Muniswami Nayudu and supported by the hon. Member from Chingleput. In spite of the weak arguments of the Revenue Secretary and the hon. the Law Member who simply told us that this is one of the fundamentals of the Bill and did not advance any other arguments. . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I may say that the House must be prepared to lose a sum which, according to approximate calculations, would amount to 40 or 50 lakhs."

Mr. S. SATYAMURTI :—"The hon. the Law Member says that this House should be prepared for a loss of forty or fifty lakhs according to approximate calculations; but I do hope that the House is not going to act in a cheese-paring manner where the fundamental rights of the citizens of His Majesty's Government are concerned. We must put an end to this perpetual harassing. What are forty or fifty lakhs worth against the freedom from the petty tyranny of the subordinates of the Government? I am prepared to face the catastrophe of the probable loss of forty or fifty lakhs of rupees, if I can get something like real freedom for the ryots of the Presidency from these petty harassings. I hope the amendment will be accepted by every side of the House, in spite of the speech of the hon. the Law Member."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I am one of the staunchest supporters of the Bill, and I want the Bill passed into law probably much earlier than the hon. the Law Member himself desires. The question here is with regard to the sum derived by the Government by taxing water derived by percolation. This question has been asked for a very long time and no definite figure has been given."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The difficulty of the matter even in attempting to get an approximate figure is this: In land in the Godavari and other deltas there is field to field irrigation. It is impossible to determine what portion of that irrigation is by percolation and what is merely an indirect flow."

Mr. C. V. VENKATARAMANA AYYANGAR :—"That was exactly what I said. The loss to the Government would not be forty or fifty lakhs if you take only percolation into consideration. I thank the hon. the Law Member for the very conciliatory way in which he has so far proceeded with the Bill. But it was unfortunate that he should have said that this was one of the fundamentals of the Bill. I appeal to him to show whether he would get even one lakh by charging water got by percolation. When such is the case, this clause would only be putting a sword in the hands of the lower subordinates of the Government who will harass the ryots to pay a few rupees. The ryots will rather pay a few rupees than subject themselves to the trouble, the expense and annoyance of going to a court for the sake of a few rupees. But suppose I am a litigant and I go to the court. Then the Government must prove that the water was 'necessary, beneficial to and sufficient for' the requirements of the crop on such land. I can raise this question on every land for every year. If I am an influential man, I can command a lot of evidence to show that it was not sufficient, necessary or beneficial to the crop on my land. The question will be raised only long after the crop had been harvested and removed; and the Government will not at all be able to prove their case."

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They would have to engage a Government pleader and pay him. If it is an original suit, then the pleader will have to be paid both for conducting the original suit and the appeal. All this for a few rupees. In this way, I can raise the question on every land for every year. Then it is not a question of law, but it is a question of fact which the Government will find it very difficult to prove. Therefore from the tax-payer's point of view, interested in the Government finances, I challenge the Government to show whether they would get forty or fifty lakhs from this source. So far as Coimbatore is concerned, I am sure the sum will be very little. This will only be a source of expenditure to the Government. I finally appeal to the hon. the Law Member to accept this amendment in view of the fact that the interests of the general tax-payer will not be seriously affected and in view also of the fact that a large majority of the House are pressing it."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Mr. President, Sir, I also support this amendment; my views have already been adverted to by the hon. Member for the University. At the time when this Bill was introduced, objection was taken to the provision for the levy of water-cess on land irrigated by percolation. Seven or eight months have elapsed and it has not been possible for the Government to give us the actual loss that would result to the Government if this source of taxation was abandoned. Therefore I find it difficult to accept the figure given by the hon. the Law Member, viz., that we would be losing approximately forty or fifty lakhs if we do not levy cess on lands irrigated by percolation. There has

3 p.m. been no exact information as to the possible loss, and if there has been any remissness, it is on the part of the Government in not having placed before us complete information. In addition to it, I would request the House to consider what will be the effect of provisos (a), (b) and (c) of the clause which has already been passed by the Select Committee. These provisos cover cases of cultivation by percolation. Are we to understand that even after these provisos have been passed assuming that they have received the assent of this House that the loss of revenue would be something like forty lakhs? Proviso (a) says that no such cess shall be levied—

'on land irrigated by wells on the ground that the wells derive water by percolation from an irrigation work'."

Mr. E. W. LEIGH :—"These have already been exempted."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I quite understand it. I am only trying to know whether notwithstanding the exemptions, the contemplated loss of revenue is something like 40 lakhs. I find it difficult to accept that position. My second point is this. I cannot agree with the hon. the Law Member when he says that he considers this as a fundamental principle of the Bill. If you take the early history of the Bill, it will be found that the Bill was intended not for the purpose of bringing in the Irrigation Cess Act or for the levy of a water-cess. At a later stage in the history of the progress of the various Bills, the Government suggested that they must have a provision for all the purposes relating to irrigation. I mention this to say: let us not cloud the issue before us by saying that this is a fundamental principle of the Bill simply because it affects the revenue."

"The third point that I wish to mention is this: We find that in the Irrigation Act of most of the provinces in India, with the exception of Bombay where the provision is found to exist with some safeguards, there

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is no levy for percolation. Why is it that they have exempted it there; is it to be supposed that they did not apprehend a loss of revenue? I believe that it must have been done on the ground that it is not a correct source of levy. There may be a loss of revenue and should there be a loss, the Government must find some other means for making it up. To justify a principle which has been accepted is, I think, not a correct procedure to follow. For these reasons I support the amendment."

Mr. P. ANJANEYULU :—"At least so far as the deltaic taluks are concerned, the lands irrigated by percolation are very limited. They are small slices of land situated within wet ayacut half of an acre in extent or one at the most. They are brought under this head of percolation. And possibly whatever figure the Government may arrive at in the form of getting the cess from these lands which are cultivated by percolation, it is not a cess that is levied at present, but it is a penalty, sometimes five and sometimes even twenty times the usual cess. Even in cases where the land which is irrigated by percolation yields a crop from two to four annas, that is what is actually happening in the districts in the delta. There is also drainage irrigation and other sources which are put together under this heading of percolation. It is in that way, I think, an amount of about 20 lakhs may be said to accrue to the Government coffers from this source. But if we take percolation simple and proper, I do not think it comes to anything very material in the form of revenue to the Government. We understood from the speech of the hon. the Revenue Secretary that only when a full crop was grown that there would be a levy. There is no provision so far as I can see to the effect that the cess will only be levied when a full crop is grown. There is, of course, the proviso (b) to clause 45. But the unfortunate position of the ryot is this. In the deltaic taluks where the land is not included in the wet ayacut it is not possible for him to raise any dry crop and he cannot ordinarily raise wet crop except on times when there is enough of water by percolation. It so happens that unless there are very heavy rains in the ordinary course of things, the water that is supplied to these fields is hardly sufficient for the crop thereon. There will be, therefore, not much of water by percolation to these small slices of land. It is not mentioned in proviso (b) of clause 45, how much of wet crop is to be raised and how much of dry crop to be irrigated. For this and for the other reasons already advanced by other hon. Members, I heartily support the amendment of my hon. Friend, Mr. Muniswami Nayudu."

Mr. T. R. VENKATARAMA SASTRIYAR :—"I must confess to a feeling of surprise that this has evoked so much opposition on the part of hon. Members of this House. I agree in that percolation if it stood alone under the enactment now in force might give rise to trouble. I can understand people taking objection to percolation being ahead of revenue under the law as it stands now. The law as it now stands is that, if in the opinion of the Collector the percolation was beneficial and sufficient for the requirements of the crop, the tax can be levied. I take it that the hon. Member from Coimbatore refers to difficulties in the administration of revenue in the matter of irrigation by percolation under the existing state of the law. We considered the question of having percolation in this clause, whether it should be retained or got rid of entirely. I am not now charging my memory nor am I asking the House to accept by what majority it was passed. I am not going to refer to that at all. We have got the fact that it was accepted by the Select

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Committee and is introduced here in this clause and from the clause as passed by the Select Committee, you have got what seems to be an adequate safeguard against its misuse which might perhaps be apprehended under the Acts now in force. But there is no room for any misapprehension under the clause as brought before the House by the Select Committee. They have introduced the words 'necessary, beneficial and sufficient'. They have introduced the three provisos to the clause, and I take it that the hon. Members who are objecting to percolation as irrigation for which revenue can be exacted, grant that water by percolation is necessary, found to be beneficial and sufficient for the requirements of the crop. I take it that they grant these. They grant also that the irrigation by percolation produces the wet crop of the land. Granting all that, do hon. Members suggest that no tax should be levied? They may have a full wet crop. I am taking it only for the purpose of an illustration. In some years as in the case of other modes of irrigation, the crop realized may be 75 per cent. I am taking the case of a full crop being realized by water by percolation. Is it the idea put forward by hon. Members who have spoken for the motion that when you get all the water necessary for the cultivation of the crop, the water is beneficial to the crop and sufficient for the crop and the full crop is realized, yet the tax should not be levied? Objection is intelligible as against the provision which existed under the old Act where the opinion of the Collector, and not the fact of the water being necessary, beneficial or sufficient, could justify the levy of the tax. We have now introduced the safeguards and the provisos which should take away all the objections to the levy. I am free to confess that even before the introduction of the Bill I suggested that the word 'percolation' may be omitted from the law as it then stood. When it came for discussion after the Bill was introduced, we thought it necessary, in order to get rid of the difficulty, to introduce the safeguards referred to. Speaking for myself, I am satisfied that these safeguards are quite sufficient. I only wish that hon. Members of the House will remember that with all the facilities for irrigation, with the raising of the full crop on the land, the idea of the amendment is to prevent the levy of the tax."

Mr. P. ANJANEYULU :—"If all these conditions are fulfilled instead of having this clause, is it not left to the Government to convert that land under the wet heading and levy all the tax leviable under that head?"

Mr. T. R. VENKATARAMA SASTRIYAR :—"It is only in cases where a permanent supply for all time can be guaranteed that such a conversion will be possible."

Mr. P. PEDDIRAJU :—"If the hon. the Advocate-General has stated the fact that proper safeguards have been laid down, I want to say that it is not the tax that oppresses the people but it is the tyranny and the difficulty that is experienced by the rules that compel us to vote for the amendment. So the safeguards are not sufficient for the people. On the other hand we shall be glad to support the Government if they want to levy the tax provided they remove percolation here and introduce it elsewhere that percolation would be taxed whenever the land is irrigated and crops are raised with its aid. We only want to be saved from the petty tyranny of the officials."

"One other point that I want to mention is this: The hon. the Law Member referred to the Godavari delta. So far as that delta is concerned, I know that not much of wet crop is taxed for percolation. Percolation charges are

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levied only on dry crops so far as the delta is concerned. The tyranny we are now experiencing is too much. Whenever a man raises, so to say, even say three plants near a canal, the Government at once says that the plants have been benefited by percolation and are liable to be charged water-cess. In some cases I know that a penalty has been levied for raising only two or three plants on ten cents. That is why we feel compelled to vote for the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"My hon. Friend, Mr. Peddiraju, said that penalty would be levied for percolation. I beg to differ from him. As the wording now stands, if we take section 107, the word used there is 'taken'. There it is an act of the person who takes it while here it is a case of involuntary flow by percolation. If we examine the provisions of clause 45, they cover three classes of cases, (1) where water is supplied by Government, (2) where water is taken by the individual and (3) where water gets into the field without any human agency. We are now dealing with the class of cases where water gets into the field without the aid of any human agency. I do not think the provisions of the section 107 as they stand apply to the class of cases where water finds its way into a field not on account of any human agency but as a natural flow."

Mr. P. HAWKINS:—"May I ask, Sir, whether the construction of a work of irrigation is not a human agency and water that flows from such a work of irrigation could be considered as a natural flow?"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"As I have already said, clause 45 covers the three classes of cases which I have mentioned."

"The cases that are covered by paragraph 2 of clause 45 are cases that refer to natural overflow either by outward, external or internal flow, namely, percolation. In paragraph 2 such cases are referred to. Clause 107 refers to class of cases in which water is taken, that is, where water is supplied by direct channel, where water flows by means of external or internal flow or by percolation and the imposition of penalty is provided for. Therefore, I believe that there is sufficient safeguard for this class of irrigation being penalized under any circumstances. I hope the expert Member will corroborate my statement by an exposition of the law, as the wording stands."

Mr. P. PEDDIRAJU:—"May I make a personal explanation, Sir? The word 'taken' is newly put in. In the previous Bill the word 'used' was found. Even now, I think, Mr. Legh wants to put in the word 'used' instead of 'taken'."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I must say, Sir, that I have been greatly instructed by the discussion that has taken place and if I add a few words after the remarks that have fallen from the Advocate-General, it is solely for the purpose of meeting some of the specific arguments that have been raised by some of my hon. Friends."

"I shall first deal with the question of the petty tyranny of the Irrigation officer to which testimony was feelingly borne by more than one speaker. As to that I may say that all taxation in one sense may be utilized as a means of petty vexation or tyranny, and I do not think that by merely putting in or taking off the word 'percolation' you are going to alter the incidence of that tyranny. For, remember there is the question of the indirect flow,

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and if there is going to be petty tyranny exercised with regard to percolation, that tyranny may be more emphatically and more strikingly utilized in the case of indirect flow and similarly in the case of drainage. But after all it seems to me that after the safeguards which the House has introduced regarding the class of irrigation officers who have to function, unless we are prepared to say that *ipso facto* every Irrigation officer, of whatever grade he may be, is bound necessarily to be a petty vexatious tyrant, I do not think that that argument can hold water. At all events, I do not think that that argument needs very much consideration at the hands of this House as the determining factor in regard to this question."

"I then come to what has fallen from my hon. Friend from Nellore, that the original object of the measure was solely to regulate the obligations and the rights of the State in regard to the control of water and the question of the consolidation or the codification of the irrigation cess law came in afterwards. If that be so, if hon. Members are willing to stop with chapter 4 and finish the last two chapters and leave things as they are, everything would be all right. But it was because there was some kind of discontent that the Cess Act as now functioning and as worked led to hardships, and as hon. Members wished to get over these hardships and eradicate these difficulties, we ventured to introduce such a chapter as this. It has been pointed out, if I may say so, effectively, by the Advocate-General that whereas under the present Cess Act the opinion of the Collector is to be the final test in matters like this, here it is a substantial showing or demonstration that water coming by percolation should be necessary, beneficial to and sufficient for the requirements of the crop. The position may be shortly put thus. This provision does not apply unless you are able to raise by percolation, on land irrigated by percolation, a wet crop or an irrigated dry crop. I cannot understand what objection this House can have where a man cannot raise a wet crop or an irrigated dry crop except by water which he gets in this manner and in no other manner. It is not water rising by a spring in his own land. It is water coming by a process, which if it flowed in a defined channel the Government are entitled to regulate and charge for. Let me point out also that in many of the delta tracts in the absence of field channels, field-to-field irrigation takes place partly by direct flow and partly by percolation. It is that circumstance that made it difficult for us to collect the figures regarding percolation. My hon. Friend from Nellore charges Government with what may be called remissness. It is not remissness, but the fact is we want a kind of survey of every field in order to determine the area cultivated by percolation or otherwise. It is not now entered in the registers separately. We have to find out how much water in the field channels goes by percolation and how much by direct flow, and that will lead to a tremendous and elaborate investigation, and so the figures we have got are necessarily tentative and necessarily experimental. Now it has been pointed out that the decisions of the courts to-day are that the Collector's opinion that a land derives benefit is final. Now we have taken that away. We have made it a matter which can be litigated upon and on which we can say that the land did or did not derive benefit from percolation."

"I have only two more arguments. As I said, there is no separate account maintained, and it is impossible therefore, unless you institute a

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urvey, to find out the exact figures. There is, therefore, no question of omission. Now, it seems to me, Sir, that if revenue from percolation is to be given up, there is no reason shown for all these safeguards. The revenue may not be 40 lakhs, but supposing it is only one lakh or two lakhs, why should we give up under this Bill the revenue which we are getting now, especially as all these safeguards have been put in. The policy underlying the action of the Government in this matter is this. We do not wish to take more powers. We wish to regulate our powers, and we do not want to lose any revenue that we are now getting. We have not come forward here to offer or make gifts either to ryotwari landholders or zamindars. Let the tax-payer remember that there is absolutely no reason why we should deprive ourselves of revenue which has been legitimately got and got for 30 years under an Act passed by this Council. Also let us remember that there are no justifications, no grounds either denying or negating our right to revenue derived from percolation, when we make it clear that no land will be charged for percolation unless a wet crop or an irrigated dry crop is raised by means of percolation and by water which can be derived *prima facie* from no other source."

The motion was put to the House and declared carried.

A poll was taken on the amendment and the House divided as follows:—

Ayes : 43.

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| 1. Mr. S. R. Y. Ankineedu Prasad Bahadur. | 23. Mr. K. Koti Reddi. |
| 2. Mr. D. Appavu Chettiar. | 24. " C. Maruthavanam Pillai. |
| 3. " H. B. Ari Gowder. | 25. " S. Muttayya Mudaliyar. |
| 4. " A. V. Bhanoji Rao. | 26. " P. Peddiraju. |
| 5. Rao Bahadur Cruz Fernandez. | 27. Rao Sahib U. Rama Rao. |
| 6. Mr. B. Mahabala Hegde. | 28. Mr. P. Siva Rao. |
| 7. " T. Mallesappa. | 29. " T. Adinarayana Chettiar. |
| 8. " P. N. Marthandam Pillai. | 30. " K. Sitarama Reddi. |
| 9. " B. Maniswami Nayudu. | 31. " K. Chavadi Subrahmanya Pillai. |
| 10. " C. Muttayya Mudaliyar. | 32. Diwan Bahadur M. Krishnan Nayar. |
| 11. " K. Prabhakaran Tampar. | 33. Mr. R. Veerian. |
| 12. " A. K. Raghubhadrachandra Ballana. | 34. " K. Venkatachala Padayachi. |
| 13. " B. Ramachandra Reddi. | 35. Rao Bahadur C. Venkataranga Reddi. |
| 14. " A. Ramaswami Mudaliyar. | 36. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 15. " P. Sagarani. | 37. Mr. Abbas Ali Khan. |
| 16. " J. D. Samuel. | 38. " Abdul Hye Sahib. |
| 17. " K. Sarvarayudu. | 39. " R. Brinivasa Ayyangar. |
| 18. Rao Bahadur A. S. Krishna Rao Pantulu. | 40. " Sami Venkatachalam Chetti. |
| 19. Mr. K. Uppi Sahib. | 41. " P. C. Venkatapathi Razu. |
| 20. " S. Satyamurti. | 42. " O. V. Venkataramana Ayyangar. |
| 21. " P. Anjaneyulu. | 43. " B. Venkataratnam. |
| 22. " C. Gopala Menon. | |

Noes : 24.

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| 1. The hon. Kian Bahadur Sir Muhammad Habib-ullah Sahib. | 13. Mr. G. F. Paddison. |
| 2. " Sir Arthur Knapp. | 14. Dr. John Mathai. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 15. Mr. S. Arpudawami Udayar. |
| 4. " the Raja of Panagal. | 16. Rao Sahib T. C. Mangavelu Pillai. |
| 5. " Rao Bahadur Sir A. P. Patro. | 17. Honorary Lieutenant Madurai. |
| 6. " Diwan Bahadur T. N. Sivagnanam Pillai. | 18. Rao Bahadur C. V. S. Narasimha Raju. |
| 7. Mr. R. W. Davies. | 19. " T. A. Ramalinga Chettiar. |
| 8. " P. Hawkins. | 20. Mr. J. A. Saldanha. |
| 9. " E. W. Legh. | 21. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 10. " P. L. Moore. | 22. Mr. R. Srinivasan. |
| 11. " T. B. Venkatarana Sastriyar. | 23. " P. V. S. Sundaramurti. |
| 12. " S. Varada Achariyar. | 24. Rai Bahadur T. M. Narasimhaachari. |

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Neutrals : 7.

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| 1. Mr. J. A. Davis. | 5. Mr. C. Ramalinga Reddi. |
| 2. " B. Obalesappa. | 6. " A. Ranganatha Mudaliyar. |
| 3. Rao Bahadur P. Raman. | 7. " V. C. Vellingiri Gounder. |
| 4. Rao Sahib P. V. Gopalau. | |

43 hon. Members voted for the amendment; 24 voted against it; and 7 remained neutral. The amendment was carried, and the suggested omission was made.

Mr. E. W. LEGH:—"I beg to move:

'In paragraph 2 insert the word "or" between the words "necessary" and "beneficial".'

"I have no doubt that the House knows quite well what the meaning of this amendment is. The word 'necessary' was inserted in 3-30 p.m. this section by the Select Committee, and the word standing as it does alters the whole force to the section. Hon. Members will remember that the original wording was

'charge should be levied when the water is beneficial to the land.'

Now the insertion of this word 'necessary' makes a very great difference. Hon. Members know that there are a large number of crops which can be grown as dry or wet. It seems to me that it will be quite impossible to show that water was necessary for these crops. My hon. Friend, Mr. C. V. Venkataramana Ayyangar, who is a staunch supporter of the Bill, has himself admitted that this will be the effect. It is for that reason that I feel it to be very necessary that we should be clear as to what we are doing. If it is intended that no charge should be levied on irrigated dry crops, it should stand as it is. If it is intended to charge for water when it is beneficial to the crops, then it is necessary to insert the word 'or'. Otherwise you cannot charge for the supply of water to the dry crops. For that reason the House should vote for this amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In seconding the amendment I desire to say this: At one time, I must say, the full significance of the clause as it now stands was not adequately perceived. As the clause now stands, three separate requisites have to be proved. The water supplied should be necessary and sufficient. Supposing water comes in, is beneficial to the crop and is sufficient for the crop, even then you are not entitled to charge unless you show that no crop can be raised without that water. It seems to me, as pointed out by Mr. Legh, that where it is necessary there is no doubt that it must be charged. But it seems to me not inequitable to charge where it is beneficial to the land. If some little water is available, if the addition of that water is beneficial and sufficient for the requirements of the crop, I do not see why it should not be charged. Water may come to the land, it may be actually beneficial and sufficient for the crop, yet if the ryot can show that without it he may raise some kind of crop and says, 'It was not necessary; I might have got on without it,' then it must not be charged. It is a matter for the earnest consideration of the House whether that state of affairs should be allowed."

Mr. C. V. VENKATARAMANA AYYANGAR:—"My name has been referred to by the Revenue Secretary and I do repeat that I am one of the staunch supporters of the Bill."

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"He said that the hon. Member was one of the staunchest supporters of the particular omission."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Also that. It is very difficult now to understand whether the word 'or' separates 'necessary' from both the other words or only from the word 'beneficial'. Of course it will be for the court to decide."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not want that there should be any confusion. 'Necessary' is one category; 'beneficial' plus 'sufficient' is another category."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Then I am led to oppose. I thought 'sufficient' may go with 'necessary' also. There may be a number of crops which find water necessary. But water that may come may not be necessary and sufficient at all. Am I to be taxed? There are a number of wet crops and for every wet crop water may be necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think I shall be able to consider some such proposition: 'is either necessary or beneficial therefor and sufficient'."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I shall only ask whether 'necessary' may not be taken away. Supposing there are some crops which find water necessary and sufficient but sometimes over-sufficient in these days of floods?"

Mr. T. R. VENKATARAMA SASTRIYAR:—"Do I understand the hon. Member to say that the word 'necessary' need not be there?"

Mr. C. V. VENKATARAMANA AYYANGAR:—" 'Necessary' was a compromise to retain 'percolation'. Now what I say is the word 'necessary' may not be absolutely necessary; some other word may be found. 'Sufficient and beneficial' are quite necessary. As I said at first it would be very difficult for a court to decide as to what this word 'or' would signify. The hon. the Law Member said that there may be irrigated dry crops. Even there it may be considered to require water. The amendment as it is will be equally dangerous. I have been always trying my best to see that unnecessary litigation is avoided."

The amendment was by leave withdrawn.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In order to obviate any verbal misconception that might arise I move, Sir, that the following words be inserted in the place of 'necessary, beneficial to and sufficient':—"necessary or beneficial to and is also sufficient'."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I second it."

Mr. C. V. VENKATARAMANA AYYANGAR:—"So far as I am concerned there is no difficulty."

The amendment was then put to the House and carried.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I beg to move:

'Omit items (a), (b), (c) of the proviso and re-letter the subsequent items.'

"This follows from the result of the vote to omit the words 'or by percolation.' Now that the House has agreed to the omission of those words this amendment is only consequential."

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S. R. Y. ANKINEDU PRASAD Bahadur:—"I second it."

Mr. B. MUNISWAMI NAYUDU:—"May I just refer to amendment No. 227 on the paper? For, Sir, if the omission of (b) is accepted by the House, then this amendment cannot afterwards be moved. The object of the amendment is this. In section 45 we have omitted the words 'or by percolation.' But we retain the words 'or indirect flow'. As it is, if we omit the entire sub-clause (b) then it might be open to the Government to say that indirect flow includes water got by percolation. It is therefore necessary that a safeguard should be made in that direction so that water got by percolation may not be made taxable. I would therefore suggest that the amendment No. 227 be put first and then amendment No. 224."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I submit, Sir, that that cannot be considered apart from the aspect as to whether my hon. Friend's apprehensions are justified. Now, having taken 'or by percolation' it is meaningless that we should retain the sub-clauses (a), (b) and (c). My hon. Friend may bring in some other amendment for the purpose if he thinks it necessary."

Mr. B. MUNISWAMI NAYUDU:—"I rise only to explain myself clearly. If this amendment is accepted, the original section 45 will stand, and there will be no proviso and water 'by indirect flow' may also be charged. Water by percolation is not specifically included under water on which no cess should be levied. It may be that it is not the intention of this House to charge that water. But I take it that decisions of courts are not influenced by what pass here and they take into consideration what is actually in the Statute. I therefore say that that amendment might be disposed of first."

Mr. T. R. VENKATARAMA SASTRIYAR:—"A clause in the sense suggested would be necessary if it is taxable on the main section. If percolation does not come under it at all there is no question of taxation. What you have made taxable under the first two paragraphs you take out by these provisos by saying that these cases are not for taxation. There is no reason to introduce a proviso because all provisos are to be taken out of the section. If on the other hand the courts might be misled I think an amendment must be made to take out the words 'indirect flow' or the section itself must be amended in some other suitable manner. There is really no case for the apprehension."

Mr. B. MUNISWAMI NAYUDU:—"I thought the Advocate-General was going to tell us that the words 'indirect flow' do not include water by percolation. We are prepared to allow 'indirect flow' in the section only when it passes from field to field. We only say that indirect flow by percolation should not be charged."

Mr. T. R. VENKATARAMA SASTRIYAR:—"There is really no flow in percolation. I may offer an opinion. My opinion does not govern the decisions of the courts. So far as I am concerned, I may say there need be no apprehensions that indirect flow will include percolation. I would only add that a remedy could not be sought in a proviso."

Mr. J. D. SAMUEL:—"May I suggest that it be made clear that indirect flow does not include percolation? I think that would satisfy all concerned."

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The hon. the PRESIDENT :—"I will now put the amendment of Krishna Rao to the House so that if the House decides to omit the clauses then there is nothing to prevent the House from going back to the amendment that Mr. Muniswami Nayudu wants."

Mr. B. MUNISWAMI NAYUDU :—"May I suggest, Sir, that amendment No. 227 be first put and then amendment No. 224?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"It will probably be convenient if we put each clause separately. I think that would avoid difficulty."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I move, Sir, that item (a) of the proviso to sub-clause (1) be omitted."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I second it."

The amendment was put to the House and carried.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I move that item (b) of the proviso to sub-clause (b) be omitted."

Mr. K. SITARAMA REDDIYAR :—"I second it."

Mr. B. MUNISWAMI NAYUDU :—"Sir, I move :

'For item (b) in the proviso, substitute the following :—
" (b) on land irrigated by percolation."'

"I have stated my reasons already and I hope the House will accept the amendment."

Mr. K. CHAVADI SUBRAHMANYA PILLAI :—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"While I am as uncertain as any other hon. Member of this House as to whether the particular connotation of the words 'indirect flow' will include percolation, yet, I may be permitted to say that it would not involve the idea conveyed by percolation. Percolation is a thing which cannot be defined as a flow, which cannot run in a particular flow and therefore there is no question of a flow in any percolation. But on that ground, of course, hon. Members need not be guided by the discussions on this matter in this House; because the courts may construe it in a particular way. I only wish to say that the more logical way would not be to provide for it in a proviso."

Mr. C. V. VENKATARAMANA AYYANGAR :—"In that case, Sir, I may appeal to the hon. the Law Member himself to suggest in what direction the remedy lies. It is said here 'by indirect flow'. There might be a small hole underneath and water may flow through it. If we all agree that percolation should not be charged, then I would appeal to the hon. Law Member to say how we can take away that risk. That will be sufficient for our purpose. If anything else is suggested we will readily take it."

The hon. the PRESIDENT :—"I will now put the amendment to omit sub-clause (b) to the vote because I cannot regard it as an amendment to an amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I would suggest that the amendment of Mr. Muniswami Nayudu be put first."

Mr. B. MUNISWAMI NAYUDU :—"Once the main amendment is put, it would be afterwards said that (b) has been decided upon and that under some rule we cannot re-open it."

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The hon. the PRESIDENT :—"I think the Advocate-General will agree with me that if the motion to omit (b) is first put and if it is not carried there is nothing to prevent Mr. Muniswami Nayudu from proposing his amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"On the other hand, if I may venture to say so, I think this is one of those classes of amendments which might be put first. It will tend to the convenience of the House. For, if the words 'on land irrigated by percolation' are going to be inserted, it has got to be done affirmatively. From the point of view of convenience, while it is open to the President always to choose the order in which an amendment and an amendment to an amendment should be put, in this case since it would be more easy, I would suggest that the amendment moved by the hon. Member from Chittoor may be put first."

The amendment of Mr. Muniswami Nayudu was put to the House and carried.

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

'that item (c) of the proviso to sub-clause (1) be omitted'."

Mr. P. SIVA RAO :—"I second it."

The amendment was put to the House and carried.

Mr. K. SARVARAYUDU :—"Sir, I move :

'In item (d) of the proviso omit the words "in an estate".'

"The object of this amendment is this. The landholder is given a certain quantity of water under section 19, and what I say is that he must be permitted to utilize the whole quantity of water given to him under that section. For instance, he may cultivate a greater quantity of land by the use of that water whether it be in his estate or outside the estate or he may utilize the water for minor *inam* lands situated in his estate. So in all these cases, when once the quantity of water given to him is limited under section 19, he must be free to use that quantity of water as he likes."

S. R. Y. ANKINEDU PRASAD Bahadur :—"I second it."

Mr. E. W. LEGH :—"I oppose this amendment. The object of this amendment primarily is to give the landholder, as stated, certain rights to use water which appropriation entitles him to under clause 20 as amended. Now, in the first instance, the water appropriated as defined in the Act is merely an attempt to reduce to a legal form the amount of water to which the landholder is entitled under the terms of the permanent settlement. The terms of the permanent settlement do not entitle the landholder to use the water outside his estate. He is granted an estate and he is given rights to use water within that estate and not outside it. Therefore, in the first instance, this amendment is not in accordance with the law existing at present. I want to point out another difficulty which arises out of this proposal and that is this. If these words as proposed in the amendment are omitted, it would give power to ryotwari holder to use water for lands other than those in respect of which his right accrues. Obviously, a wet landholder can get rights only for his wet lands and not for dry lands outside. Similarly, a man holding a dry land which has been irrigated for a term and which entitles him to special rights over water is entitled to use the

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water for that land alone. He cannot use the water outside that land. Therefore, it seems to me that this amendment makes a confusion of the Act, besides introducing a principle which is contrary to the terms of the settlement."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I have also given notice of the amendment, though I have put a different interpretation on it and intended it for a purpose different from the one suggested by the hon. Mover. It will be seen that the discussion so far has bearing upon proviso (e) which is to the effect that :

'No cess shall be levied on land of a landholder outside his estate irrigated with the water so appropriated provided that the land is owned by the landholder'.

"It is with reference to this proviso that notices of further amendments have been sent, which will come separately. But so far as this amendment is concerned, it is suggested that these words should be omitted. The effect of the omission will be that no cess shall be levied on land irrigated with the water appropriated under section 19. My reasons are these: If, so far as we have given rights of appropriation to land in an estate under section 19, we agree that no cess shall be levied, why should it be levied in case of land not situated in an estate? I am not in a position to find any justification for that position, because it will be found that under section 19 which we have passed there is provision for rights of appropriation not only for lands in an estate but also for lands which are not included in an estate. Having given rights for lands not included in an estate—I invite attention to section 19—, are we justified in limiting them here to lands in an estate? That is the reason why I have given notice of the amendment. It is reasonable that, so far as rights of appropriation have been provided for, we must treat all lands alike."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, I think it may now be admitted on all hands that the words in section 19 are inadvertently used. What this clause really intended to cover were (a), (b), (c) and (f) of the present clause 20 and I think to that effect the hon. Member, the Revenue Secretary, has given notice of an amendment. I do not think there will be any opposition to that. Therefore, we may confine our attention to the discussion of this clause with the understanding that it refers to cases coming under (a), (b), (c) and (f) of clause 19."

Mr. E. W. LEGH :—" As worded here it covers the whole clause."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" That is why I say that the words are inadvertently used. It may be on account of some oversight."

Mr. T. R. VENKATARAMA SASTRIYAR :—" As it is, the words 'in an estate' mean necessarily 'water carried to that estate'. So it was not considered necessary to state it more explicitly."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" If that interpretation of the Advocate-General is to hold good, then, I think, Mr. Legh need not move his amendment. I want to know whether that is the idea of the Government. The Advocate-General has to advise us on the point. Let us have a clear mind on that. Mr. Legh does not sit here as a private Member, nor does the Advocate-General. One is the Secretary to the Government and the other an expert Member. Are they going to move that amendment or not? If that is, we may proceed with the discussion of this amendment."

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Mr. E. W. LEGH :—" 'Land in an estate' under section 19 may refer not only to an estate land which has obtained right to water but also to dry lands in an estate which have been receiving water for a period which entitles them to irrigation and which should be liable to pay water-cess. So this clause as worded does not correspond exactly to that clause."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I think that is why amendment No. 230-A was given notice of subsequently."

Mr. E. W. LEGH :—" That covers the whole case and if that is passed, I do not think anything else is necessary."

Mr. S. VARADA ACHARIYAR :—" I should like to point out one thing to the House. In section 19, as it stood in the Bill, appropriation is given in two forms, one with reference to the extent of the land in particular cases and the other with reference to the quantity of water in other cases. Where the appropriation is defined with reference to the extent of the land, there is no question of the same quantity of water being used for irrigating other lands as well. It is only in cases where appropriation is defined by a quantitative test that the possibility of some of the water being used for other lands than the area under cultivation at a particular time will arise. Therefore, when in section 45 it is sought to exempt land irrigated with the appropriated water, it is to be read with both classes of cases. If, for instance, reference is to be made only to clauses (a), (b), (c) and (f), it is certainly not the idea as regards the other clauses to levy cess. But the possibility of some quantity of water being used for lands other than those under cultivation at a particular stage will arise in cases where the extent of right is defined with reference to the quantity of water and not with reference to acreage. That is why the proviso (d) to clause 45 is put in. The idea was that the right is really appurtenant to the estate and not a right in gross and the landholder cannot say 'I will use the water as I please, I will sell it' and so on. But a possibility was suggested that a landholder might hold a land outside the estate; and to meet such cases proviso (e) was added, so that if the same landholder owns land near the estate, he can use the water for that land also."

Mr. K. SARVARAYUDU :—" The position is this. Suppose there are certain minor inams within the estate and suppose the water is used for the minor inam lands also. Then is there any liability to pay cess? Is the landholder not at liberty to give the water to minor inams without paying any cess?"

The hon. Mr. O. P. RAMASWAM AYYAR :—" I am afraid I am absolutely unable to accept this amendment, because what would be the result if it is passed? The words 'in an estate' will be omitted and the clause will apply to ryotwari tracts also and the result will be that practically dry lands may escape cess. Is that the result contemplated by my hon. Friend? The moment water is appropriated, that water is taken away and dry lands escape cess. The other result is that, so far as estate lands are concerned, the landholder can not only use the water to minor inam lands but can also sell the water to anybody he likes. Is that the result, I ask, contemplated by the House?"

The amendment was put and negatived.

[13th November 1924]

4-15 p.m. Mr. E. W. LEGH:—"I move the following amendment:—

"In item (d) of the proviso for the words and figure "under section 19" substitute the words, letters and figure "under explanation (a), (b), (c) or (f) in section 20"."

"Mr. President, Sir, this amendment is intended to make this section fit in with the amendments to section 20. Under that section, we have included under the heading of appropriation the case of wet lands in ryotwari areas irrigated with Government water and the case also of dry lands irrigated with Government water. Neither of these two classes of lands is entitled to free irrigation although they have a right to a definite amount of water. On the other hand, the areas in cases covered by (a), (b), (c) and (f) are all estate lands which are entitled not only to appropriated water but also to have that water free of cess. I hope this amendment suitably covers the case."

Mr. P. HAWKINS:—"I second it"

The amendment was put and carried.

Mr. B. MUNISWAMI NAYUDU:—"I move the following amendment:

'(i) After item (d) insert the following:—

"(e) Where control is assumed over any irrigation work of the kind referred to in clause (a) of section 8 on lands in an estate which at the time of the assumption of the control were irrigated with the water of such work supplied to, or taken by, a defined channel or course above ground or by baling out or by means of seasonal channels dug in river-beds."

'(ii) Re-letter the subsequent items.'

"Sir, you might remember that I moved an amendment to sub-clause (2) of clause 19 as it originally stood. That amendment in effect amounted to securing the zamindar right to the full amount of water flowing in the portion of a river passing through the estate. It was then pointed out it was too much, and that what I wanted really was that whatever water was appropriated by channels before notification, that alone should be secured. It was on that understanding that I withdrew that motion. Clause (a) of section 8 refers to such of the rivers as are not wholly situated but are partly situated in an estate. If water from that portion of the river is taken for lands irrigated by ryots in a zamindari area, water-cess cannot now be charged because it is not Government water for which water-cess can be collected under the Irrigation Cess Act. Now until a notification is issued the ryot can continue to utilize the water without any cess whatever. Government may assume control later on by notification. When such a thing happens, the question is what is to become of the land which is brought under cultivation subsequent to the passing of the Act and before the notification, in respect of which no water-cess has been paid or can be claimed by the Government under the Irrigation Cess Act. It has been made clear that the Bill was not intended to be a taxation Bill, i.e., to levy water-cess in cases in which Government are not now levying. If that principle is to be adhered to, the lands which have been brought under cultivation and which were not liable to pay water-cess before notification cannot be made to pay cess merely because a notification is issued.

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"Sir, under the residuary clause of section 20, if a channel takes from a zamindari portion of a river and if the channel exists before the date of the Act, what is provided is that the largest quantity of water passing through that source before the date of the Act should be the extent of appropriation. The effect of this clause is that by notification Government would be entitled to collect water-cess even in respect of those lands which between the date of the Act and the date of the notification have been brought under cultivation. In this interval they are not entitled to collect cess. After notification, they are entitled to do so if the enjoyment is more than is prescribed in section 20. It was said, when discussing the section, it was one thing to secure the right to appropriate water and another thing to say that we are entitled to take the water without water-cess. So far as the Government are concerned, under section 20 they have secured themselves against any liability for compensation. All that I say is if, in addition to that land, other lands are brought under cultivation prior to the date of notification, there should be maintained the *status quo ante*, that is, do not levy any cess. If a new channel is dug after the Act by the Government or an old channel is incorporated in a scheme of their own, then they are entitled to levy water-cess. But it is not equitable or fair that the Government should claim merely by notification to levy cess on land which before the notification they were not entitled to levy and upon which they have not spent a pie towards improvement. We are not fighting for the rights of the zamindar but for the ryots. If the lands are cultivated with a quantity already guaranteed to the zamindars, the ryot should not be called upon to pay over again. It was accepted that baling out or seasonal channels dug in river-beds are methods of appropriation to which this appropriation chapter shall be applicable. Not only lands cultivated before the date of the Act but also those irrigated after the date of notification, by channels and wells from which water is taken by baling or seasonal channels dug in river beds, should be exempt from levy of water-cess. I therefore appeal to the House to consider whether at least they will see that the *status quo ante* is maintained so far as the ryots are concerned. There is no reason why after the date of notification and without a pie being spent by Government and without ownership being taken, they should charge cess. There is no limit. Supposing twenty years hence they say they are entitled to levy cess. The question is whether they would be entitled to collect cess in respect of previous years. For these reasons I recommend this amendment to the acceptance of this House."

Mr. K. SITARAMA REDDIYAR:—"I second it."

Mr. S. VARADA ACHARIYAR:—"Sir, in discussing the provisions of clause 19, I placed before the House the consideration which justified the differentiation between cases falling under clauses (b), (c) and (d) of section 8 and clause (a). The House will however recollect that in dealing with the class of cases contemplated by clause (a) of section 8 the House has accepted the amendment to the effect that so far as what are called pre-settlement channels are concerned, even in respect of the rivers flowing through an estate, the landholder will be entitled to appropriate water up to the date of the notification taking control of it, so that I take it that the present amendment introduced by my hon. Friend from Chittoor is really met by that amendment, so far as what are called pre-settlement channels are concerned. On the other hand, if the House accepts the amendment in the form now suggested, it will put pre-settlement channels and post-settlement channels on the same

[Mr. S. Varada Achariyar] [13th November 1924]

footing. As regards post-settlement channels, in dealing with the residual clause in section 19, the subject was discussed before the House and in rejecting the amendment proposed to that clause, the House expressed its opinion clearly that the distinction between post and pre-settlement channels is one that ought to be accepted. The House also proceeded on the footing that so far as the limits of appropriation are concerned, it is fair and just that a landholder utilizing water within the limits of appropriation should be free from cess, independently of any question whether at a particular time or on a particular day—whether you call it date of settlement or date of passing of the Act or date of notification—he has used it. Once that principle is accepted as a general principle, to say that in one case the limits of appropriation shall be one thing and the extent of immunity from cess another thing is not fair.”

The amendment was put and negatived.

4-30 p.m. Mr. A. Ramaswami Mudaliyar demanding a poll, and the House divided as follows:—

Ayes : 21

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|--------------------------------------|---|
| 1. S. R. Y. Ankinedu Prasad Bahadur. | 12. Mr. K. Chavadi Subrahmanya Pillai. |
| 2. Mr. T. Mallesappa. | 13. „ M. Ratnaswami. |
| 3. „ B. Muniswami Nayudu. | 14. Diwan Bahadur M. Krishnan Nayar. |
| 4. „ C. Muttayya Mudaliyar. | 15. Mr. K. Venkatachala Padayachi. |
| 5. „ K. Prabhakaran Tampan. | 16. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 6. „ K. Raghuchandra Ballana. | 17. Mr. Abbas Ali Khan. |
| 7. „ B. Ramachandra Reddi. | 18. „ K. Abdul Hye Sahib. |
| 8. „ A. Ramaswami Mudaliyar. | 19. „ Sami Venkatachala Chettiyar. |
| 9. „ J. D. Samuel. | 20. „ P. C. Venkateswari Raju. |
| 10. „ K. Sarvarayudu. | 21. „ B. Venkataratnam. |
| 11. „ K. Sitarama Reddi. | |

Noes : 36

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|---|--|
| 1. The hon. Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib. | 18. Diwan Bahadur P. Kesava Pillai. |
| 2. „ Sir Arthur Knapp. | 19. Rao Bahadur C. V. S. Narasimha Raju. |
| 3. „ Mr. C. P. Ramaswami Ayyar. | 20. Mr. C. Ramalinga Reddi. |
| 4. „ the Raja of Panagal. | 21. Rao Bahadur T. A. Ramalinga Chetti. |
| 5. „ Rao Bahadur Sir A. P. Patro. | 22. Mr. J. A. Saldanha. |
| 6. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 23. „ S. Satyamurti. |
| 7. Mr. R. W. Davies. | 24. „ T. Adinarayana Chettiyar. |
| 8. „ P. Hawkins. | 25. „ P. Anjaneyulu. |
| 9. „ E. W. Legh. | 26. „ K. Koti Reddi. |
| 10. „ P. L. Moore. | 27. „ C. Maruthavanam Pillai. |
| 11. „ T. R. Venkatarama Sastriyar. | 28. „ Muhammad Moosa Sait. |
| 12. „ S. Varada Achariyar. | 29. „ S. Muttayya Mudaliyar. |
| 13. „ G. F. Paddison. | 30. „ P. Peddiraju. |
| 14. „ S. Arpudaswami Udayar. | 31. Rao Sahib U. Rama Rao. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 32. Mr. P. Siva Rao. |
| 16. Mr. J. A. Davis. | 33. „ R. Srinivasan. |
| 17. Honorary Lieutenant Madurai. | 34. „ P. V. Sundaramurti. |
| | 35. „ R. Srinivasa Ayyangar. |
| | 36. „ C. V. Venkataratnam Ayyangar. |

The amendment was lost.

Mr. E. W. LEGH:—“The amendment that stands in my name runs as follows:—

‘Omit item (e) of the proviso and re-letter the subsequent items.’

“Sir, I am glad that there are a large number of the same amendments, but I am afraid that they have not been tabled with the same intention with which I have tabled mine. I imagine that some of the other gentlemen who have tabled the same amendment attach to it a different importance and intend it for purposes different from mine. Sir, this is really a matter of

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considerable importance from all points of view and really goes to one of the fundamental principles lying behind the rights of landlords and rights of the ryots in ryotwari areas. The proposal in the Bill in section 45 (1) (e) as worded is that the landholder should have the right of using water which has been held to have been appropriated under clause 20 of the Bill to lands outside his estate provided that land is owned by him. If this clause were accepted it would not restrict the right of the ryots as to the use of the water appropriated by him. Now, Sir, I think it is quite clear to every one and well known too that the rights of a landlord under the permanent settlement do not extend to the use of water outside the estate. In other words there is no legal basis at all, and it is not possible to find any legal decision for justifying the retention of this clause. On the other hand, it is entirely contrary to the permanent settlement which will only concede the landlord the use of water for the benefit of his land within his estate. Further more, there are practical difficulties in conceding this position. If a landholder is to have the right to use water appropriated by him under clause 20 outside his estate provided that land belongs to him, what is to become of those rights if he sells that land to other people? What it comes to is this: that the right to appropriate water which has been laid down by this Bill cannot be logically extended to lands beyond the estate. If you want to benefit the lands of a landholder lying outside his estate which he is entitled to sell to other persons, I do not see how you can prevent him from selling water which runs through his estate to outsiders. If the land is outside the estate, it is liable to be charged with water cess, such cess being credited to the Government.

“I do not think there is much more to be said on the point, but the matter is so important that I hope the House will not want to provide for rights for which there is no legal basis and no legal ground.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“I second the amendment.”

Diwan Bahadur M. KRISHNAN NAYAR:—“May I know from my Zamindari friends why they gave notice of similar amendments?”

S. R. Y. ANKINEDU PRASAD BAHADUR:—“I think it is a mistake that our names have been printed here as having tabled similar amendments. We have given notice of consequential amendments.”

The amendment was put to vote and declared carried.

4-45 p.m. S. R. Y. Ankinedu Prasad Bahadur demanded a poll which was taken with the following result:—

Ayes : 29

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|---|--|
| 1. The hon. Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib. | 14. Rao Sahib T. C. Tangavelu Pillai. |
| 2. „ Sir Arthur Knapp. | 15. Mr. J. A. Davis. |
| 3. „ Mr. C. P. Ramaswami Ayyar. | 16. „ H. B. Ari Gowder. |
| 4. „ Rao Bahadur Sir A. P. Patro. | 17. Rao Sahib P. V. Gopalan. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 18. Honorary Lieutenant Madurai. |
| 6. Mr. R. W. Davies. | 19. Mr. B. Obalesappa. |
| 7. „ P. Hawkins. | 20. „ C. Ramalinga Reddi. |
| 8. „ E. W. Legh. | 21. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 9. „ P. L. Moore. | 22. Mr. K. Koti Reddi. |
| 10. „ T. R. Venkatarama Sastriyar. | 23. „ S. Muttayya Mudaliyar. |
| 11. „ S. Varada Achariyar. | 24. „ P. Peddiraju. |
| 12. „ G. F. Paddison. | 25. Rao Sahib U. Rama Rao. |
| 13. „ S. Arpudaswami Udayar. | 26. Mr. R. Srinivasan. |
| | 27. Diwan Bahadur M. Krishnan Nayar. |
| | 28. Mr. P. V. S. Sundaramurti. |
| | 29. „ R. Srinivasa Ayyangar. |

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Noes : 22

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|---------------------------------------|---|
| 1. S. R. Y. Ankineedu Prasad Bahadur. | 13. Mr. P. Siva Rao. |
| 2. Sir P. Tyagaraya Chettiyar. | 14. „ K. Sitarama Reddi. |
| 3. Mr. A. V. Bhanaji Rao. | 15. „ K. Chavadi Subrahmanya Pillai. |
| 4. „ B. Mahabala Hegde. | 16. „ M. Ratnaswami. |
| 5. „ B. Muniswami Nayudu. | 17. „ K. Venkatachala Padayachi. |
| 6. „ C. Muttayya Mudaliyar. | 18. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 7. „ K. Prabhakaran Sampan. | 19. Mr. Abbas Ali Khan. |
| 8. „ B. Raghuchandra Ballana. | 20. „ P. C. Venkataswami Raju. |
| 9. „ B. Ramachandra Reddi. | 21. „ C. V. Venkataramana Ayyangar. |
| 10. „ A. Ramaswami Mudaliyar. | 22. „ B. Venkataratnam. |
| 11. „ J. D. Samuel. | |
| 12. „ K. Sarvarayudu. | |

Neutral : 9

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|---|--------------------------------|
| 1. Mr. T. Mallesappa. | 6. Mr. S. Satyamurti. |
| 2. Rao Bahadur P. Ramani. | 7. „ T. Adinarayana Chettiyar. |
| 3. Mr. P. Sagaram. | 8. „ P. Anjaneyulu. |
| 4. Rao Bahadur C. V. S. Narasimha Raja. | 9. „ V. C. Vellingiri Gounder. |
| 5. „ A. S. Krishna Rao Pantulu. | |

29 voted for, 22 against and 9 remained neutral.

The amendment was carried.

Mr. E. W. LEGH :—“ Sir, I beg to move :

‘ In item (f) of the proviso for the word and figure “ section 19 (3) ” substitute the words, letter and figure “ explanation (a) in section 20 ”.’

“ It is merely a verbal amendment to correct the lettering and figures necessitated by the amendment to clause 20.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I second it.”

Mr. B. MUNISWAMI NAYUDU :—“ Sir, I want to know whether it is to be explanation (a) or (b) of section 20.”

Mr. E. W. LEGH :—“ It is 20 (a).”

The DEPUTY PRESIDENT :—“ May I know on what point the hon. Member, Mr. Muniswami Nayudu, wanted to have information? We (myself and the Secretary) did not hear a single word of what he said.”

Mr. B. MUNISWAMI NAYUDU :—“ I only wanted to know whether explanation (a) is correct or (b). Mr. Legh says it is (a), and I accept it.”

The amendment was put and carried.

Mr. E. W. LEGH :—“ Sir, my amendment (No. 237 on the agenda) for omitting item (g) of the proviso and re-lettering the remaining is to be read with amendments Nos. 240 and 251 on the paper. In 240 and 251 it is proposed that instead of clauses (g) and (k) there should be a separate proviso which would exempt or exclude cases of registered wet lands and lands on which special cess is levied under section 55. As has been pointed out, it is not strictly accurate to say that no cess should be levied on registered wet lands and it is certainly not correct to say that there are no lands on which cess is being levied under section 55. It is therefore proposed to take these two classes of cases out and put them under the proviso suggested in amendment No. 251.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ They have to be formally moved.”

[13th November 1924]

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ What may be done is one of two things. They may stand adjourned until we consider amendment No. 251 and these may come together, i.e., 237 and 240, and considered along with 251 if the hon. the Deputy President rules in that way and permits the adjournment of these two amendments.”

The adjournment proposed was agreed to by the House.

Rai Bahadur T. M. NARASIMHACHARLU :—“ I beg to move :

‘ Add at the end of item (g) of the proviso the following :—

“ in which case, the total charge under cess for the year including land assessment shall not exceed one and a half times wet assessment ”.’

“ No doubt, there is a rule under which double-crop lands are made to pay one and a half times, whatever may be the number of crops raised. But that is only a rule which could be abrogated at any time by the Government. That is not the only thing which I wish to bring to the notice of the House. Even in the case of dry lands, if water is taken and wet crops are raised, whatever may be the number of crops so raised, I submit that the total amount of cess that should be collected should not exceed one and a half times. Similarly in the case of wet lands also the same principle should be observed so that power is not given to the Government to raise the cess. So that in the interests of the ryotwari population I submit this amendment may be accepted by the House.”

Mr. P. ANJANEYULU :—“ I second the amendment.”

Mr. E. W. LEGH :—“ Sir, I would point out in the first place that this is not the proper place for inserting rules as regards charges to be levied on registered wet lands. It is a matter for a separate Bill or settlement order and not for this Bill. The rates charged on registered wet lands are fixed at the time of the settlement and I do not think we will be in order at all in attempting to legislate about it in this Bill. Also I fail to understand the hon. Member's reference to dry lands. Clause (j) refers only to wet lands and I do not know how the hon. Member can bring dry lands under this clause. He seems to be labouring under a misconception. The clause clearly refers only to lands registered as wet.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Sir, I fail to see why the bogey of the settlement should be brought in in this particular instance. Clause (g) says :

‘ On lands registered as wet and not included in an estate unless such land being registered as single crop wet is cultivated with two or more irrigated crops.’

“ Now, my point is, even in cases where wet lands are cultivated with more than one crop it should be clearly laid down that not more than one and a half times wet assessment shall be levied.”

Mr. T. R. VENKATARAMA SASTRIYAR :—“ May I point out, Sir, that under this section we have got a clause (No. 3) which says :

‘ The rates at which cess shall be levied under this section shall from time to time be fixed by an Act of the local legislature and till such Act is passed the cess shall be levied as at the date of the passing of this Act.’

“ Really I think that the suggestion made by my hon. Friend, Mr. Narasimhacharlu, should come in in a taxation bill of that kind to be brought forward hereafter, fixing either the rate or the limit. It is not a thing to be brought into this Bill.”

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Mr. G. F. PADDISON :—“ Sir, after what the learned Advocate-General has said there is no need to speak at all. It is rather difficult to see how you can say that the total charge under cess including land assessment shall not be more than one and a half times the wet assessment. I think that is the point made by Mr. Narasimhacharlu. Take for instance the Godavari delta and any other place where it is not a question whether second crop can be grown or not, but where nearly always second crop can be grown and it is only a matter of competition as to on what particular land it may be grown. Surely if a ryot cultivates a second crop he should be charged more than one and a half times the wet assessment. Mr. Narasimhacharlu does not mean all that.

“ Another point is this. As things stand at present, in some of the districts of the Presidency we have a differential water rate. In that case the charge for water is the difference between the dry and wet assessment. In a large number of other cases the charge is not a differential water rate, but a flat rate of assessment, viz., Rs. 5 or Rs. 4 per acre whatever that may be. For the first crop a cess of Rs. 4 per acre is levied and for every second crop Rs. 2 per acre is levied. But the differential water rate on a bad clayey soil may be very little, and that on a good sandy soil would be very large indeed. In these cases if we accept Mr. Narasimhacharlu's amendment we should be obliged to forego a large number of assessments for no reason whatever. Whatever the assessment happens to be, if the water rate happens to be the difference between the dry and wet assessment we should lose on every occasion and lose for no reason whatever. There are of course many intricate details which will have to be considered when the Taxation Bill is brought in.”

The amendment was put to the House and negatived.

The DEPUTY PRESIDENT :—“ I am asked by the hon. the President to announce that as we are likely to sit all next week and several hon. Members might like to have the benefit of the week end, he proposes when we adjourn on Friday evening not to reassemble till Monday morning. The hon. the Leader of the House has consulted the hon. the Leader of the Opposition in this matter. The Muhammadan Members wished to be consulted separately on such occasions but there were only three Members in the House when this decision was arrived at. I suppose the hon. Member Mr. Abbas Ali has no objection.”

The House adjourned at 5-5 p.m. to meet again at 11 a.m. the next day.

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

13th November 1924]

APPENDIX I.

[Vide answer to question No. 1155 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 13th November 1924, page 99 supra.]

PRESS COMMUNIQUE, DATED 28TH FEBRUARY 1924.

Railway development in South India.

The Railway Board have recently come to certain important conclusions regarding railway policy in South India.

For many years it has been recognized that there is a need for considerable railway extension in the Madras Presidency, and much work has been done on the preparation of projects before the outbreak of war. The abnormal conditions created by the war and the financial stringency which supervened afterwards ruled out of practical consideration all projects other than those dealing with the rehabilitation and improvement of existing lines and the construction of certain railways in the coal fields which were urgently needed. In July 1921, after consultation with His Excellency the Governor the Railway Board appointed a State Railway Engineer officer to investigate the whole question of extensions in South India. His reports have been carefully considered by the Railway Board and the several matters reported on have been discussed locally by the Chief Commissioner on his recent tour. It is now possible to indicate the lines on which it is proposed to undertake railway developments and improvements in the area served by the South Indian Railway.

The most important of the practical conclusions arrived at is that the main lines of the South Indian Railway must be improved, and secondly, the construction of remunerative subsidiary lines, which will both help to relieve congestion on the main line and develop new country, must be undertaken. It is, therefore, primarily necessary to lay out a scheme of development which may be followed as the opportunity arises of providing funds.

The first question to be settled was the question of gauge to be adopted in future extensions and improvements. After careful consideration of the existing position in this respect it has been decided that the country which lies south of the Podanur-Madras Railway and east of a line drawn southwards from Podanur along the Travancore High Range as far as (say) Quilon shall be served by the metre gauge, except that it is proposed to convert at an early date the branch line from Trichinopoly to Erode from metre to standard gauge in order to give Trichinopoly a direct connexion with the standard gauge system. In the case of extensions or branches which may in future form part of a main through route, the decision as to construction will have to take into consideration the possibility of conversion to standard gauge at a later date.

This decision as regards the gauge question covers the major portion of the territory under consideration, but leaves out of account the territory to the west of Podanur and the Travancore High Range. Cochin is the principal port on this part of the west coast and possesses possibilities of development which have been under investigation for some time. It is at present connected to the main standard gauge system by a metre gauge line, the Cochin State Railway, and the probability of eventual conversion of the Cochin State Railway to standard gauge must, therefore, be the basis of the policy for dealing with communications serving Cochin. For this reason it has been decided to construct the Shoranur-Nilambur to the

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standard gauge. This policy in regard to the Cochin necessitates interchange between metre gauge and standard gauge in order that part of the area to be served by Cochin and lying to the east of the High Range can be given access to that port. This area will be brought into direct communication with the port when the Dindigul-Pollachi metre gauge railway, which is at present under examination, and the prospects of which are anticipated to be remunerative, is built and the interchange point will probably be at Palghat or Olavakkot.

As regards future development within the area decided on as metre gauge territory, a large number of projects are under examination with a view to early decision as to construction, the main criteria to be applied being whether they are likely to be remunerative and whether they will either give the necessary relief to the main line or create new paying traffic. It is proposed to give early relief to the main lines by doubling the Madras-Tambaran section and by carrying out certain improvement works on the Tambaran-Villupuram section in order to increase its capacity. The possibility of electrifying the suburban services as far as Tambaran is also being examined. Active arrangements are being made to construct the Villupuram-Trichinopoly Railway and the Virudupatti-Tenkasi Railway, and the survey is in hand of a connexion from Arantangi through Karaikudi to Manamadurai. The prospects of a line from Trichinopoly to Karaikudi via Pudukkottai will also shortly be re-examined, and the investigation of the Manamadurai-Maniyachi extension, with the object of affording relief to the main line for traffic to and from Tuticorin, is being undertaken. In dealing with proposed new projects as they affect the two routes for Ceylon traffic through Dhanushkodi and Tuticorin, it is recognized that the interests of both routes must be kept in view and that new lines to be constructed must be so located that neither the Dhanushkodi nor the Tuticorin route is prejudiced.

Now that these long outstanding questions are settled, it is hoped that it will be possible to carry out a number of new construction projects which will bring about a great improvement in railway communications in the South of India. It may be mentioned that the question of electrification of large sections of the South India Railway is under consideration but that much preliminary work as to the possible sources of supply has to be undertaken before it can be seen whether this is practicable or financially advisable.

APPENDIX II.

[Vide answer to question No. 1165 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 13th November 1924, page 113 supra.]

G.O. Mis. No. 1513, L. & M., dated 6th June 1924.

The Government are not prepared to approve the proposal of the Coimbatore District Board to exclude the Kalingarayanpudur village from the limits of the Bhavani union.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Secretary to Government.

To the President of the Coimbatore District Board.
„ Collector of Coimbatore.

[18th November 1924]

APPENDIX III.

[Vide answer to question No. 1167 asked by Sir James Simpson at the meeting of the Legislative Council held on the 13th November 1924, page 115 supra.]

Specimens of diet scales before and after retrenchment.

1.—GOVERNMENT ROYAPETTA HOSPITAL.

Europeans.

Ingredients.	Pre-retrenchment scale.	Post-retrenchment scale.
Mutton	12 oz.	No alteration.
Bread	1 „	
Hoppers	No. 2.	
Butter	1 oz.	
Potatoes	8 „	
Country vegetables	8 „	
Salt	$\frac{3}{4}$ „	
Ghee	1 „	
Tea or coffee	$\frac{1}{2}$ or 1 „	
Sugar	1 „	
Milk	4 „	
Onions	1 „	
Barley	$\frac{1}{2}$ „	
Flour	$\frac{1}{2}$ „	

Indians.

Rice	20 oz.	22 oz.
Buttermilk	$\frac{1}{2}$ pt.	$\frac{1}{2}$ pt.
Pepper water	$\frac{1}{2}$ „	$\frac{1}{2}$ „
Mutton or fish	6 or 4 oz.	3 oz.
Dhall	1 „	2 „
Vegetable	4 „	4 „
Curry powder	$\frac{1}{2}$ „	$\frac{1}{2}$ „
Tamarind	$\frac{1}{2}$ „	$\frac{1}{2}$ „
Gingelly oil	1 „	1 „
Salt	$\frac{3}{4}$ „	$\frac{3}{4}$ „
Hoppers	No. 2.	No. 2.
Coffee	$\frac{1}{2}$ oz.	} 2 pts.
Sugar	$\frac{1}{2}$ „	
Milk	2 „	

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2.—GOVERNMENT OPHTHALMIC HOSPITAL.

Half mutton diet for Europeans.

Ingredients.	Pre-retrenchment scale.	Post-retrenchment scale.
<i>Half mutton roasted, grilled, etc.</i>		
(1) <i>Half mutton diet.</i>		
(Issued alternately with No. 2 below.)		
Mutton without bone ...	10 oz.	Same ingredients.
Bread ...	1 lb.	
Butter ...	1 oz.	
Potatoes ...	8 "	
Salt ...	$\frac{3}{4}$ "	
Ghee ...	1 "	
Hoppers ...	No. 2.	
Firewood ...	4 lb.	
Coffee ...	1 pt.	
Tea ...	1 "	

(2) *Half beef diet.*

Beef without bone ...	10 oz.
Bread ...	1 lb.
Butter ...	1 oz.
Potatoes ...	10 "
Salt ...	$\frac{3}{4}$ "
Ghee ...	1 "
Hoppers ...	No. 2.
Firewood ...	4 lb.
Coffee ...	1 pt.
Tea ...	1 "

Mixed diet for Europeans.

Mutton without bone ...	8 oz.	(1) <i>Mixed mutton.</i>
Bread ...	12 "	
Rice ...	8 "	
Hoppers ...	No. 6	
Butter ...	1 oz.	
Vegetable, country ...	6 "	
Curry powder ...	$\frac{1}{2}$ "	
Tamarind ...	$\frac{1}{2}$ "	
Salt ...	$\frac{3}{4}$ "	Same ingredients.
Ghee ...	1 "	
Firewood ...	4 lb.	
Coffee ...	1 pt.	
Tea ...	1 "	

(2) *Mixed beef.*

Beef without bone ...	8 oz.
Bread ...	12 "
Rice ...	8 "
Hoppers ...	No. 6
Butter ...	1 oz.

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2.—GOVERNMENT OPHTHALMIC HOSPITAL—cont.

Mixed diet for Europeans—cont.

Ingredients.	Pre-retrenchment scale.	Post-retrenchment scale.
Vegetable, country ...		
Curry powder ...		6 oz.
Tamarind ...		$\frac{1}{2}$ "
Salt ...		$\frac{1}{2}$ "
Ghee ...		$\frac{1}{2}$ "
Firewood ...		1 "
Coffee ...		4 lb.
Tea ...		1 pt.
Coffee—		1 "
Coffee powder ...	$\frac{1}{2}$ oz.	$\frac{1}{2}$ oz.
Sugar, brown (Astra-gram). ...	1 "	Sugar, brown (jaggery) ...
Milk ...	3 "	Milk ...
		3 "

3.—THE LEPER HOSPITAL.

Europeans.

Rice ...	12 oz.	12 oz.
Mutton or beef ...	12 "	8 "
Vegetable ...	6 "	8 "
Bread ...	8 "	8 "
Butter ...	1 "	1 "
Ghee ...	1 "	
Coconut ...	1 "	
Salt ...	$\frac{3}{4}$ "	
Tamarind ...	$\frac{1}{2}$ "	
Curry powder ...	$\frac{1}{2}$ "	
Hoppers ...	No. 6	
Tea or coffee ...	2 pts	No. 3.
Sugar ...	1 oz.	Tea 2 pts.
Firewood ...	2 lb.	1 cz.
		2 lb.

Indians.

Rice ...	24 oz.	No alteration.
Vegetable ...	2 "	
Mutton ...	4 "	
Dhall ...	1 "	
Salt ...	1 "	
Curry powder ...	$\frac{3}{4}$ "	
Tamarind ...	$\frac{3}{4}$ "	
Onions ...	$\frac{1}{2}$ "	
Ghee ...	$\frac{1}{4}$ "	
Firewood ...	1 $\frac{1}{2}$ lb.	

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4.—GOVERNMENT MENTAL HOSPITAL, MADRAS.

Pre-retrenchment scale.

(a) Europeans and Anglo-Indians.

Monday, Wednesday and Friday.	Males.	Females.	Tuesday, Thursday and Saturday.	Males.	Females.	Sunday.	Males.	Females.
Mutton with bone (beef on Monday).	oz. 8	6	Mutton with bone (beef on Thursday).	oz. 12	10	Fish ..	..	..
Bread ..	" 4	4	Bread ..	" 4	4	Bread ..	" 4	4
Rice ..	" 12	10	Rice ..	" 12	10	Rice ..	" 12	10
Vegetable, country ..	" 4	4	Butter ..	" 1	1	Butter ..	" 1	1
Flour, wheat ..	" 1	1	Cocotine ..	" 1	1	Cocotine ..	" 1	1
Tamarind ..	" 1	1	Wheat flour ..	" 1	1	Flour, wheat ..	" 1	1
Salt, common ..	" 1	1	Onions ..	" 1	1	Eggs ..	No. 2	2
Curry powder ..	" 1	1	Curry powder ..	" 1	1	Curry powder ..	oz. 1	1
Cocotine ..	" 1	1	Tamarind ..	" 1	1	Tamarind ..	" 1	1
Onions ..	" 1	1	Coffee ..	" 4	4	Coffee ..	" 4	4
Pepper ..	Dr. 1	1	Milk ..	" 1	1	Milk ..	" 1	1
Coffee ..	oz. 4	4	Sugar ..	" 1	1	Sugar ..	" 1	1
Milk ..	" 1	1	Firewood ..	lb. 1½	1½	Firewood ..	lb. 1½	1½
Sugar, white ..	" 1	1						

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4.—GOVERNMENT MENTAL HOSPITAL, MADRAS—cont.

Pre-retrenchment scale—cont.

(b) Indians.

Articles of diet.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Sunday.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Rice ..	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1	LB. oz. 1
Dhal ..	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2	0 2
Ghee or ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Gingelly oil ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Tamarind ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Salt ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Curry powder ..	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6	0 6
Vegetable ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Onions ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Garlic ..	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1	0 1
Meat or fish (a) ..	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.	30 gr.
Firewood (b) ..	0 5	0 4	0 5	0 4	0 5	0 4	0 5	0 4	0 5	0 4	0 5	0 4	0 5	0 4

(a) Mutton without bone or 2½ oz. salt-fish on Monday, Wednesday and Friday. (b) 8 lb. a week.

Gingelly oil shall usually be used for all patients, but ghee may be substituted for any in ill-health.

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4.—GOVERNMENT MENTAL HOSPITAL, MADRAS—*cont.**Post-retrenchment scale.*

Articles.	Indian, ordinary.	European, ordinary.	Vegetarian diet.
	Quantity.	Quantity.	Quantity.
Rice	lb. 1 2	oz. 10	lb. 1 2
Buttermilk	pt. $\frac{1}{2}$	...	pt. $\frac{1}{2}$
Mutton without bone or fish.	oz. 4	oz. 7*	...
Dhall	oz. 2	oz. 2	oz. 4
Country vegetable	oz. 6	oz. 4	oz. 6
Curry powder	oz. $\frac{1}{2}$	oz. $\frac{1}{2}$	oz. $\frac{1}{2}$
Tamarind	oz. $\frac{1}{2}$	oz. $\frac{1}{2}$	oz. $\frac{1}{2}$
Gingelly oil	oz. $\frac{3}{4}$	...	oz. $\frac{3}{4}$
Bread	oz. 4	oz. 6	oz. 4
Butter	...	oz. 1	...
Salt	oz. 1	oz. 1	oz. 1
Wheat flour	...	oz. $\frac{1}{8}$	...
Cocogem	...	oz. $1\frac{1}{8}$	...
Coffee	oz. $\frac{1}{4}$	oz. $\frac{1}{2}$	oz. $\frac{1}{4}$
Sugar, brown	oz. $\frac{1}{2}$	oz. 1	oz. $\frac{1}{2}$
Milk	oz. 2	oz. 4	oz. 2
Banana	No. 1	No. 1	No. 1
Custard	...	No. $\frac{1}{4}$	...
Potatoes	...	oz. 2	oz. 8
Onions	oz. $\frac{1}{2}$	oz. $\frac{1}{2}$	oz. $\frac{1}{2}$
Coconut	No. $1\frac{1}{8}$	No. $1\frac{1}{8}$	No. $1\frac{1}{8}$
Firewood	lb. $1\frac{1}{2}$	lb. $1\frac{1}{2}$	lb. $1\frac{1}{2}$

* Out of 7 oz. meat or fish for European patients, 2 oz. will be used for a outlet and the 5 remaining oz. for curry.

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APPENDIX IV.

[Vide answer to question No. 1175 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 13th November 1924, page 123 supra.]

G.O. No. 1277, P.H., dated 6th September 1924.

The revised estimates forwarded by the Sanitary Engineer for the supply of water to Coimbatore town with Siruvani river as the source of supply, amounting to Rs. 41,00,000, are administratively approved. The estimates provide for the purchase in India of cast-iron pipes of the British standard specification. The plans and estimates drawn up for the purpose are forwarded to the Public Works Department for technical sanction.

2. The Government are prepared to make a grant of half the cost of the scheme not exceeding 20.5 lakhs, and the Council will have to find the other half. The expenditure which will be incurred in each year will be as follows:—

Year.	Expenditure.	Year.	Expenditure.
	LAKHS.		LAKHS.
1924-25	50	1928-29	6'00
1925-26	7'50		
1926-27	14'75	Total	41'00
1927-28	12'25		

The Municipal Council has agreed in its resolution, dated 3rd September 1924, to levy a water-tax of 10½ per cent from 1st April 1925. The Council should accumulate the proceeds of this tax up to the end of 1928-29, meeting only the simple interest on the instalments of the loan to be taken in 1926-27 and 1927-28. With this sum and the sum of Rs. 50,000 in the Imperial Bank the Council will be able to find 4.30 lakhs. The Government will advance the balance 16.20 lakhs of the amount required as a loan repayable in 30 years with interest at 6 per cent.

3. As a special case the Government grant will be spent before the Council is called upon to pay its contribution. In view of this concession the Government consider that if the estimated cost of the scheme should exceed Rs. 41 lakhs the excess should be met entirely from municipal funds. The ordinary revenues of the municipality including the proceeds of the water and drainage-tax will be hypothecated for the repayment of the instalments of the loan. The Council can meet the maintenance cost of the scheme from the sale-proceeds of water for industrial purposes and the charges levied for excess consumption of water.

4. The scheme has already been included in the priority list of water-supply and drainage schemes sanctioned for execution.

5. Further orders will issue in the Public Works Department on the question of the acceptance of the offer of the South Indian Export Company for the supply of pipes, etc., for the scheme.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Secretary to Government.

[13th November 1924]

APPENDIX V.

[Vide answer to question No. 1183 asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 13th November 1924, page 131 supra.]

Cannery—Canned goods—Stock on 1st October 1924.

Item number and name of product.	Tins of various ages.						Total number of tins.
	Between five and over four years.	Between four and over three years.	Between three and over two years.	Between two and over one year.	Between one year and over six months.	Six months and less.	
1. Plain sardines, 7 oz. size.	..	894	..	3,500	3,589	..	7,983
2. Plain sardines, 12 oz. size.	..	..	304	2,011	..	..	2,315
3. Sardines in oil, 7 oz. size.	4,607	4,147	15,460	48,626	54,348	2,576	129,764
4. Sardines in oil, 12 oz. size.	2,103	..	..	..	135	..	2,238
5. Sardines (boneless), 7 oz. size.	..	..	247	..	..	..	247
6. Curried Sardines, 7 oz. size.	..	1,564	..	10,340	..	..	11,904
7. Curried Sardines, 12 oz. size.	881	..	..	608	..	..	1,469
8. Sardines in Tomato, 7 oz. size.	..	..	..	..	..	1	1
9. Plain Mackerel, 12 oz. size.	..	6,292	..	..	..	..	6,292
10. Mackerel in oil, 12 oz. size.	..	..	53	..	103	..	156
11. Curried Mackerel, 12 oz. size.	..	277	..	..	92	..	369
12. Marinated Mackerel, 12 oz. size.	..	..	56	..	64	..	119
13. Whole Prawns, 9 oz. size.	..	..	..	..	..	8,610	8,610
14. Prawn paste, 3 oz. size.	..	..	..	..	..	977	977
15. Prawn Savoury, 3 oz. size.	..	..	..	..	..	928	928
16. Smoked Mackerel paste, 3 oz. size.	..	4,207	321	..	..	..	4,528
17. Seer, 12 oz. size ..	..	..	333	1,077	540	..	1,950
18. Pomfret, 12 oz. size ..	..	..	..	..	65	..	65
19. Seer in oil, 12 oz. size ..	..	..	..	..	539	..	539
20. Smoked fish paste, 3 oz. size.	..	..	..	..	..	498	498
21. Fish paste, 3 oz. size ..	..	..	..	..	..	329	329
Total ..	7,571	17,381	16,773	66,162	59,475	18,919	181,281

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APPENDIX VI.

[Vide item III Communication to the Council on page 136 supra.]

Proceedings of the Sixth Meeting of the Finance Committee for 1924-25 held on Thursday the 23rd October 1924 at 2-15 p.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

The hon. Mr. R. A. GRAHAM, C.S.I., I.C.S. (Chairman).

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

„ A. RAMASWAMI MUDALIYAR Avargal, M.L.C.

„ P. N. MARTHANDAM PILLAI Avargal, M.L.C.

„ M. R. SETURATNAM AYYAR Avargal, M.L.C.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU Garu, Kt., M.L.C.

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

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

Messrs. P. Hawkins, Joint Secretary to Government, Public Works Department (Irrigation), and G. T. H. Bracken, I.C.S., Secretary to Government, Development Department, were also present

Supplementary Demands.

(i) “41. Civil Works—Grants-in-aid” on account of advance grants to certain District Boards for repair of damages to trunk roads caused by floods—Rs. 1,50,000.

The Committee recommended that a supplementary demand be moved.

(ii) “41. Civil Works—Transferred” on account of the reconstitution of the Public Works division at Guntur and certain divisions and sections in the Bezwada circle which were abolished in 1922—Rs. 14,500.

A majority of the Committee was of the opinion that the reconstitution of a division was unnecessary and that it was sufficient to create two additional subdivisions and twelve sections.

Schemes.

2. Establishment—Chief Secretariat—Additional Superintendent—

	RS.
Ultimate cost per annum	4,000
Cost in 1924-25	800

The Committee recommended the scheme for acceptance.

3. Employment of four additional attenders in the Madras Record office for mending records—

	RS.
Average cost per annum	1,440
Cost in 1924-25	212

The scheme was recommended for acceptance.

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4. Reorganization of the temporary establishment in the Public Works Department—

	LAKHS.
Extra cost under permanent establishment ..	2.48
Savings under temporary establishment ..	2.63
<i>Net saving per annum</i> ..	<u>Rs. 15,000</u>

The subject was adjourned for consideration at the next meeting.

Part II Schemes for 1925-26.

5. (i) Construction of a Sub-Registry office at Cherukapalli, Guntur district—

	RS.
Estimated cost ..	11,950
Cost in 1925-26 ..	11,950

The Committee placed the scheme in class III.

(ii) Construction of a main gate and an office in the sub-jail, Koraput—

	RS.
Estimated cost ..	17,060
Cost in 1925-26 ..	17,060

The scheme was placed in class II.

(iii) The Committee placed the following schemes in class III:—

(a) Construction of a surgical ward and operation room in the Central Jail, Coimbatore—

	RS.
Estimated cost ..	11,360
Cost in 1925-26 ..	11,300

(b) Provision of iron palisade fencing between blocks of cells in the District Jail, Cuddalore—

	RS.
Estimated cost ..	10,500
Cost in 1925-26 ..	10,500

(c) Construction of a sub-jail in the compound of the Taluk Office, Salem—

	RS.
Estimated cost ..	51,200
Cost in 1925-26 ..	51,200

(iv) Re-employment of Mr. Ram Singh Ahuja for a period of twenty months from 1st April 1925 for the preservation of bronze images in the Madras Government Museum—

	RS.
Total cost of the scheme ..	10,700
Cost in 1925-26 ..	3,850

The Committee placed the scheme in class II.

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(v) The following schemes were placed in class III:—

(a) Employment of an additional Deputy Inspector of Schools and establishment in the South Arcot district—

	RS.
Ultimate average cost ..	3,330
Cost in 1925-26 ..	2,336½

(b) Honorarium to the officer for stock-taking of books and periodicals in the Connemara Public Library—

	RS.
Total cost ..	250
Cost in 1925-26 ..	250

(c) Construction of a hostel for the Government Training School for Masters, Villupuram—

	RS.
Estimated cost ..	13,100
Cost in 1925-26 ..	13,100

(d) Construction of a hostel for the School of Commerce, Calicut—

	Estimated cost.	Cost in 1925-26.
	RS.	RS.
(a) Acquisition of site ..	8,700	8,700
(b) Cost of buildings ..	42,500	

6. (i) Training of two Civil Assistant Surgeons in Bio-Chemistry—

	RS.
Total cost ..	12,244
Cost in 1925-26 ..	5,744

A majority of the Committee recommended that the scheme be placed in class II.

(ii) Appointment of a Civil Assistant Surgeon and an attendant for a year for overhauling the Pathological Museum in the Madras Medical College—

	RS.
Total cost ..	3,276
Cost in 1925-26 ..	3,003

The Committee placed the scheme in class III.

7. (i) Additions to the cadre of temporary Demonstration maistris—

	RS.
Average cost ..	1,960
Cost in 1925-26 ..	1,540

The Committee recommended the appointment of five Maistris and placed the scheme in class II.

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(ii) Construction of an elementary school building at the Agricultural College, Coimbatore—

	RS.
Estimated cost	3,700
Cost in 1925-26	3,700

The Committee desired that the Education department should be consulted as to the suitability of the proposal—

	RS.
8. Civil Contingencies Fund	1,00,000

The consideration of the proposal was adjourned.

FORT ST. GEORGE,
25th October 1924.

R A. GRAHAM.

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 14th November 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, 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.]

Deputy Collectors.

Divisional Officers of Puttur and Coondapoor.

1187 Q.—MR. K. RAGHUCHANDRA BALLANA: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that the Revenue Divisional Officers of Puttur and Coondapoor divisions in South Kanara have not sufficient knowledge of the vernaculars of the district so as to understand the people's grievances at first hand;

(b) whether it is a fact that the officer now posted to the Mangalore division in the said district shares the same disadvantages; and

(c) whether the Government have any objection to post hereafter, to the divisions, officers conversant with the vernaculars thereof?

A.—(a) The officers had not passed any test in Kanarese at the time of posting to the district.

(b) No.

(c) So far as possible.

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, may I know from the hon. the Revenue Member whether the Government do not consider it essential that, for the efficient discharge of their duty, the revenue divisional officers should know the language of the divisions in which they are employed?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"The Government fully realize the necessity referred to by the hon. Member. The peculiar position in regard to the South Kanara district is that the vernacular there happens to be Kanarese. There are very few officers in the cadre of deputy collectors who know Kanarese except perhaps those who happen to be natives of South Kanara. In appointing persons to places of trust and responsibility Government generally avoid

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posting natives of the district to fill those places as it is neither in the interests of purity of the administration nor in those of the officers themselves. But every effort is being made to secure officers who know Kanarese or at least Malayalam."

Diwan Bahadur M. KRISHNAN NAYAR :—"Is Kanarese one of the languages in which these officers are compelled to pass?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Yes."

Diwan Bahadur M. KRISHNAN NAYAR :—"I mean, is it like Malayalam, Tamil and Telugu, one of the languages in which these officers are compelled to pass?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Yes; quite so."

Diwan Bahadur M. KRISHNAN NAYAR :—"Then, is it not possible to get divisional officers who know Kanarese as it is possible to get people who know Malayalam, Tamil and Telugu?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"As I already said, there are very few who have cared to pass in Kanarese."

Diwan Bahadur M. KRISHNAN NAYAR :—"Does not the Government think it necessary that sufficient number of persons should be compelled to pass Kanarese for being posted to the South Kanara district?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"It is difficult for the Government to bring any compulsion to bear in the matter of the second language which a particular officer wishes to take."

Diwan Bahadur M. KRISHNAN NAYAR :—"Consistent with it, is it not the duty of the Government to get a sufficient number of officers who know Kanarese sufficiently well?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"As I have already said, every effort is being made to post men who know Kanarese or at least Malayalam and it is felt that a knowledge of Malayalam will enable an officer to discharge the duties in South Kanara sufficiently satisfactorily."

Diwan Bahadur M. KRISHNAN NAYAR :—"Having reference to that answer, may I know from the Government whether they will post at an early date to the subdivisional offices referred to in (a) officers knowing either Kanarese or Malayalam?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"All the officers referred to in (a) and (b) either know Malayalam or Kanarese. The officer in Puttur knows Malayalam; the officer in Coondapoor knows Malayalam and the officer whom we have recently posted to Mangalore has passed in Kanarese."

Mr. S. SATYAMURTI :—"With reference to the answer to clause (a) of this question, may I ask the hon. the Revenue Member to be good enough to say whether passing the test is equivalent to having a sufficient knowledge in the vernacular? I am asking for information as to whether the test is so devised as to ensure in those who pass it a sufficient knowledge of Kanarese."

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Necessarily, I think."

Mr. S. SATYAMURTI :—"I am not asking of what the hon. Member thinks. I am asking of what he knows, as to whether he knows from knowledge or enquiry that the test is so devised as to ensure in those who pass it a sufficient knowledge of the language in which they are so declared to have passed."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The test is certainly so devised as to enable them to carry on their duties."

Mr. S. SATYAMURTI :—"With reference to the answer to (b) of the question, I wish to know whether the answer in the negative means that the officer has got a sufficient knowledge of Kanarese."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I have already answered, that he has passed in Kanarese."

Mr. S. SATYAMURTI :—"And does it follow that because he has passed he has a sufficient knowledge of Kanarese?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Presumably so."

Personal Assistants to Collectors.

1188 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) the districts in which the posts of Personal Assistant Deputy Collectors were abolished and those in which they are still retained; and

(b) whether the post has been abolished in Guntur; if not, why not?

A.—(a) The posts of Personal Assistant Deputy Collectors in the following districts have been abolished :—

South Arcot.	Godavari.
Chingleput.	Salem.
Coimbatore.	Trichinopoly.
Cuddapah.	Vizagapatam.
Ganjam.	Tinnevely.

The post has not been retained in any district except Guntur.

(b) The post was specially retained in the Guntur district in the year 1922, owing to the special circumstances of the district at that time.

Mr. C. V. VENKATARAMANA AYYANGAR :—"With reference to the answer to (b), may I know what the circumstances were? Non-co-operation?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The circumstance therein referred to was the no-tax campaign which was started in the district."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Does it continue now?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Happily not."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" Will the Government therefore consider the desirability of dispensing with the appointment ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" They have already taken the matter on hand."

Mr. S. SATYAMURTI :—" May I pursue the matter a little further ? May I ask the hon. the Revenue Member why the inauguration of the no-tax campaign in the Guntur district should necessitate the appointment of a personal assistant deputy collector, what his duties were in connexion with the campaign, what he was expected to do and what he actually did ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" As a matter of fact he was there already ; not that he was appointed for the first time to the Guntur district when the no-tax campaign was started. At that time it was considered undesirable to remove him in common with the other personal assistants who were removed, because the Collector had to be on tour always and the work in the office required some gazetted officer to look after it."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask the hon. the Revenue Member whether there was a no-tax campaign in Tanjore in 1923-24 ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Yes ; but not to that extent."

Mr. T. ADINARAYANA CHETTIYAR :—" What is the extent then, which necessitates the retention of a personal assistant ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" In Tanjore we have a headquarters sub-collector."

Mr. A. RANGANATHA MUDALIYAR :—" The hon. the Revenue Member has said that the matter has been taken in hand ; may I know with what result ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" The matter has been referred to the Board of Revenue to consider the advisability of abolishing the post."

Relieving the Treasury Deputy Collectors of the work of auditing accounts of local bodies.

1189 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Member for Revenue and the hon. the Member for Finance be pleased to state whether it is a fact that Treasury Deputy Collectors have recently been relieved of their work of auditing the accounts of local boards and municipalities ?

A.—Treasury Deputy Collectors have recently been relieved of the work of auditing the accounts of local boards. The audit of the accounts of municipalities was never under their control.

Mr. S. SATYAMURTI :—" If the Treasury Deputy Collectors have been relieved of auditing work, have they been given any other work for the money they are paid ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Even without that they have enough of work to do."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" Is there any proposal under the consideration of the Government to reduce the number of the Treasury Deputy Collectors ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Not until the districts are amalgamated."

Economic condition.

Profiteering in food-grains in the flood areas.

1190 Q.—Mr. C. GOPALA MENON : Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) the steps taken by Government to put a stop to profiteering in food-grains in the flood areas in the Presidency ; and

(b) whether the Government are making arrangements with the Railway authorities concerned to give preference for the transport of food-grains until the strain of distress by flood has been alleviated ?

A.—(a) No cases of actual profiteering were reported from any of the districts affected by the floods. Profiteering was apprehended in Malabar where to ease the situation the Collector has arranged for the import of rice by sea from Cocanada and sale to the public.

(b) In the case of the other districts, no request has so far been made to the Government to take action in the direction referred to.

Mr. C. GOPALA MENON :—" Has the hon. the Revenue Member not read in the newspapers about the high prices of paddy and food-grains in the districts of Tanjore, Trichinopoly and more so in the district of Malabar ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" There were some assertions to that effect in the newspapers ; but as I said already the Government have no information on the matter."

Rao Sahib P. V. GOPALAN :—" Are the Government not aware of the fact that soon after the events in Malabar in the month of August, in spite of the promise given by the Collector of Malabar that no profiteering will be made, the price has yet gone up from Rs. 13-2-0 to Rs. 22-8-0 ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I cannot say exactly what it went up to. There was however a fear that the prices will go high and that is why the Collector of Malabar was authorized to secure rice from Cocanada on an expenditure of nearly one lakh."

Mr. T. ADINARAYANA CHETTIYAR :—" Do not the Government get every week or so through their subordinates the rates at which the food-grains are sold in the mufassal ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" The Government do not get ; the Collectors do get."

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Mr. T. ADINARAYANA CHETTIYAR :—" Do not the Collectors report if there is any abnormal increase in the prices ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" If there is any abnormal increase, they do report. In this case they have not sent any report."

Alleged profiteering in flood-affected areas.

1191 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether several cases of profiteering on the part of merchants in the flooded area have been reported ; and

(b) if so, what steps have been taken by the Government to check this ?

A.—The hon. Member is referred to the answer to clause (a) of question No. 1190.

Famine.

Famine in Bellary district.

1192 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) the taluk or taluks declared to be affected by famine in the Bellary district in 1923-24 ;

(b) the date of such declaration ;

(c) the extent of the area declared to be so affected ;

(d) the duration of the famine in that area, if it has been since declared to be free of famine ;

(e) the number and the places of relief works established in that area and the respective periods of their duration if there was more than one relief work at any time ;

(f) the average number of men, women and children employed in the relief work or works and their average earnings per head, month by month ; and

(g) the average number of men, women and children admitted to gratuitous relief (a) in kitchens, (b) otherwise and (c) their average cost of relief per head month by month ?

A.—(a) The whole of the old Bellary taluk excluding the ten villages transferred to the Rayadrug taluk and the portion east of the Hagari river.

(b) 2nd February 1924.

(c) 417.42 square miles.

(d) & (e) Two relief works were in progress, one at Kolur and the other at Allipuram. The former was opened on 2nd February 1924 and closed on 22nd September 1924. The latter was opened on 21st February 1924 and closed on 24th February 1924 as no coolies turned up.

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(f) & (g) The average number of persons employed on the relief work at Kolur and those admitted to gratuitous relief each month are given below :—

Details regarding the composition earnings, or the cost of their relief are not available.

			Number of persons employed on relief works.	Number of persons on gratuitous relief.
February	..	...	1,027	212
March	...	...	1,102	257
April	...	...	1,326	351
May	...	...	1,391	360
June	...	...	1,638	517
July	...	...	1,577	502
August	...	...	694	276
September	...	...	425	196

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the Famine Code Revision Committee stated that a relief work could only serve an area within a radius of 5 miles from the work spot ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Yes ; the committee did make a recommendation to that effect."

Mr. A. RANGANATHA MUDALIYAR :—" In view of that fact, does the hon. the Revenue Member think that one work could have served the needs of the population of over 417 square miles ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" That was the opinion of the Collector and the Famine Commissioner."

Mr. A. RANGANATHA MUDALIYAR :—" Has the absence of a sufficient number of works had anything to do with the exodus of coolies to Assam ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I was assured that it had nothing to do with it."

Mr. S. SATYAMURTI :—" With reference to the answer to (f) of this question, may I ask the hon. Member to call for the figures especially as one strong criticism against the relief measures is, according to some of us, that no man can really earn enough to keep his body and soul together by working all day long in these works and getting what they are paid ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I have no objection to call for the information if that would serve any useful purpose."

Mr. S. SATYAMURTI :—" My hon. Friend, the Revenue Member, said in his previous reply that he was assured that the exodus to Assam had nothing to do with the famine condition in the district. May I ask, Sir, by whom was the hon. the Revenue Member assured, whether he examined the assurance himself in order to see whether it was an assurance or a mere expression of belief ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I did not pursue the question further."

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Forests.*Disafforestation of Thinnalur, etc., forests in Cheyyar.*

1193 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether it is a fact that Thinnalur and Nambodu forests in Cheyyar taluk in North Arcot district have been disafforested;

(b) whether the people of Vakodai applied for house-sites and assignment of disafforested lands;

(c) what is the area disafforested;

(d) whether any portion has been reserved for the depressed classes; and

(e) whether the Government will be pleased to make it available for assignment to the landless poor people of other castes also?

A.—(a) & (c) Nambodu reserve and its extensions were disafforested in 1924. Thinnalur is probably a local name for one of the extensions. The area disafforested is 1,344.77 acres.

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

(e) No proposals are before the Government for such assignment.

MR. T. ADINARAYANA CHETTIYAR:—“With reference to clauses (b) and (d) of the answer, considering that disafforestation of such a large area as 1,400 acres is an important matter to the ryots of the locality, will the Government be pleased to call for the information?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“It is a matter for local adjustment and no purpose will be served by the information.”

MR. T. ADINARAYANA CHETTIYAR:—“The reason why I ask for the information is, there is a fear entertained by the ryots of the locality that a certain missionary body from South Arcot have applied for the whole of the land to be assigned to the Adi-Dravidas and the ryots fear that they will not get any portion of the land. That is why they are anxious about it.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“If the people are deprived of anything which they can claim under the rules, they have got the right of appeal and I do not see why the ryots should not avail themselves of the ordinary channel of securing their relief.”

MR. T. ADINARAYANA CHETTIYAR:—“They have already applied for relief and I commend the application to the hon. the Revenue Member.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“I will certainly consider it when it comes to me.”

Land Revenue.*Responsibility of village officers for illegal cutting of trees in porambokes.*

1194 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether it is a fact that there is a rule that village officers are responsible for every illegal cutting of trees in porambokes and that they should pay the price of the same if the offender is not found out;

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(b) whether it is a fact that neither the owners of the adjacent patta lands nor forest subordinates are in any way held responsible for the same;

(c) how long this rule has been in practice; whether several village officers' conferences have passed resolutions and submitted the same to the Government against this procedure; and

(d) whether the Government have any intention of removing the rule, and if not, whether they have any objection to consider the desirability of doing so?

A.—(a) The hon. Member is referred to paragraph 3 of section 36 of chapter V of the Village Officers' Manual, under which it is the duty of village officers to report loss of, or injury to, trees on Government waste and porambokes. Village officers are liable to punishment in cases where there is reason to believe that the illegal cutting of trees is due to their negligence or connivance.

(b) Neither owners of adjacent patta lands nor forest subordinates can be held responsible.

(c) The rule, as stated in clause (a), is a long-standing one, and no representations against it have recently been received.

(d) The Government do not propose to alter the rule quoted in clause (a).

MR. C. V. VENKATARAMANA AYYANGAR:—“As regards clause (a) of this question, may I know whether it is not a fact that in all undetected cases the village officers are generally asked to pay the price of the trees?”

- The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“As has been stated in the answer, it is only in cases where there is reason to believe that the illegal cutting of the trees is due to their negligence or connivance that they are asked to pay.”

MR. C. V. VENKATARAMANA AYYANGAR:—“It is only in respect of that portion of the answer that I want to know if it is not a fact that there is a presumption that in every undetected case the loss is due to the negligence or connivance of the village officers?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“I do not know how the officers dealing with these cases draw their own presumptions.”

MR. P. SIVA RAO:—“Is it not a fact that in every case of undetected loss by illegal cutting, the presumption is drawn that the village officer is guilty of negligence and that otherwise the loss would not have occurred?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“I am not aware of any invariable presumption like that being drawn. If the hon. Member is aware of it, he is competent to hold that opinion.”

MR. P. SIVA RAO:—“Is there any such rule that in every case of illegal cutting of trees on porambokes the village officer is responsible for their loss?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“I have quoted the rule in the Village Manual which throws the responsibility for the careful watch and control of poramboke trees on the village

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officers and if any of them disappears and there is reason to believe that the illegal cutting is due to the negligence of the village official or his connivance, then of course he is departmentally dealt with."

Mr. P. SIVA RAO :—"Is any enquiry made and are any witnesses examined in connexion with such matters as to how the loss occurred?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I am not aware of the exact procedure adopted by the officers holding the enquiry."

Mr. P. SIVA RAO :—"Will the hon. the Revenue Member be at least pleased to enquire into the whole working of this rule?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"If any village official wrongly dealt with under the rule appeals to me, I shall consider the appeal."

Mr. C. V. VENKATARAMANA AYYANGAR :—"In the absence of such an appeal, when so many Members take responsibility for stating that to their knowledge the price is always recovered from the village officials, may I ask the hon. the Revenue Member whether he would make some enquiry into this matter?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I shall be grateful if hon. Members who are speaking on this matter would be good enough to draw my attention to any particular case of injustice in the working of this rule."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know if the hon. the Revenue Member is aware that in such cases of undetected loss, opportunities have not been given to the village officers for explanation or evidence?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Those cases rarely come up before me."

Mr. C. V. VENKATARAMANA AYYANGAR :—"As regards clause (c) may I know the age of this long-standing rule?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I think I have got to look up into the history to fix the exact age. I am not now quite aware of the year in which that rule was promulgated. It is an old one."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I ask then what is the meaning of the word 'recently' used in the answer? It is said that 'no representations against it have recently been received'. I want to know if the word 'recently' indicates months or years. What is the meaning of 'recent' as against 'long-standing'?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I believe that 'recently' generally means within living memory of man." (Laughter.)

Mr. C. V. VENKATARAMANA AYYANGAR :—"Then, may I know whether within the living memory of the hon. the Revenue Member, either as a Member or as a man, representations about these cases of punishing the village officers have been received? I know of several cases in which several village officers in conferences have sent up such representations. I personally know that such representations were sent up."

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I shall be grateful if the hon. Member would draw my attention to any such cases, and I shall investigate into them."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I request the hon. the Revenue Member to call for records and see whether such representations have been made in conferences, etc.?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The Secretariat have examined the records, and they have assured me that there are no representations which have been recently received."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The Secretariat may have a different idea of *recent* than the one suggested by the hon. Member."

Mr. P. ANJANEYULU :—"Will the hon. the Revenue Member be pleased to enquire into the matter, whether cases are brought to the notice of the Government or not? The plain truth of it seems to be that the individuals concerned would not be very much willing to do that for the simple reason that their further state would be much worse than their present state. That is the difficulty; will the hon. Member consider that there are certain difficulties and make an enquiry into the matter?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"That is not a request for information."

Mr. C. RAMALINGA REDDI :—"May I ask the hon. Member to call for a certain number of records bearing on this matter and find out whether in such cases there has been no other proof against the village officers except the fact that the loss is undetected?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"It is rather difficult for me to call for records unless and until I know which particular records to call for. And all that I have stated is that if my attention is drawn to any particular case of injustice, I shall be really willing to investigate it. But I cannot issue a general circular asking the revenue officers to send up all cases in which they have dealt with village officials."

Mr. C. RAMALINGA REDDI :—"From any records it can be found out whether in the working of the present rule, there is no other reason given except the fact of non-detection."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The sending up for records will have to be done not in particular cases but at random."

Mr. C. RAMALINGA REDDI :—"Even these records selected at random will be helpful in finding out what I have suggested."

"Will the hon. the Revenue Member be pleased to do another thing? Will he circularise the district officers and find out whether they have got any other reason except the fact of non-detection as a ground for proceeding against the village officers? He can do that at least."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I shall consider that."

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Mr. T. ADINARAYANA CHETTIYAR :—"With regard to clause (d), now that the Government have reduced the number of village munsifs, will the Government still persist in saying that the village officers should be held responsible for every case of illegal cutting of trees?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The reduction according to the demand of the Legislative Council is only temporary."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"When is that temporary reduction going to be set right, Sir?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Very soon, I think."

Mr. S. SATYAMURTI :—"With reference to the answer to clause (a) of this question, it is said that village officers are liable to punishment. May I ask the hon. the Revenue Member whether the punishment invariably takes the form of the recovery of the cost of the trees lost or whether it would take any other form?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"It is not necessarily the recovery of the cost that is awarded as punishment. It is sometimes suspension and sometimes even dismissal."

Mr. S. SATYAMURTI :—"Does it always include the recovery of the cost of the trees lost?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I am not able to answer that question off-hand. I want notice."

Rai Bahadur T. M. NARASIMHACHARLU :—"May I know whether the term 'village officer' means the village munsif or karnam, or are both of them held responsible?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Of course, generally it is the village headman that is held responsible."

Rai Bahadur T. M. NARASIMHACHARLU :—"And not the karnam?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"It all depends upon the nature of the evidence."

Mr. B. VENKATARATNAM :—"పన్నులకు lock and key లానే వస్తు చెప్పిన వస్తువులను కాపలాకాయట కష్టముగా నున్నప్పుడు, మైళ్ల దూరములూ, గ్రామమునకు అన్ని వైపులా వున్నటువంటి చెట్లను పూకీమీద కాపలాకాయట అసాధ్యమయిన పని అనినన్ని, అది గ్రామాధికార్లకు గొప్ప hardship అనినన్ని గవర్నమెంటువారికి తోచుట లేదా?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"My only answer is that I cannot answer a hypothetical question."

Mr. S. SATYAMURTI :—"Village officers are liable to punishment in cases where there is reason to believe, etc.' May I ask, on what grounds is the reason to believe to be based?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"On grounds which the officer deciding the case regards as sufficient." (Laughter.)

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Mr. S. SATYAMURTI :—"I understand the humour of it, though, if you and I were the officers concerned, we cannot appreciate that humour. But I ask the hon. the Revenue Member to state whether any inquiry is held, and, if so, whether it is an ex-parte inquiry, whether the man concerned is asked to give any explanation, and whether any evidence is taken before him?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I want notice of that question."

Mr. S. SATYAMURTI :—"With regard to the last line of the answer to clause (a), namely, 'that the illegal cutting of the trees is due to their negligence or connivance', may I ask what is the test of negligence. I am not asking about individual cases. When there is a rule like that, there ought to be some kind of general test as to the kind of care expected to be taken by these officers, apart from what is 'negligence' in law."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Negligence would mean absence of that care which a reasonable man is expected to take."

Mr. S. SATYAMURTI :—"I am much obliged for that answer. May I take it that the care expected of these people is that they should take care of these trees lying in all sorts of places sometimes miles off? And what is the amount of reasonable care that they are expected to take of trees about which they can only know that they exist and which they cannot be looking after except perhaps once a week?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"There is nothing which can be said to be an unusual phenomenon in this one case only. There are other officers who have got jurisdiction extending over miles and miles and they are held responsible for anything which happens in their jurisdiction."

Mr. S. SATYAMURTI :—"May I ask if there are any other subordinate officers under the hon. Member's jurisdiction who have got to pay out of their pockets for the loss of property entrusted to them or situated in their jurisdiction?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I have not mentioned at all that they have always got to pay out of their pockets for the loss."

Mr. S. SATYAMURTI :—"I may leave it at that. With reference to clause (b), may I ask why the owners of the adjacent lands or Forest subordinates cannot be held responsible?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"The answer itself says that they cannot be held responsible."

Mr. S. SATYAMURTI :—"The answer says that neither of them can be held responsible. May I know why?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"You cannot hold a man who is not in charge of a property responsible for its maintenance. No adjacent owner of patta land has the responsibility for maintaining the trees in an adjoining poramboke. Nor can the Forest subordinates be held responsible because they have no jurisdiction over any unreserved land like the poramboke."

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Mr. S. SATYAMURTI :—" May I know, in view of the fact that after all this is a vicarious punishment, the reason why the Government do not propose to alter the rule ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I am not able to answer that question because it asks me to enter into a discussion. It is not a request for information."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Will the Government at least consider the advisability of ordering that in every case there should be an inquiry, a charge and evidence, before punishment ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I am sorry that the hon. Member assumes that there is no inquiry now."

Mr. C. V. VENKATARAMANA AYYANGAR :—" But supposing there is an inquiry, will the hon. Member undertake to allow evidence, charge and all that ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I cannot undertake. It is hypothetical. I have never admitted that there is no inquiry."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Can he deny that in several cases the village officers are asked to pay the cost without any regular charge being framed against them ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" If the hon. Member will draw my attention to those cases, I shall accept his statement as correct. Until then I hold the opinion that justice is being done in those cases."

Mr. C. V. VENKATARAMANA AYYANGAR :—" There may be some inquiry made, but I suggest that there should be charge, as in most cases no charge seems to be framed."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Considering the trouble which the village officers are put to and in view of the great solicitude given expression to in this House from all quarters, will the Government be pleased to consider that this responsibility of the village munsif should be shared by the karnam also ? " (Laughter.)

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I shall consider that, Sir."

Village Establishments.

Village Officers in South Kanara.

1195 Q.—Mr. K. RAGHUCHANDRA BALLANA : Will the hon. the Member for Revenue be pleased to state whether the Government are aware that village heads who have passed the requisite tests have been superseded in the last re-grouping of villages in districts where the officers are not hereditary ?

A.—The Government have no information.

Mr. A. RAMASWAMI MUDALIYAR :—" Arising out of the answer which the Government have given, namely, that the Government are unable to answer the question, may I ask the hon. the Revenue Member whether the special officer in this connexion has completed his task, and whether his report has been submitted to the Government ? "

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I think I stated on a previous occasion that I had a preliminary report from the special officer and the question of framing legislation which is necessary is now engaging the attention of the Government. And the legislation is practically in the hands of the Board of Revenue."

Batta to karnams in connexion with the preparation of electoral rolls.

1196 Q.—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Member for Revenue be pleased to state whether the batta payable to karnams for work done in the preparation of electoral rolls sanctioned in G.O. No. 1958, Revenue, dated 21st August 1920, has been paid to them, and, if so, the amount thereof, and, if not, the reasons for withholding it ?

A.—The Government have no information.

Mr. R. SRINIVASA AYYANGAR :—" The Government say they have no information. But I have asked only for information and the Government seems to be no better. I wish to know whether the promise made by the Government to pay batta to karnams in connexion with the preparation of electoral rolls contained in G.O. No. 1958, Revenue, dated 21st August 1920, has been kept up, and may I request the hon. the Revenue Member to call for the figures ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I am sorry I cannot call for this information. If a karnam has not been paid his batta, he can apply for it and get it."

Mr. R. SRINIVASA AYYANGAR :—" Does not the Government consider it to be its duty to comply with the promise held out to these village officers that they would be paid batta when engaged on work in connexion with the preparation of the electoral rolls ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Yes, if I am told that in any case the karnams were deliberately refused what was sanctioned to them in this Government Order, I shall certainly enquire."

Mr. R. SRINIVASA AYYANGAR :—" Has there been no such case ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I am not aware of any."

Mr. R. SRINIVASA AYYANGAR :—" Arising out of that answer, may I ask the hon. Member to look into the matter and satisfy himself if that is a fact ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Unless specific cases come to me I cannot look into anything, because there will be nothing specific before me."

Mr. C. V. VENKATARAMANA AYYANGAR :—" There is the Government Order passed by the Government. If anything had been done in contravention of the Government Order, will the Government be pleased to call for the records and enquire into the matter ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I should expect these people to seek their remedy under the rules."

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Diwan Bahadur M. KRISHNAN NAYAR :—" Seeing that it has been specifically suggested that this amount which is legitimately due to the karnams has not been paid to them, does not the Government think it is its duty to make enquiries into the matter ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Not until specific cases are brought to my notice."

Diwan Bahadur M. KRISHNAN NAYAR :—" Seeing that it is specifically suggested in the question itself that this amount has not been paid, does not the Government think that it is their duty to make enquiries into the matter ? "

The hon. the PRESIDENT :—" I think the hon. the Revenue Member is perfectly right in asking for details as to the taluks or districts in which the karnams are not paid. Why should not the hon. Member say that in such and such a taluk or in such and such a district it is not done ? That is what he wants."

Diwan Bahadur M. KRISHNAN NAYAR :—" My point is this. There is a specific suggestion in the question that no payment of this amount has been made to karnams and having regard to this, does not the Government think that it is its duty to make enquiries ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I want the karnams themselves to discharge their obligatory duty of bringing to the notice of their immediate superiors that batta due to them has not been paid. If justice is denied to them then, the duty will be transferred to the shoulders of the Government."

Diwan Bahadur M. KRISHNAN NAYAR :—" Does not the hon. Member think that it is obligatory on their part to see that the money in respect of which Government is a debtor is paid to the karnams ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I am sorry it is not obligatory on the part of the Government to pay without a claim from the karnams. I think the obligation is on the part of the karnams to prove that they are entitled to the allowance."

Diwan Bahadur M. KRISHNAN NAYAR :—" Is not the Government aware that in law the obligation is on the debtor to seek the creditor except in the case of legacies ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" As a matter of privilege, Sir, are we not here entitled to bring such matters to the notice of the Government, especially when, I consider, it is a question of reputation of the Government—in which we are also concerned—that is at stake ? Government have promised to do something. The karnams have done their work and the Government have not done their duty. Supposing the village officers are afraid of coming or for some other reason do not want to come, are we not here to say that Government has not done their duty and that the reputation of the Government is likely to suffer ? I can understand the hon. the Revenue Member refusing to answer the question. But if he says he will answer only when it comes on appeal I am afraid, Sir, it is too much. I appeal to the hon. Member through you."

The hon. the PRESIDENT :—" I think the hon. Member is mistaken. The hon. the Revenue Member did not say that he would not take a question

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from any hon. Member of this Council. He wanted some kind of details. If the hon. Member will give some details, the hon. the Revenue Member would be perfectly willing to answer the question."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The detail is there that no man has been paid."

The hon. the PRESIDENT :—" I do not understand the question to mean that."

Mr. R. SRINIVASA AYYANGAR :—" For the information of the hon. the Revenue Member let me state that not one karnam has been paid in the South Arcot and Tanjore districts. As their representative, I beg to bring this matter to the notice of the Government."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" If this statement had been made at an earlier stage, a number of supplementary questions could have been avoided. Now, I agree to enquire."

Depressed Classes.

Scholarships to pupils of the depressed classes in Educational and Industrial institutions.

1197 Q.—Mr. R. VEERIAN : Will the hon. the Home Member, the hon. the Minister for Education and the hon. the Minister for Development be pleased to state—

(a) the approximate percentage of scholarships awarded to the members of the depressed classes (Hindus or Christians) in Educational and Industrial institutions under their control ;

(b) whether the Government propose to increase the existing percentage of scholarships awarded in educational and industrial institutions so as to attract more pupils of the depressed classes whether Hindu or Christian ;

(c) if not, why not ?

(d) why school fees are being demanded from the pupils of the depressed classes who are reading in the Government model school attached to the Secondary School, Coimbatore ;

(e) whether the Government propose to exempt depressed classes from school fees in Government schools all over the Presidency ; and

(f) if not, why not ?

A.—(a) *Scholarships awarded by the Educational department.*—The Government have no information.

Scholarships awarded by the Director of Industries.—No definite percentage has been earmarked for the members of any one class or community. Of the pupils who were awarded scholarships in the current year, 35 were Indian Christian pupils, mostly of depressed classes origin, 13 were non-Brahman Hindus and 12 Muhammadans.

(b) & (c) The general scholarships at the disposal of the Director of Public Instruction and the scholarships at the disposal of the Director of Industries are not awarded on a percentage basis. Scholarships for the exclusive benefit of pupils of the depressed classes are awarded in educational as well as industrial institutions. Particulars relating to these will be found in the

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notification of the Director of Public Instruction at page 656 of Part I-B of the *Fort St. George Gazette*, dated the 22nd July 1924, and in the Government notification at page 870 of Part I of the Gazette, dated the 29th July 1924. Besides, in the award of the general scholarships, pupils belonging to the backward classes receive, other conditions being satisfied, preferential consideration. A large number of scholarships tenable in elementary, secondary and commercial schools is at the disposal of the Commissioner of Labour. The number of such scholarships in the current year is 380 in elementary and secondary schools and 10 in commercial schools. Besides, the Commissioner has also been authorized to grant fee remission to 135 pupils. In view of these special facilities, the Government do not consider that any action in the direction indicated by the hon. Member is necessary.

- (d) It is presumed that the inquiry relates to the Model School attached to the Training School for Masters, Coimbatore. Last September it was brought to the notice of the Government that fees were being levied from three Valluva pupils studying in the school. The Government enquired into the matter and were informed that fees were levied in the first instance from the pupils in question, as neither at the time of their admission to the school nor on any subsequent occasion had their parents or guardians expressed their inability to pay fees. The pupils have since been exempted from payment of fees.
- (e) & (f) The fee concessions to which pupils belonging to the backward classes are eligible are given in the Madras Educational Rules.

Mr. R. VEERIAN :—"With reference to the answer to clauses (e) and (f), may I point out to the Government that the depressed classes are quite distinct from that of the backward classes, as they are not only socially depressed but they are materially and educationally depressed. But it is not so in the case of the backward classes. Moreover the backward classes are not classified as untouchables and unapproachables. In these peculiar circumstances, Sir, may I ask the Government whether they will be pleased to revise the Madras Educational Rules so as to exempt all the members of the depressed classes from paying school-fees in all the Government schools all over the Presidency?"

The hon. the PRESIDENT :—"I do not think that question arises out of the answer."

Rao Bahadur C. NATESA MUDALIYAR :—"With reference to the answer to clause (a) that the Government have no information, may I ask the Government if the Education Department is independent of the Government and the Government cannot have any information from that?"

The hon. Sir ARTHUR KNAPP :—"Though part of the question only is in my portfolio, I have no hesitation in saying that the Director of Public Instruction is not independent of the Government."

Rao Bahadur C. NATESA MUDALIYAR :—"The answer says, 'Of the pupils who were awarded scholarships in the current year, 85 were Indian

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Christian pupils, mostly of depressed classes origin, 13 were non-Brahman Hindus and 12 Muhammadans.' Am I to understand that 13 non-Brahman Hindus include the depressed classes also?"

The hon. Sir ARTHUR KNAPP :—"I am not quite sure whether the hon. Member, Mr. Veerian, has had his question answered. He asked whether we will revise the rules so as to make special provision for the depressed classes. I do not think that question arises now."

Mr. R. VEERIAN :—"The answer is with reference to the backward classes only. My question relates to the depressed classes. Therefore I pointed out that the depressed classes are quite different from the backward classes with reference to (e) particularly."

The hon. the PRESIDENT :—"The hon. Member would have been right in asking for information regarding the depressed classes, but not in asking for a revision of Code rules."

Irrigation.

The progress of the Tungabhadra, etc., projects.

1198 Q.—Rao Bahadur C. VENKATARANGA REDDI: Will the hon. the Law Member be pleased to state—

- (a) whether the Tungabhadra or Sangameswaram project or both of them are still under investigation;
- (b) if so, how long the investigation is likely to continue;
- (c) if not, why it has been stopped; and
- (d) the amount spent on such investigation in the years 1923 and 1924?

4.—(a) Levels and survey of the portion of the dam site which lies within the Madras boundary were completed, but further investigation had to be postponed in March last pending negotiations with the Hyderabad Government, which are in progress. With regard to the Tungabhadra project, the hon. Member is referred to the answer given to question No. 667 at the meeting of the 11th October 1924.

(b) It is not possible to say.

(c) Vide answer to clause (a).

(d) Expenditure on Sangameswaram reservoir investigation during 1923-24 was Rs. 25,353.

Rao Bahadur C. VENKATARANGA REDDI :—"Will the hon. the Law Member be pleased to state when the investigation of the Tungabhadra project will be finished?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It is going on; it is difficult to say when it will be complete. It will not take many months."

Mr. P. SIVA RAO :—"May I know whether the staff that had been working in the Bellary district in connection with the Tungabhadra project and that had been disbanded recently has been restored?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I have already answered on the previous day 'Yes'."

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Service questions.

Recruitment to the Forest service as a result of the recommendations of the Lee Commission.

1199 Q.—Mr. MUHAMMAD MOOSA SAIT: Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that in their correspondence with the Government of India on the recommendations of the Lee Commission this Government have favoured 50 per cent recruitment of European element in the Forest service as against 25 per cent recommended by the Commission;

(b) whether it is a fact that difficulty was experienced in the matter of finding suitable Indian recruits for the Forest service; if so, the specific circumstances under which such difficulty was experienced;

(c) whether it is a fact that the hon. the Ministers have agreed to the general principle enunciated in the Lee report that the services should be given financial relief;

(d) whether it is a fact that the amount of relief the Ministers desire should be afforded to the services must not exceed the average savings that may be effected within the next few years by provincialization and Indianization;

(e) what is the amount of savings the Ministers expect to effect in the next few years and what proportion the savings will bear to the increase in the emoluments of the services proposed;

(f) whether it is a fact that the hon. the Ministers have agreed to the All-India services now operating in the reserved and transferred fields of the Government being controlled by the Secretary of State; and

(g) as regards Indianization of the services recommended by the Commission what is the view of the Ministers submitted to the Government of India?

A.—The hon. Member will find the information he seeks in the replies of the Local Government to the various references made to them by the Government of India which replies and references are printed in the Official report of the Legislative Assembly debates, Vol. IV—No. 48 issued by the Government of India Press at five annas a copy. A copy is also available in the Council Library.

Local Boards and Municipal Councils.

Muhammadan representation in the Saidapet Taluk Board.

1200 Q.—Mr. MUHAMMAD MOOSA SAIT: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that no Muslim is nominated to the Saidapet Taluk Board; on what principle nomination to the Saidapet Taluk Board has been made last time and what are the communities represented through nomination; and

(b) what is the strength of the Saidapet Taluk Board and what proportion of them are elected members and of them how many are Muslims?

A.—(a) The Government have no information. Nominations to taluk boards are made by the president of the district board.

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(b) The maximum and elective strengths of the Saidapet Taluk Board are 20 and 15, respectively. The Government have no information as to how many of the members on the board are Muslims.

Rao Bahadur C. NATESA MUDALIYAR:—"If the hon. Minister or the Government want to get the information, can they not write to the taluk board and get the information?"

The hon. the RAJA OF PANAGAL:—"The matter is entirely left to the discretion of the president of the district board and Government do not think it necessary to call for the information."

Rao Bahadur C. NATESA MUDALIYAR:—"It is said that the Government have no information about the number of Muhammadans in the Saidapet Taluk Board. Is it not possible for the Government in order to respect the Member who gave the question to ask for information and get it?"

The hon. the RAJA OF PANAGAL:—"It is quite possible for the hon. Member to get the information from the local board concerned."

Mr. J. A. SALDANHA:—"Is it not desirable that this House should be informed as to the vagaries of the presidents of district boards? When a specific question is put in the Council, one of the objects will be to make the public know something of the vagaries of the presidents of district boards."

Mr. P. SIVA RAO:—"Will the hon. Minister be pleased to call for the information now, Sir? Does he propose to lay down any rules regarding nomination to taluk boards?"

The hon. the RAJA OF PANAGAL:—"Presidents of local boards have already been instructed to observe the rule."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know what will happen if they do not follow the instructions?"

The hon. the RAJA OF PANAGAL:—"There have been few such cases."

Rao Bahadur C. NATESA MUDALIYAR:—"It is obvious from the questions that there have been a number of complaints and the Government have invariably replied 'no information'. Will the hon. Minister be pleased to call for the information to see whether the rules are strictly observed?"

The hon. the RAJA OF PANAGAL:—"Government have already issued instructions to the presidents of local boards and if any party has any grievance it is quite open to that party to bring it to the notice of the Government."

Mr. R. SRINIVASA AYYANGAR:—"Is not the list of nominated members sent up to the Government?"

The hon. the RAJA OF PANAGAL:—"No, Sir."

Rao Bahadur C. NATESA MUDALIYAR:—"Are not these questions in a way, Sir, complaints? Will the Government investigate into these questions?"

The hon. the RAJA OF PANAGAL:—"Government do not think that in ordinary cases they can interfere with their discretion."

Mr. S. SATYAMURTI:—"May I know what is the nature of these instructions issued by the Government to these presidents with regard to nominations?"

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The hon. the RAJA OF PANAGAL :—" That the presidents should follow the rules laid down." (Laughter.)

Mr. S. SATYAMURTI :—" May I know what are the rules laid down ? "

The hon. the RAJA OF PANAGAL :—" The rules are laid down in section 9." (Laughter.)

Mr. S. SATYAMURTI :—" If the rules were there, may I know why instructions were thought necessary ? Is it because that they did not follow ? Or is it because that it was apprehended that they will not follow the rules ? "

Rao Bahadur C. NATESA MUDALIYAR :—" If the rules are not followed, are the Government going to interfere ? "

Mr. A. RAMASWAMI MUDALIYAR :—" May I know what possible punishment will be contemplated by the Government where the elected presidents of district boards happen to contravene any particular instruction issued by the Government ? May I know whether there is any idea of depriving their statutory powers and jurisdiction over the district board or whether in connexion with the remodelling of the District Boards Act any alteration is contemplated by the Advisory Committee ? "

The hon. the RAJA OF PANAGAL :—" If any elected president is arbitrary, it is open to the board not to return him again. That is one way of teaching a lesson to an unreasonable president. As to the interference of Government with the discretion of the local board, the Government do not think it necessary."

Rao Bahadur C. NATESA MUDALIYAR :—" What about the nominated presidents, Sir ? "

Mr. A. RAMASWAMI MUDALIYAR :—" May I know if it is not preferable to allow the district board to pass a vote of censure if he were to use his discretion wrongly instead of moving in the Legislative Council ? "

The hon. the RAJA OF PANAGAL :—" As regards the question asked by the hon. Member for Madras, the answer is that next time when the nominations are to be made the claims of such presidents will not be considered."

List of certain capital works in second-class roads in the Presidency.

1201 Q.—The RAJA OF RAMNAD : Will the hon. the Minister for Local Self-Government be pleased to furnish a list of capital works in the second-class roads in all the districts in the Presidency for which grants have been given in the years 1922-23, 1923-24, and to state what proportion they bear to the demand of each district for such grants ?

A.—The classification of second-class roads came into effect only from 1st April 1923. Grants were given in 1922-23 and 1923-24 for the following capital works which are on roads since classed as second-class roads :—

District.	Description of work.
Chingleput	Periyapalayam causeway.
Chittoor	Swarnamukhi bridge.
South Kanara	Gurpur bridge.
Madura	Kovilingar bridge.
Malabar	Pulamanthole bridge.

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Applications from local bodies for grants for capital works in these years were received prior to the classification of second-class roads and in many cases they do not mention what works are on second-class roads. It is not therefore possible to work out the proportion which these grants bear to the demand on this account.

A betterment tax by the municipal council, Salem.

1202 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the municipal council, Salem, imposed a betterment tax at one-half of market value of land, viz., 7 pies per square foot or Rs. 1,588-2-0 an acre, for the year 1924-25 in respect of the land in Maravaneri extension scheme ;

(b) if so, the authority under which the council resolved to levy the tax at that rate ;

(c) whether the Director of Town Planning or the Inspector of Municipalities was consulted by the council before the proposal was sanctioned ;

(d) if so, what was the nature of the advice tendered by these officials ;

(e) what percentage on the enhanced value of land should be collected as betterment tax under the town-planning scheme, what was the period over which the tax should be collected, the total area brought under the town-planning scheme and the cost of executing the scheme ;

(f) the total amount of tax proposed to be levied by the council under the scheme ; and

(g) in what other municipal council or local board areas betterment tax has been levied during the years 1922-23 and 1923-24 ?

A.—(a) The claim by the municipal council, Salem, to levy betterment tax was disallowed by the Arbitrator on 3rd September 1924. The tax could not therefore have been levied by the council.

(b), (c), (d) & (f) The questions do not arise.

(e) The Maravaneri extension scheme, southern section, Salem, as sanctioned by Government, provided for claims for betterment contribution being made within six months of the date on which the scheme took effect. The scheme provided that the contribution 'shall be payable for a term of twenty years and shall be levied at 7½ per cent of the increase in value calculated in accordance with the provisions of the Madras Town Planning Act, 1920, provided that at no period shall the aggregate amount of the contributions so levied on any property exceed 50 per cent of the maximum increase in value up to that time.'

The total area brought under the scheme is about 28·85 acres.

The cost of executing the scheme is estimated at Rupees 30,500.

(g) Betterment tax was not levied by any local body in 1922-23 and 1923-24.

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Election of its president by the Vizagapatam District Board.

1203 Q.—Mr. C. RAMALINGA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state whether the Vizagapatam District Board passed a resolution asking for power to elect its President; if so, on what date?

A.—The Vizagapatam District Board passed resolutions praying for the grant of the privilege of electing its President in July 1921, August 1923 and August 1924.

Mr. S. SATYAMURTI:—"May I know what has become of the resolution? Was the resolution accepted by the Government?"

The hon. the RAJA OF PANAGAL:—"The Government have agreed to give the board the right of electing its president."

Mr. S. SATYAMURTI:—"Has the presidentship been thrown open for election?"

The hon. the RAJA OF PANAGAL:—"Yes."

Nominations to local bodies in the West Coast.

1204 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to inquire and state—

(a) the names with communities (Muhammadan, Christian, depressed, backward, and other minorities—specifying the particular minor communities caste or sub-caste) of the present members of the district boards of South Kanara and Malabar, Coimbatore, Nilgiris and Salem districts made by Government; and

(b) if the nominations were made of any gentlemen out of any sub-castes of higher castes (Brahman and non-Brahman), under what class backward or other minorities as specified in section 9 (5) of the Madras Local Boards Act they were placed when their nominations were made?

A.—Lists * of the nominated members on the district boards referred to are laid on the table with information as to the communities to which they belong.

Mr. J. A. SALDANHA:—"With reference to statement at the appendix I find that in the Coimbatore district there are 6 seats vacant. How long have they been vacant and why were they left vacant so long?"

The hon. the RAJA OF PANAGAL:—"The recommendations have not been sent up."

Mr. J. A. SALDANHA:—"Are they going to follow the principle laid down by His Excellency in reply to an address that the Government are trying to provide a statutory obligation for nominating persons who cannot get entry by election?"

Rao Sahib P. V. GOPALAN:—"Regarding the nominations in Malabar I find there is an Adi-Dravida, a Visva Karma, a Thiyya, a Mukkuva. May I ask the hon. the Minister for Local Self-Government whether these people are all Non-Brahmans?"

The hon. the RAJA OF PANAGAL:—"They are non-Brahmans."

* Printed as Appendix A on pages 262-263 infra.

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Rao Sahib P. V. GOPALAN:—"With regard to nominations here, there are four here, will the hon. the Chief Minister be pleased to state the respective communities to which they belong?"

The hon. the RAJA OF PANAGAL:—"The Government have no information. But they know that they do belong to several communities."

Mr. K. PRABHAKARAN TAMPAN:—"Among the members in the list for South Kanara there is found the name of one Mr. M. P. Krishnan. Is it a fact that that gentleman is not a native of South Kanara nor even a British subject? He does not even own any property in South Kanara."

The hon. the RAJA OF PANAGAL:—"The Government have no information. The President recommended him on the ground that he belonged to a depressed class."

Mr. S. SATYAMURTI:—"May I ask with reference to the appendix where the communities to which several Members belong are given whether there are four or five belonging to non-Brahman community? May I know the principle on which some people who are not Brahmans are said to belong to certain specified communities while the others are merely non-Brahmans? Is it a mere accident or is there a scheme by which these classifications are made?"

The hon. the RAJA OF PANAGAL:—"There is no scheme. Backward or unrepresented communities are sometimes specifically referred to."

Mr. S. SATYAMURTI:—"Then, on what principle certain men are called non-Brahmans and others are mentioned as belonging to specified communities?"

The hon. the RAJA OF PANAGAL:—"Generally speaking, the depressed classes are classified as depressed classes."

Mr. S. SATYAMURTI:—"Are Europeans classified under depressed class?" (Laughter.)

Mr. J. A. SALDANHA:—"With reference to the list of nominated members for South Kanara, is there not a man who has been nominated but whose name has been omitted in the list? I mean Rao Bahadur Subba Rao."

The hon. the RAJA OF PANAGAL:—"I do not think he is now a nominated member."

Mr. J. A. SALDANHA:—"There is the name of Mr. Balakrishna Shetti mentioned here and it is said that he belongs to the Bant caste. Are there not four or five Bants already?"

The hon. the RAJA OF PANAGAL:—"Mr. Balakrishna Shetti is no more a member."

Mr. J. A. SALDANHA:—"Who has been nominated in his place? Is it a Bant or somebody else?"

Mr. R. VEERIAN:—"With reference to clause (a) may I know whether any Adi-Dravida member has already been appointed to the Coimbatore District Board? If so, what his name is?"

The hon. the RAJA OF PANAGAL:—"The Government have no information. If there are vacancies the claims of members of depressed classes men are considered."

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Rao Bahadur C. NATESA MUDALIYAR:—"Are depressed classes and minority communities alone who have not got a right of election to be nominated?"

The hon. the RAJA OF PANAGAL:—"Sometimes members of other communities are also nominated when their nomination is found to be necessary."

Provision in the Madras District Municipalities Act for exemption of income from certain lands from assessment to profession tax.

1205 Q.—Mr. K. CHAVADI SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that a Bill for amending the Madras District Municipalities Act, 1920, is being drafted; if so, whether in view of the orders of Government contained in G.O. Mis. No. 1380, L. & M., dated 10th August 1922, and in view of the resolution of the Municipal Council, Tinnevely, No. 143 of 24th July 1924, an amendment to sections 93 (1) and 95 of the Madras District Municipalities Act, 1920, to exempt income from lands outside the municipal limits from assessment to profession tax will be included in the draft; and

(b) whether it is a fact that several further amendments proposed by the municipalities to amend the District Municipalities Act, 1920, have been received by the Minister for Local Self-Government; if so, whether the Government will be pleased to place them on the Editors' Table?

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

(b) The answer is in the affirmative. The Bill as revised with reference to such of the suggestions as are accepted by Government will be published in the Gazette before it is re-introduced in the Council. The Government do not consider that any useful purpose would be served by publishing the suggestions themselves.

Mr. S. SATYAMURTI:—"With reference to the answer to (a) of this question, may I ask the hon. the Minister whether the particular suggestion contained in the second part of it has been considered by the Government and whether they have come to any conclusion on the matter?"

The hon. the RAJA OF PANAGAL:—"The answer is in the affirmative."

Mr. S. SATYAMURTI:—"And what is the conclusion the Government have arrived at after considering the suggestion?"

The hon. the RAJA OF PANAGAL:—"I should like to know which suggestion the hon. Member is speaking about."

Mr. S. SATYAMURTI:—"I do wish the hon. the Minister reads the question. It is said 'in view of the orders of Government contained in G.O. Mis. No. 1380, L. & M., dated 10th August 1922, and in view of the resolution of the municipal council, . . . included in the draft'. I am now asking whether the suggestion has been accepted by the Government or rejected by them and if accepted whether they will be included in the draft which Government propose to issue?"

The hon. the RAJA OF PANAGAL:—"I should like to have notice of the question."

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Mr. A. RAMASWAMI MUDALIYAR:—"May I ask the hon. the Minister for Local Self-Government whether, in view of the fact that the suggestion has been accepted, the hon. the Chief Minister will be pleased to consider the desirability of introducing a small amending Bill to that extent instead of waiting for the whole of the District Municipalities Bill especially as there are many hardships now felt by a large number of persons in several municipalities?"

The hon. the RAJA OF PANAGAL:—"It is the idea of the Government to introduce as early as possible the whole Bill. Since that is the case, it is not necessary to introduce any other amending Bill."

Medical.

Dietary charges in the Mental Hospital at Madras, etc.

1206 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state the average dietary charges per patient in the Mental Hospitals at Madras, Waltair and Calicut respectively?

A.—According to the report on mental hospitals for 1923, the average cost per patient per diem in the three mental hospitals was as follows:—

	RS. A. P.		
Madras	0	6	3
Waltair	0	3	10
Calicut	0	3	9

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the scale of diet varies from place to place or is it the same in all the hospitals?"

The hon. the RAJA OF PANAGAL:—"It does."

Mr. S. SATYAMURTI:—"Sir, I find that the figures are somewhat staggering to a layman. The average cost per patient in Madras is said to be 6 annas 3 pies; in Waltair it is 3 annas 10 pies and in Calicut it is 3 annas 9 pies. Are patients in Madras over-fed? Or, are patients in Waltair under-fed? I know there is a difference in prices between the presidency town and the mufassal stations. I really do not know still how these figures could be explained."

The hon. the RAJA OF PANAGAL:—"The cost of the diet depends upon various circumstances. The general conditions of prices prevailing in the districts, as also the condition of the patients count. If the patients, for instance, come from very poor classes, they do not generally cost much. Their requirements are generally costly."

Mr. S. SATYAMURTI:—"Will the hon. the Minister, quite apart from his inferences, call for information why there is this difference?"

The hon. the RAJA OF PANAGAL:—"Yes."

Mr. A. RANGANATHA MUDALIYAR:—"I understood the hon. the Minister, if I remember correctly, to say that the scale of diet differs from place to place. In Madras a more liberal diet is given to a patient than to one of a similar position in Waltair. Is that so?"

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The hon. the RAJA OF PANAGAL :—"As I said, the diet cost depends upon the prevailing prices of articles and the condition of the patient. If the patient requires costly food, he must be given that food. If, on the other hand, the patient is suffering from indigestion he may not be given rich food . . . " (Laughter.)

Rao Bahadur C. NATESA MUDALIYAR :—"Are the Government satisfied that these rates are sufficient for the patients?"

The hon. the RAJA OF PANAGAL :—"Generally speaking that is the view of the Superintendents of the hospitals."

Rao Bahadur C. NATESA MUDALIYAR :—"Is it not a fact, Sir, that patients suffering from mental diseases require sufficient nourishment?"

The hon. the RAJA OF PANAGAL :—"That is a matter for the Surgeon-General."

Diwan Bahadur P. KESAVA PILLAI :—"May I ask a question, Sir? Are the rates given applicable to Indian or European patients?"

The hon. the RAJA OF PANAGAL :—"That is the average rate."

Mr. S. SATYAMURTI :—"How is the average worked? Is it that the rate for the European is more than for the Indian or the rate for the Indian more than for the European?"

The hon. the RAJA OF PANAGAL :—"As I said, it depends upon the condition of the patient. The patient ought to be given as far as possible his customary food."

Mr. S. SATYAMURTI :—"Does it also depend upon the race?"

The hon. the RAJA OF PANAGAL :—"No, it does not. It depends upon what sort of food the patient is accustomed to."

Mr. C. V. VENKATARAMANA AYYANGAR :—"In Madras, the number of European patients is probably much larger than it is in other places."

Public Health.

Location of tanneries close to the villages of Udayendram and Rahimanpet.

1207 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the people of Udayendram and Rahimanpet near Vāniyambādi, North Arcot district, are put to considerable inconvenience and have to run considerable risk to health owing to the location of several tanneries quite close to their villages;

(b) whether it is a fact that the people of these villages have been since August 1919 sending mahazars to all the Revenue authorities in the district and to the Board of Revenue and also to the Sanitary Commissioner to Government; and

(c) whether Government will be pleased to enquire into the matter?

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

(c) A report has been called for.

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Mr. T. ADINARAYANA CHETTIYAR :—"In spite of the fact that memorials have been sent to all departments of Government since 1919, for the last six years, is it a fact that the Government have still no information?"

The hon. the RAJA OF PANAGAL :—"If the Government have no information, the Government are entitled to say so."

The hon. the PRESIDENT :—"I wish to inform hon. Members that they cannot have this going for more than five minutes. After all, it will be seen, to-day only 25 or 26 questions have been put on the list and we have not so far finished even one-half."

Duties of Health Inspectors and Health Officers.

1208 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether among the duties of the Health Inspectors and Health Officers is included the test of drinking water in village wells, and if so,

(b) the number of Health Officers and Inspectors respectively, who have been supplied with the requisite instruments and accessories for testing the water?

A.—(a) The testing of water-supply chemically and bacteriologically does not strictly form part of the duty of District Health Officers or Health Inspectors. In order however to enable the District Health staff to arrive at a fair estimate of the purity of the water-supply of the localities visited by them and to rectify any defects noted, a circular recommending the supply of an apparatus known as Horrocks Water Testing Apparatus to all District Health Officers and Health Inspectors was issued by the Director of Public Health to the Presidents of District Boards in May last.

(b) Eleven districts have obtained in all 48 sets of apparatus for use up to date. It has also been supplied to five municipalities.

Mr. A. RANGANATHA MUDALIYAR :—"Is it not a fact that the pay of the health officers is met from the provincial funds?"

The hon. the RAJA OF PANAGAL :—"No."

Rao Sahib P. V. GOPALAN :—"When these men are employed under the various taluk boards, may I know from the hon. the Minister for Local Self-Government as to who has got the disciplinary control over them, is it the taluk board or the health officer?"

The hon. the RAJA OF PANAGAL :—"It is the health officer."

Rao Bahadur C. NATESA MUDALIYAR :—"May I know the qualifications of these health inspectors?"

The hon. the RAJA OF PANAGAL :—"They are trained officers."

Rao Bahadur C. NATESA MUDALIYAR :—"Are they simply deputy inspectors of vaccination or sanitary inspectors too?"

The hon. the RAJA OF PANAGAL :—"Some of them are deputy inspectors and some are not."

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Rao Bahadur C. NATESA MUDALIYAR :—"What is the object of offering them to deputy inspectors?"

The hon. the RAJA OF PANAGAL :—"Both classes of appointments come under 'Public Health'."

Rao Bahadur C. NATESA MUDALIYAR :—"Are there separate sanitary inspectors where there are health inspectors?"

The hon. the RAJA OF PANAGAL :—"No."

Education.

Capitation allowance to elementary school teachers in Government schools.

1209 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government passed orders to abolish the capitation allowance to elementary school teachers in Government schools from April 1922 and in lieu thereof increased the pay of the teachers from that date;

(b) whether it is a fact that the teachers under public management were given the benefit only from April 1923;

(c) if so, whether they are not entitled to capitation allowance for the year ending March 1923, when the new system was given effect to by public bodies;

(d) whether it is a fact that the Director of Public Instruction issued a circular to local boards and municipalities that the teachers are not entitled to any such allowance for 1922-23, if so, the reason for the same;

(e) whether it is a fact that some of the local bodies paid the same out of their funds as compensatory allowance and that the expenditure is being objected to by the Examiner of Local Fund Accounts as unauthorized;

(f) whether it is a fact that a contribution for capitation allowance was being paid to local bodies prior to 1922-23 and a separate contribution towards pay of the teachers;

(g) whether any enhanced contribution earmarked for capitation allowance or for increase of salaries of teachers was given to local bodies in 1923 in order to give effect to the new scheme;

(h) whether it is a fact that when the scheme was introduced in Government schools in 1922-23 the teachers in those schools got the increase from April 1922 and their allowance due for 1921-22;

(i) whether it is not applicable to the local bodies when they give effect to the scheme; and

(j) whether the Government will be pleased to withdraw the circular and withhold interference into the discretion of the local bodies in the matter?

A.—(a) The pay of the teachers employed in Government elementary schools in the City of Madras and in the Agency tracts and in the Government girls' schools, Cuddapah (Hindu), Ramnad and Brucepet, was revised with effect from the 1st March 1922. In the case of elementary schools which have been or are proposed to be transferred to local bodies or to private agencies, the pay of the teachers has not been revised and they have been paid capitation allowance as a special case after the 1st March 1922.

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(b) The payment of capitation allowance to trained teachers in the employ of local bodies was abolished with effect from 1st April 1923, and local bodies were requested to raise suitably the pay of the teachers affected.

(c) No. The teachers cannot claim to be paid both capitation allowance and increase in pay in the same year.

(d) The answer is in the negative.

(e) The Government have no information.

(f) Yes; but under the proviso to section 37 of the Elementary Education Act, 1920, which came into force from the 1st April 1921, the Government are bound to contribute and are contributing the amount of recurring expenditure incurred from provincial funds in the year 1920-21 on the maintenance of elementary schools under the control of local bodies, irrespective of the different objects on which the subsidy is spent. In effect therefore all the contributions referred to are being continued.

(g) No.

(h) Only teachers who served in the year 1921-22 and retired before the 1st March 1922 were granted capitation allowance earned in the year 1921-22.

(i) The Government have no information as to how local bodies have dealt with the teachers in their employ who served in the year 1922-23 and retired before the 1st April 1923.

(j) Does not arise.

Mr. T. ADINARAYANA CHETTIYAR :—"With reference to (i) may I inform the hon. the Minister for Education whether recently the taluk boards have cut down their allowance to elementary teachers especially in Vellore taluk board, some three or four months ago?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The answer was given there, Sir."

Mr. T. ADINARAYANA CHETTIYAR :—"No answer is given. It is said the Government have no information."

Agriculture.

Vernacular tests for Deputy Directors of Agriculture.

1210 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the Deputy Directors of Agriculture are required to pass the necessary vernacular tests within two years from the date of their appointment;

(b) the names of such of them as have not yet passed the tests; and

(c) whether any and if so, who among them have been recommended by the Director of Agriculture for exemption from passing the tests and on what grounds?

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A.—(a) Yes.

(b) Mr. Littlewood, Deputy Director of Agriculture, Live-Stock.

(c) On the recommendation of the Director of Agriculture Mr. Littlewood has been exempted from passing the Vernacular test as his duties are of a special nature which do not require direct dealings with ryots.

Mr. A. RANGANATHA MUDALIYAR :—" May I know, Sir, if the gentleman appeared for the Vernacular test at any time ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes. "

Mr. A. RANGANATHA MUDALIYAR :—" How often ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Four times. "

Mr. A. RANGANATHA MUDALIYAR :—" Is that the reason for exempting him from passing the test ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" There are special reasons. "

Mr. S. SATYAMURTI :—" But when he appeared these four times gallantly was he not employed in the same duties ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Not exactly the same. "

Mr. S. SATYAMURTI :—" Then, what else was he employed in ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Employed in other business. "

Mr. S. SATYAMURTI :—" I hope the hon. Minister will take me more seriously. When the gentleman appeared four times and when he is doing the same duties, is it not considered necessary for him to appear for the examination ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Now his duties have been enormously increased and he has to be practically in charge of the whole presidency and therefore, he was recommended for exemption and the Government of India granted it. "

Mr. S. SATYAMURTI :—" Therefore, may I take it that while it was considered necessary that he should pass the examination in one language, now when he has to deal with people talking four or five languages Government think it unnecessary that he should pass even in one language ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" He is now dealing with institutions and not with people. "

Mr. S. SATYAMURTI :—" Are there not people in the institutions ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" What is the meaning of ' Deputy Director of Agriculture, Live-Stock ' ? May I know what are the functions that are generally expected of that gentleman ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The name itself specifies it. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" I am not able to find anything here, except that he is to be in charge of Live-Stock and not of Dead-Stock. " (Laughter.)

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Formation of cattle co-operative societies.

1211 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state whether in or about the year 1920, any proposal for the formation of cattle co-operative societies in the Ongole tract was submitted to the Government by the then Director of Agriculture and its consideration was deferred pending the appointment of an expert in live-stock and whether the expert since appointed has sent any and, if so, what report on the subject ?

A.—A proposal was received in October 1920 from the then Director of Agriculture for the formation of cattle co-operative societies amongst the rearers of milch cattle in the Ongole tract. It was considered that the scheme would not lead to any real advancement in the breeding of cattle and it was consequently dropped.

Mr. A. RANGANATHA MUDALIYAR :—" Was not a report asked for from the new officer ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes ; it was asked for and it has not yet been received. He has been reminded. "

Mr. A. RANGANATHA MUDALIYAR :—" Then how is it that even before the report is received, the Government have come to the conclusion that the scheme would not lead to any real advancement ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" That refers to another matter. "

Fisheries.*Malabar Canneries at Mahé.*

1212 Q.—Mr. C. GOPALA MENON : Will the hon. the Minister for Development be pleased to state—

(a) how the Director of Fisheries was justified in his statement that the Malabar Canneries at Mahé developed into its present conditions by employing men trained, results obtained and recipe and processes adopted at Chaliyam ;

(b) whether it is a fact that the Malabar cannery was originally started by French experts and manufactured several lakhs of tinned products per annum ;

(c) on what grounds the Director came to the conclusion that the goods offered to the market by private concerns are inferior in quality to those produced at the Government factory ; and

(d) the grounds upon which they accepted the allegation of the travelling agent that he could not effect sales of the Chaliyam factory goods owing to the inferior quality of the goods offered by private concerns ?

A.—(a) The Director had definite information to that effect.

(b) The Government have no information on the point except what is recorded in paragraph 3 of the preface to the Madras Fisheries Bulletin, Volume 13, Report No. 2, 1921, ' Remarks on Canning, ' wherein it is stated that ' the only cannery then existing was a small one at Mahé, run by a French Canner M. de Josselin, who canned nothing but sardines and who naturally kept his methods entirely to himself '.

(c) On the report of a reliable sale agent.

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(d) On the report of the Director who considered the agent a respectable and reliable man.

Mr. C. GOPALA MENON :—" With regard to answer to clause (a), will the hon. the Minister for Development be pleased to state what the definite information referred to by the Director is and whether the hon. the Minister was satisfied with that information ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" There was information supplied to Government by a responsible head of the department and Government accepted it."

Mr. C. GOPALA MENON :—" What is that information ? May I know ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is contained in the answer given."

Mr. C. GOPALA MENON :—" With regard to answer to clause (b), will the hon. the Minister for Development be pleased to state whether he has seen the article in the *Madras Mail* under the caption ' Fisheries ' and whether the hon. the Minister would direct the attention of the Director of Fisheries to that article and call for the necessary information ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I am not aware of that."

Mr. C. GOPALA MENON :—" With regard to answers to clauses (c) and (d), will the hon. the Minister for Development be pleased to state the name of this agent, his qualifications, and whether he is convinced of the reliability of his statement ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Government do not see any reason to call for the information."

Mr. S. SATYAMURTI :—" May I ask from which source he had the information ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Probably the Director would be able to tell us about that."

Mr. S. SATYAMURTI :—" Unfortunately the Director is not a Member of this House and I am sure, Mr. President, you realize our difficulty. We have only to ask the Minister and the Director has got to answer through the Minister."

The hon. the PRESIDENT :—" It is open to the hon. Member to ask the hon. the Minister to obtain the information from the Director. I do not think that he can press the Minister for an answer."

Mr. S. SATYAMURTI :—" May I explain myself, Sir ? The answer was that the Director would be able to say that. But unfortunately he is not a Member of the House. I will put it in this way. Will the hon. the Minister be pleased to ask the Director for the source of the information and place it on the table of the House ? Will he do it ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I have already answered with reference to another point that it is not considered necessary."

Mr. S. SATYAMURTI :—" May I know whether that answer covers all possible questions on this subject ? "

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Quality of goods sold by private canneries.

1213 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Development be pleased to state—

(a) whether his attention has been drawn to the statement in the letter from Dr. B. Sundara Raj, Assistant Director of Fisheries, Madras, appended to G.O. No. 1491, dated 22nd August 1924, that the goods sold by the private canneries are inferior in quality ; and

(b) the grounds on which that statement is made ?

A.—(a) Yes.

(b) The hon. Member is referred to the answer to question No. 1212.

II

COMMUNICATION TO THE COUNCIL

The SECRETARY laid on the table the return* of officers in the gazetted and non-gazetted service of the Government of Madras who held permanent appointments on 1st April 1924.

III

THE MADRAS IRRIGATION BILL—cont.

Clause 45.

Sub-clause (1).

The discussion on the Irrigation Bill was resumed.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I do not wish to move the original amendment (No. 239 on the paper) of which I have given notice, but I wish to move, with the permission of the House, the amendment of which I have given notice yesterday. It is slightly different from the second portion of my original amendment and I do not press the first part of that amendment. And even in the new amendment I want to make a small change, i.e., I want to omit '(f)'."

The hon. the PRESIDENT :—" Has the hon. the Law Member any objection to the moving of the amendment ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" No."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" My amendment reads as follows :—

' Insert the following as item (h) of the proviso and re-letter the subsequent items :—

' On land not included in an estate but situated within the geographical limits of the estate and irrigated with the water appropriated under explanation (a), (b) and (c) in section 20 previous to the issue of a notification under section (9) regarding the same.'

" I do not want to occupy much of the time of the House in presenting this amendment. But I only wish to draw the attention of the House to the Bill of the late Sir K. Srinivasa Ayyangar, where such exemption is specifically provided for. Clause 46 (1) of that Bill says :

' The extent of mamul wet land under an irrigation work shall be the largest area irrigated from such work, free of a separate cess for water, in any one year between the date of permanent settlement or inam settlement, as the case may be, and in the case of an irrigation work falling under sub-section 6 (d) of section 4, the date of the issue of notification under section 7.'

[Mr. C. V. S. Narasimha Raju] [14th November 1924]

"Thus the largest area of an inam that is irrigated at the time of the notification is to be exempted from the cess in all cases."

Mr. A. RAMASWAMI MUDALIYAR :—"Sir, we here are rather bewildered with the lightning rapidity with which amendments are made and accepted. I want to know whether the hon. Member is in order in moving his amended amendment. For my part, I wanted to raise an objection to his moving the amendment without notice."

The hon. the PRESIDENT :—"The position is this. The hon. Member, Mr. Narasimha Raju, since giving notice of the amendment as printed in the agenda, gave notice of another, dated 13th November 1924, which is slightly different from the original amendment. Since then he has further changed to-day the amendment of which notice was given yesterday. I asked the hon. the Law Member whether he had any objection, because as Member in charge of the Bill, I thought he would be able to tell the House whether there was any objection to that and I understood him not to object to it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Inasmuch as the changes were in favour of what may be called our attitude, I did not object to it. If it had introduced any prejudicial element, I would have objected to it."

Mr. A. RAMASWAMI MUDALIYAR :—"That is exactly my point. It ought not to be merely a case of agreement between the hon. the Law Member, though he is in charge of the Bill, and the other hon. Member."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"With great respect, I may say it is not a question of agreement at all."

Mr. A. RAMASWAMI MUDALIYAR :—"In any case, I thought it was within the rights of a Member of this House to raise the objection. This amendment I have not even seen and I could not follow the amendment to the amendment to the amendment."

The hon. the PRESIDENT :—"I am very sorry. If I had known that the hon. Member had any objection, I should certainly have allowed him to press his objection. But as it is, I took it there was no objection. The hon. the Leader of the Opposition has started speaking about his amendment and I think we had better let him go on."

Mr. A. RAMASWAMI MUDALIYAR :—"I only pointed out that even the first amendment has not been circulated, and in a complicated matter of this sort, it is absolutely impossible for any Member unless he has a super-human intellect, to follow the discussion. I have closely watched all the papers on my table and I do not find any copy of the amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I gave notice of it early in the morning yesterday. Some four copies were first prepared and given to the Treasury Bench, if I remember aright, and subsequently copies were prepared by the office and circulated and placed in front of the seat of every Member."

Mr. B. MUNISWAMI NAYUDU :—"It is not correct. The system that is followed is to give them only to those that are present and not to place them in front of the seats. When amendments are distributed during the course of the day, they are not placed on seats but given to such Members as are present at the time. It so happened probably that I was absent and I did not get a copy. My hon. Friend Mr. Ramaswami Mudaliyar also did not get it."

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The hon. the PRESIDENT :—"I understand that copies of this notice were distributed yesterday afternoon; I seem to have got one yesterday. I am sorry if any Member did not receive it. We have to take the chance of hon. Members being in their places."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If any hon. Member is handicapped owing to want of notice, may I suggest that this matter be taken up after lunch to-day?"

Mr. A. RAMASWAMI MUDALIYAR :—"I am agreeable to the suggestion."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I shall be very glad if this is taken up at 1 o'clock; it is causing so much confusion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Rather than leave an impression in any hon. Member's mind that he was handicapped for want of adequate notice, may I suggest that this particular amendment be taken up on Monday? There can be no objection to that."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"It is not so much want of notice but the trouble that is being caused by so many alterations at such short notice. We had an amendment on paper; another was circulated to some and not circulated to others; another was circulated to the Treasury benches only."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Not even to them. I did not get it."

The hon. the PRESIDENT :—"We shall arrive at a *modus vivendi*. Perhaps the hon. Member from Chingleput will not object to our going on with it either now or at 1 o'clock as proposed by the hon. Member from Godavari. One of the two things has to be done. Evidently there is some inconvenience in taking it up at any other time."

Mr. A. RAMASWAMI MUDALIYAR :—"I want only some more time to consider the amendment."

It was agreed to take up the amendment as the first business after lunch.

Mr. K. KOTI REDDI :—"Sir, I beg to move—

'that item (k) of the proviso may be omitted.'

"Sir, I have given a subsequent amendment (amendment No. 261 on the paper) to the effect that the whole chapter VI relating to construction of works on special terms should be omitted. So, I think it is better to consider this after the consideration of that amendment No. 261. You will see, Sir, this item (k) depends on that chapter. If I am able to persuade the House to omit that chapter, this item ought to go."

Mr. E. W. LEGH :—"My amendment is connected with the proposal to amend 237 and amendment No. 251. It was pointed out that the two clauses which are now numbered (g) and (k) do not properly come under this proviso, because it cannot be said in either case that no cess is being levied in those two cases. I have proposed a proviso to that. I wish to know whether before we come to No. 251, I can discuss that point."

Mr. K. KOTI REDDI :—"That will not help me unless it is held over till chapter VI is considered."

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is hardly worth while deferring this for this reason. If my hon. Friend is able to persuade the House to omit the whole of chapter VI, then there will be a consequential amendment. So, anyway it does not really matter."

The amendment was not pressed and it was therefore deemed to have been withdrawn.

Mr. K. KOTI REDDI:—"Sir, I beg to move:

'In the proviso omit the word "and" in item (k) and insert the following as item (l):—

"(i) On land irrigated with water from spring channels from river-beds";

"and (ii) Re-letter the subsequent item."

"Sir, from the remarks that fell from the hon. the Law Member yesterday, I should not have hoped to convince the House of the need for this amendment. But from the voting on another amendment, I am really very much encouraged and I hope I shall be able to convince the House to pass this amendment. The hon. the Law Member told us yesterday that the purpose of this Bill has been mainly not to lose the revenue which the Government has been hitherto able to get."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I said the purpose of this Bill was to regulate the control of water. I trusted that the result of this Bill would not be a loss of revenue to Government."

Mr. K. KOTI REDDI:—"Whatever the object may be, we Members of this House now engaged in considering the Irrigation Bill, feel that wherever there has been done some injustice with regard to collection of cess, it ought to be put a stop to at this moment, and my amendment is to this effect."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I wish to ask whether he will also consider the contrary proposition that wherever land is being enjoyed and water is used without a single pie being paid, it should be taxed."

Mr. K. KOTI REDDI:—"I am quite agreeable to the suggestion made by my hon. Friend, Sir K. V. Reddi. But whatever the results may be that may have been achieved by this Bill, I should always be ready to tax people where it is just to do so and to protest against it wherever it is unjustly levied. It appeared in the voting that took place yesterday on 'percolation' that a number of hon. Members, on this side of the House, at any rate, admitted that it was not their desire that people who got benefit from percolation should be exempted altogether. But we thought that the amount of labour that is involved in collecting the tax and the amount of unnecessary trouble that is caused to the ryots in collecting the cess from them are not commensurate to the amount of tax that we get from a charge on percolation. It was that reason that weighed with us throughout the discussion on 'percolation' and it was not that we wanted to exempt people wherever they get the benefit. The question with regard to exemption of tax, so far as spring channels arising from river-beds are concerned, stands entirely on a different footing. It is in the experience of many hon. Members here, I presume, that the amount of labour that a ryot has to expend in getting water for an acre from river channels would not on an average be less than Rs. 30 to 40 an acre according to my own

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calculation. The ryot has to go every day, as long as the crop is there, to take out sand from the channel which involves a continuous labour practically for every day throughout the whole season which financially could be computed at not less than 30 to 40 rupees per acre, and is it reasonable, Sir, for the Government to tax him for the sake of the water that he is likely to get from the river channel? It is on that ground alone, not on any other grounds, that I ask this House to exempt the cess which is levied on channels springing from river-beds. It may be argued no doubt that because it is an obligation on the part of the ryot and because he has been doing it for centuries, it is really not improper on the part of the Government to claim cess. When we come to the chapter on kudimaramat, we shall have something to say on it. But whatever other terms of kudimaramat work may be, so far as kudimaramat work regarding spring channels are concerned, there is not the slightest justification for taxing, because it costs every ryot to water one acre something like 20 or 30 rupees per acre. So far as the parts from which I come are concerned, and probably most of the Ceded districts,—if the Government can undertake to maintain these river channels and do all the work that is necessary, I am prepared to pay not less than Rs. 20 per acre. Will the Government do that? I am prepared to give an undertaking to that effect, if the Government are prepared to remove the sand every day from the distributaries and spring channels from river-beds.

"Another difficulty is this. There is practically no time when the ryots do not attend to the repairs of these spring channels. 12-30 p.m. During seasons when there is no water in the river, owing to heavy wind, sand collects in the channel and when flood comes again the whole channel is blocked. The whole season the ryot has to do the work and it costs him much. Under these circumstances, I say it is unjust on the part of the Government to charge the ryots with cess for using water from these spring channels. It may be that Government occasionally spends some amount on distributaries, but I am not aware of any sum being spent by them on other portions. So far as the taking out of water from the river-beds is concerned, they have to spend a lot of labour. As an instance, I may point out that in Proddatur something like 600 or 700 acres of land are lying fallow and are not cultivated. When the ryots applied to the Government to repair the channels that supply water to these lands, they replied 'you are obliged to do the kudimaramat work and unless you spend Rs. 30,000 or Rs. 40,000 as initial cost, it is not possible to open up those channels'. So much so for the last 10 or 15 years these lands are not cultivated at all. Probably they are cultivated with dry crops. The Government said in answer to an interpellation that the ryots are obliged to do the kudimaramat work of those channels; but the ryots could not come forward with the necessary funds for taking up this work. Under such circumstances, if the ryots are exempted from paying any water-cess for water taken from these spring channels, it will be possible to induce them to take an interest in the kudimaramat work of these channels.

"As I said before, my desire is not that Government should lose its revenue wherever they have got a legitimate claim to collect. In cases like this where the ryot has to spend Rs. 30 or 40 per acre for keeping up the channel in repair and good condition, it seems to me that it is unjust on the part of Government to levy any cess. If the Government are willing to undertake the whole work, let them do so.

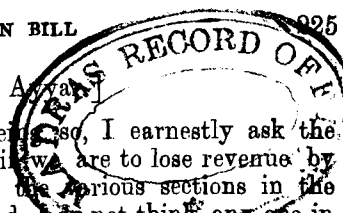
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"With these few words, I recommend this for the consideration of the House."

Mr. V. C. VELLINGIRI GOUNDER :—"I beg to second it."

Mr. E. W. LEGH :—"I listened with some interest to the speech on the other side and I should like to point out one or two facts. In the first place, as far as spring channels within zamindari areas are concerned, they have already been dealt with under the appropriation section and have been exempted from paying any charge. In the second place, so far as registered wet lands irrigated by spring channels are concerned, any amendment which we may pass here will not benefit them at all, because they are dealt with under the provisions of the settlement. They have, as already pointed out by one hon. Member, been dealt with under classification of sources and in all cases a particular rate of assessment has been given, a much lower rate of assessment than if the lands were irrigated directly from sources which are entirely maintained by the Government. This section will affect the cases of dry lands which get water from these spring channels. Now, Sir, those people who own dry lands which are benefited by these spring channels are not obliged to do any portion of the work to bring water to their lands. It is the wet landholder that has to do the work and I really do not see why in this particular case we should treat the dry landholder in a different way from the wet landholder. For this reason, I beg to oppose the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, with regard to the second clause with which alone, I think, the bulk of the speech of the hon. Member from Cuddapah concerned itself with, I think it has been pointed out by the hon. the Revenue Secretary that the classification and the rates take account of that circumstance and the fact whether labour is necessary on the part of the ryots in coming to a conclusion as regards classification. But, Sir, there is a wider ground on which I crave leave to oppose this amendment. My hon. Friend from Cuddapah, in his opening remarks, adverted to what fell from me yesterday with reference to an amendment which this hon. House has accepted by a large majority with regard to percolation and he seems to think that because it has been accepted, therefore other amendments should also be accepted. With all humility, I venture to suggest that the argument is exactly the other way. Yesterday this House committed itself to a reduction of revenue considering it as insignificant. But that reduction was considered as very great and was fraught with grave consequences by the other side of the House and by many persons who are responsible for the land revenue administration of this country. That being so, I ask the House to pause carefully and consider before they proceed to redress the injustice or what they consider as inequalities in the matter of revenue. I would ask them, if they accept my appeal on that behalf, not to lose the existing sources of revenue in proposing to deal with irrigation laws. I might say that already there are many amendments that have been carried out which make it extremely difficult for us to be sure of the revenue that we are already getting and if we are to whittle down these amounts day after day, we do not know where we will be landing ourselves in. And I would point out that in this case, unless it is made clear that the justice of the case demands it and the confidence of the House requires it, we are not likely to change the incidence and the sources of taxation which are at present open to the House and to the Government. It seems to me that where, as has already been pointed out, labour has been bestowed, that circumstance will be taken into

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account in making the classification. That being so, I earnestly ask the House not to accept this amendment, because if we are to lose revenue by introducing amendments after amendments to the various sections in the Bill, we do not know what the result will be and I do not think any one in this House will have to thank himself for what has been achieved."

Mr. P. SIVA RAO :—"I carefully listened to the speech of my hon. Friend, Mr. Koti Reddi. It is no doubt true that my hon. Friend deserves every sympathy of this House. For obvious reasons we are unable to vote with him in so far as he is seeking a total exemption of water-cess. He said that it is totally unjustifiable on the part of the Government to levy water-cess. I may tell him that so long as the ryot taps the sources of water-supply belonging to Government, the latter are entitled to levy some water-cess."

"It is quite true that the ryots have to spend Rs. 30 or Rs. 40 per acre as stated by the hon. Member, Mr. Koti Reddi. Wherever labour is spent for the maintenance of the channels bringing water from the river-bed, it is not enough that this source of irrigation should be classed under second or third class. I think some remission should be given in the case of water obtained by baling. In cases where labour is immensely required and the Government have not spent anything for the maintenance or repair of those channels that supply water to the ryots, I strongly plead that remission should be granted. It is certainly desirable that the Government should stimulate private effort in such cases."

Rai Bahadur K. VENKATAREDDI NAYUDU :—"May I ask the hon. Member from Bellary whether he is prepared to deal with these cases as in the case of baling out water. I think in the case of baling out water appropriation was allowed and an amendment was carried to that effect."

Mr. P. SIVA RAO :—"In the case of baling, remission is granted because of the amount of trouble involved in the matter. It is only in that sense that I said there was analogy between remissions made in the case of baling and remissions to be allowed in the case of spring channels."

Mr. J. D. SAMUEL :—"May I know from the hon. Member from Cuddapah what the value of dry crop is? He said that the ryots spent Rs. 20 or Rs. 30 per acre on account of labour."

Mr. J. A. SALDANHA :—"I must associate myself with what the hon. the Law Member said, namely that this House should not take every opportunity to whittle down the revenue which we have already been getting, and nobody regrets more than I for the voting of the House yesterday on the percolation clause. Of course some Members voted with Government, I mean the Leader of the Opposition and some others. Now, Sir, I am not going to enter into a discussion as to how far that voting was correct or wrong. But so far as this amendment is concerned we have not got full information from the hon. the Mover of this amendment as to the value of the crop that is raised from river-beds. Some of them are very valuable, such as water melons, etc., which bring a large profit to the ryots. I really do not see why we should forego this source of revenue though it may be very little."

"These sources of revenue, a little here and a little there, would ultimately amount to several lakhs of rupees. The Government is as the Legislative Council makes it. We must allow the Government to have as many fair sources of revenue as possible. There are

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many schemes in the hands of the hon. the Ministers and Executive Council Members which need money. The schemes are intended for the amelioration of the condition of the people by opening more schools, hospitals and so many other things. If we have got no revenue to provide for these schemes, how can the condition of the people improve? Surely the Legislative Council will have to carry out such schemes. With these words I must say that I cannot support this amendment and any other amendment (laughter) calculated to diminish the revenue of the Government."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Mr. President, Sir, as this is one of a series of amendments which we have to consider in connexion with the question of the levy of water-cess, it is necessary that we should come to a correct understanding of the principles underlying this. I do not share the view of my hon. Friend, Mr. Saldanha, when he says that whatever be the item of revenue Government must not lose what they are getting at present. I do not regret the decision of the House regarding percolation. It has a long history behind it and it has often been expressed in very responsible quarters"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not know whether my hon. Friend, the Member for Nellore, is referring to the speech of the hon. Member from South Kanara or to my speech. So far as I am concerned, I did not utter a word of protest and I take the decision of the House loyally for the time being."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I have been referring to the hon. Member for South Kanara. So far as this question is concerned there has been a strong opinion for generations"

Mr. C. V. VENKATARAMANA AYYANGAR :—" On a point of order, Mr. President, the hon. Member has been referring to what has been disposed of yesterday and says that he does not regret the decision of the House. In the same manner half a dozen hon. Members on the other side also may rise up one after the other and go on regretting or rejoicing. We are placed in an awkward position, Mr. President. These speeches may probably induce the Government to do something against that result. Much time also is being wasted. I appeal to all Members not to refer to anything which has been disposed of yesterday."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I may assure the hon. Member for Coimbatore that the attitude of the Government will not change by such speeches."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I shall then leave that question alone. In discussing the various amendments that are calculated to create further exemptions from the levy of water-cess we should see whether those items of revenue are objectionable ones like the abkari revenue which we ought not to countenance in any case. Otherwise we will not be justified in embarking upon plans by which the existing items of revenue will be cut down. We must not take this opportunity of the introduction of the Irrigation Bill to go on making exemptions from the levy of water-cess. If item after item is exempted as we go on through the various amendments, then it would have a very serious effect. Of course every one of us have the greatest sympathy with the object of the hon. the Member for Cuddapah, the Mover of this amendment. I admit that an earnest endeavour must be made to reduce the incidence of taxation on land as much as possible, because

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the land is taxed very heavily in this Province. But this object must be achieved by other means if we possibly can rather than by introducing in this Bill several provisions for exempting lands from water-cess. These are items of revenue which have been enjoyed by Government from generation to generation and there has been no specific motion for the purpose of discussing this question separately and coming to an understanding whether we ought to levy this cess or not. In these circumstances I would request this House not to accept this motion however much we may be in sympathy with the object of the hon. the Mover. I may tell him that I have a knowledge of the way in which these irrigation laws are worked in practice. Having deliberately come to the conclusion that we must not allow percolation to be one of the items of revenue thereby accepting a proposition the effect of which will be a loss to the Government—perhaps not so much as forty or fifty lakhs as the hon. the Law Member put it—let us not go on making exemptions unless some strong case has been made out in favour of this amendment. With these words I regret I have to oppose this amendment."

Mr. R. SRINIVASA AYYANGAR :—" Mr. President, this amendment seeks exemption from cess for lands irrigated with water from spring channels and river beds. If I rise now, I do so in order to make an appeal to the hon. the Member for Cuddapah to withdraw this amendment. The hon. the Law Member told us that in the final classification is taken into consideration the direct flow or otherwise of water from big channels. But so far as South Arcot is concerned, lands depending on spring channel water for the purpose of cultivation are placed under two classes according to the quantity of water they get in times of scarcity and the labour entailed in carrying water through channels dug up temporarily. A lower assessment has been levied taking that into consideration. If the hon. the Mover thinks that the present rate of assessment is too high and certain other important factors are not taken into consideration he has got only one course left open to him, viz., to withdraw his amendment for the present and wait and see till the taxation measure contemplated in clause 45 (3) is brought forward. Clause 45 (3) says that :

"The rates at which cess shall be levied under this section shall from time to time be fixed by an Act of the local legislature and till such Act is passed the cess shall be levied as at the date of the passing of this Act."

The proper stage will be for the hon. the Mover to press his case when such a taxation measure is brought forward. I shall therefore finally appeal to him to bear this aspect of the matter in mind and drop the amendment."

Mr. K. KOTI REDDI :—" Mr. President, the amount of sympathy expressed by hon. Members overwhelms me; but the result of it all seems to be a big zero. (Laughter). So far as this Bill is concerned I never thought that it was merely to regulate the irrigation rights of the Government and the ryots. The preamble of the Bill says that it is not only to regulate but to 'define and amend' the law relating to irrigation in this Presidency. Amendment includes a number of other things, setting right a number of inequalities that now exist in the matter of assessment of the sources of irrigation. The hon. Member dwelt at length upon the principles of taxation and raised some objections on that point. I do not have enough time to say a few words regarding those principles, but I shall have another opportunity of having my say during the course of this Bill. But so far as this amendment is concerned the only effective and legitimate objection can be, as pointed out by Mr. Legh, that only those persons who cultivate dry lands will be affected and not those who cultivate wet lands. This did not strike me when I gave

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the amendment. I then thought that lands irrigated by spring water should be charged. Another effect of this amendment will be that future settlement officers will be forced to exempt even those lands that are now called wet but are irrigated by spring channels. It is with this idea that I press this amendment. Such lands have been exempted so far as the zamindari areas are concerned, and I do not see any reason why the ryotwari areas alone should not be exempt and thus derive the same benefit.

"It has been pointed out by the hon. the Law Member that this has been taken into account in the matter of assessment. I do not think it is true. If the hon. the Law Member had really taken these things into account then Government would not have passed the Kudimaramat Bill and would not insist on passing the kudimaramat provisions in this measure. As a matter of fact in some of the lands irrigated by spring channels the cess levied is Rs. 8 whereas in some of the delta tracts the same rate is charged as wet rate. In that case what is the concession shown to us for spending not less than thirty or forty rupees on improving our land? The concession is really nothing considering the labour that we have spent. The hon. Member Mr. Samuel said that we have been raising very valuable crops. We only raise rice and no other crop. That is the same valuable crop that is raised in the Kistna delta. The hon. Member Mr. Saldanha also said that we should be taxed for the valuable crops that we raised. But he forgot that South Kanara was getting the water of the Government without even paying a pie for it. We shall remember that when we come to South Kanara."

Diwan Bahadur M. KRISHNAN NAYAR:—"Don't include Malabar." (Laughter.)

Mr. K. KOTI REDDI:—"If the Government want to raise revenue there are so many other ways of doing so. I do not see why the hon. the Law Member should bring forward this bogey of loss of revenue to Government and oppose the amendment. The question to be considered is not whether the Government would lose revenue or not but whether the way in which the revenue is derived is just. If the Government learn that, they will be so much the better for it. We are not here simply to raise revenue but to see that the burden is equally distributed between class and class and interest and interest. I think there is no use at all in simply saying that the Government would lose revenue and therefore they would not agree to a particular course.

"After all, let us be consistent. Let us have one principle. If the Government think that they should not lose any revenue why did they exempt 'percolation' and 'baling'? Is it not also Government water that is got by percolation and baling? In that sense I am willing to concede that all water is Government water. What is just and proper in one case cannot be improper in another case. It is on that ground that I base this amendment.

"And my hon. Friend, Mr. P. Siva Rao, said everything in my favour though when it comes to a matter of voting he would vote against my amendment. I do not see what is essentially wrong with this amendment. The only possible objection which I can conceive is that, if the amendment is carried, it may not be possible to exempt people from getting water for their wet lands; but when the time comes for the passing of a Revenue Settlement Bill or probably without any such Bill at the re-settlement when it comes next, similar exemptions may be made. I press my amendment in the full belief that it is essentially wrong to expect

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people who have already spent a large sum of money over the land to pay an additional levy; it is inequitable. I am sure hon. Members here who are real representatives of the ryots would not have the slightest opposition to the amendment only if they had the slightest knowledge of what these channels are, how much amount and labour have been spent on the channels for getting water. Relying on whatever little support that it receives at the hands of the House, I press it to a division."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I regret that I have evoked a considerable amount of excitement on the part of the hon. Member from Cuddapah. He accused me of being intent upon raising the bogey of loss of revenue and the hon. Member allured Members of this hon. House to dismiss from their minds and consciousness any idea resulting from the contemplation of such a loss of revenue. It is only six months or so from now to the time when we will have the budget before us; and I welcome the day when discussing the budget proposals and faced with a big deficit the hon. Member from Cuddapah will say: Never mind, we shall not bother ourselves about the loss of revenue. If there are retrenchments, no doubt, I shall await with interest the various schemes for retrenchment of salaries which according to the hon. Member from Coimbatore and also Cuddapah will be sufficient to make up for all these deficits. But that is not the point that I was on. I was not on the question whether by retrenchment we cannot improve the administration, whether any particular source of revenue is better or worse than any other source of revenue or whether alternative methods of taxation ought not to be explored. All that I was anxious to point out and which I desire to emphasise specially is this. This is the first of a series of amendments designed more or less to produce the same result though the details of the amendments are different. I am anxious to emphasise this that this Bill has for its object and scope mainly the regulation and control of water and the question of water-cess comes in incidentally. It has been brought in because of its intimate connexion with that control and that it was considered necessary to have a complete code. All that I assert and will still assert with some degree of confidence is this: that when we proceed with the consideration of the Bill, we do so not so much on its being a means of altering existing taxation as with a view to produce a code of existing law and improve the existing law in the course of the regulation and control of water. It is in that aspect that I still continue to view this legislation. And at the present stage to deprive ourselves of the existing source of revenue until and unless we have explored all the avenues of alternative taxation and arrived at considered results relating to retrenchment would not be the right course to take. Therefore, the question of bogey does not really arise. I should confine myself to the language of the amendment. The amendment, as it is worded, has absolutely no reference to any labour bestowed upon the land by the ryot. The amendment, as it is, applies to cases where the ryot has spent not a single pie as well as to those cases where he has spent Rs. 30 and Rs. 40, cases adverted to by the hon. Member for Cuddapah."

Mr. K. KOTI REDDI:—"Are there any cases where the Government are spending money towards such channels?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The porambu in channels in Tanjore and Trichinopoly districts are cases in which the Government are spending money and they have the richest crops that are raised in the Presidency. These would come within the amendment. My hon. Friend in his excusable and, if I may say so, justifiable enthusiasm for the conditions of his

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own district has forgotten entirely the other districts where the conditions are radically different, where without any expenditure by the ryot of anything like the amount which the hon. Mover has adverted to there have been crops raised. The hon. Member has failed to notice that circumstances vary in each case and it would make it inequitable to apply the same principle as such an attempt would produce results which are surely not contemplated by the hon. Member himself. Finally, I will say this, Sir. As I have already stated the question of the rate, of the classification, may or may not form the subject of discussion when we go to the details of taxation. We are here concerned with discussing this specific amendment. Having regard to the conditions only of a particular district, leaving out of account that there may be other districts where without any expenditure on labour such as has been contemplated and referred to very eloquently by my hon. Friend crops are raised, it would be inequitable and positively harmful to exempt in the manner proposed."

Mr. K. KOTI REDDI:—"I wish to point out, Sir, that there is another amendment where provision is made for such channels on which the Government have spent money. Apparently it looks from the speech of the hon. the Law Member that the channels over which the Government have not spent any money may be exempted."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I must guard myself against any such assumption. All that I said was: positive exemptions I highly object to; the rates may differ."

The amendment was put and negatived.

Mr. K. SITARAMA REDDIYAR:—"I have tabled an amendment adding several items to the proviso. I crave your permission to move the amendment relating to each item one by one. I do not propose to move items (m) and (n) in the paper. I move item (o) which reads thus:

'Add the following item to the proviso:

"on land irrigated with water from natural pools and spring ponds for the maintenance of which the Government do not incur any expenditure".

"When I tabled this amendment, I had in mind certain classes of spring ponds about half an acre or at the most one acre in extent in certain parts of my district, namely, South Arcot. I find from enquiry that there are similar tanks or ponds in other districts, like Chingleput and other dry places. These tanks irrigate about 10 or 15 acres and they are solely maintained at the cost of the ryots concerned. The Government have no concern whatever with the formation or the maintenance of the tank. These tanks are supplied with water because of their natural situation. The level of the pond enables water to stagnate and allows water to escape so as to irrigate about a few acres in extent. It is but fair that such class of lands should be exempted from cess which is now levied under the existing conditions. I know that the Standing Orders of the Board of Revenue enable such lands being exempted from cess, but this is more honoured in the breach than in the observance. I want therefore to create a statutory obligation on the part of the Government to exempt such lands from payment of cess."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, I rise to second the motion. The state of things in South Arcot is so peculiar that equity and justice demand that this amendment should be carried. In support of my

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statement I should like to take the House through the literature on the subject so far as South Arcot is concerned. Mr. Watson, in his Settlement Report, refers to this question as follows:

'At the foot of sand ridges near the seashore and also in the low-lying land at the foot of the Capper Hills plateau there are many spring ponds or oozes, from which land is irrigated by direct flow in some months and by baling in the dryer periods. For the most part the springs and the ponds which they supply are situated in poramboke and the lands irrigated were classed as wet at settlement. This is in accordance with the settlement arrived at in respect of similar springs in the Guntur and Nellore districts. The same principle will be followed at this resettlement.

'In most cases sources of this kind take the form of definite ponds, or pools, but there are instances where water is obtained simply by scraping a shallow hole in the ground. On a reference made by the Collector of South Arcot in 1897 the Board in B.P. Mis. No. 4646, dated 1st August 1898, tacitly agreed that the registration as wet of land irrigated by sources of the latter kind was justified because the lands are unfit for dry cultivation and only wet crops are grown, but at the same time agreed with the Collector's contention that as springs did not constitute a Government work of irrigation, faslijasti and tirwajasti could not be levied; and that order has been embodied in a district standing order which says "lands irrigated by means of subsoil springs will not ordinarily be charged with tirwajasti or faslijasti notwithstanding the fact in the latter case of the springs having been entered in the diplot settlement register as the source of irrigation".

"These are the orders passed in 1898. That state of affairs continued till about 1915 when a change came over the policy of the Board of Revenue. Lower down in the same memorandum you will find:

'Recently the Board has decided in B.P. Mis. No. 693, dated 22nd June 1915, in respect of irrigation from spring ponds situated in patta lands in Nellore district that water rate was rightly charged. It is generally possible to distinguish between definite spring ponds and mere subsoil springs: but irrigation from a subsoil spring may be better and less expensive than irrigation from a definite spring pond. I have seen cases where subsoil springs were recognized at settlement as sources of irrigation and the lands so irrigated registered as wet; but I have also seen cases where spring ponds, situated in patta land, which are shown in the village map and which must have been in existence at settlement, were not recognized as sources of irrigation and the irrigated lands were not registered as wet and water rate has not been charged, presumably in accordance with the district standing order quoted above. There can be no question that in all such cases where the lands are regularly cultivated with wet crops it is justifiable to register them as wet and that will be done at resettlement.'

"On receipt of this, the Board of Revenue in the same paper stated at page 199:

'Mr. Watson proposes that lands regularly cultivated with wet crops with the help of water from spring ponds and pools in the South Arcot district may be registered as wet at the resettlement, irrespective of whether such lands are shown as dry or wet in the Revenue Accounts. The Board supports this proposal. In the case of spring ponds and pools which have not been recognized as Government sources of irrigation, presumably because they are situated on patta lands, the present district practice is not to levy faslijasti or tirwajasti on the lands irrigated by them although a definite wet ayacut has been assigned to each such source. A different practice obtains in the Nellore district in regard to lands similarly circumstanced, which are invariably charged tirwajasti or faslijasti as the case may be. The Board sees no reason why the practice in South Arcot should not be brought into conformity with the system in force in Nellore.'

"This was somewhere about 1918. At the recent settlement the Board of Revenue advised the Government to go back upon the earlier pledges and promises made. Subsequent to this settlement and consequent upon the orders passed by the Government in 1918 faslijasti and tirwajasti are being levied on these lands as well.

"For, the Government of Madras in paragraph 10 say that the Government approve Mr. Watson's proposal in regard to the treatment of land irrigated by spring or oozes. So, there is absolutely no justification in spite of all this, for the Government charging for this water. They do not spend even a pie on maintaining these sources. It is an underground flow as it were which is brought to the surface by a small scraping of

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the earth or by small cuts made on the ground. Therefore, I submit that the state of things which has been in existence for very many series of years and which was in vogue in South Arcot till the year 1918 should be recognized and it is not possible to recognize it unless we have a statutory enactment on the lines and in the terms covered by this amendment."

Mr. E. W. LEGH :—"Sir, I want to be quite sure before answering this amendment as to what are the classes of cases which the hon. Member intends to cover. With great deference to him, I must say that he has not been quite clear on one point. He has not stated, so far as I gather from his speech, whether the cases he was dealing with are cases in which the springs themselves which are the sources of supply are on the patta land of the ryot or whether they are outside the patta land, on poramboke."

Mr. R. SRINIVASA AYYANGAR :—"They are on both."

Mr. E. W. LEGH :—"I am afraid there is great distinction between those two classes of cases, because I think they cannot be classified together. Where the source is entirely within the patta land of the ryot, I am not at all sure that a case can be made out for charging revenue on them. It seems to me that it corresponds to the case of other private works on patta lands and I am not at all sure that it can be differentiated. But it is quite a different thing when we come to the case of springs which are outside the patta lands. There is no limit here to the size of the pools or springs. I can instance one case within my own knowledge down in the south, in the south of Tinnevely district, where there is a large area covered with sand and just below that, just to the south of that, there is an area of 400 or 500 acres of wet land all irrigated in wet weather by springs from the sand, and I do not see any reason why that source of irrigation should not be taxed in the same way as other sources of irrigation. Although it may be stated that the Government did not do anything for it, it is a State asset and it seems to me quite proper that the State should make what use it can of it, and that applies in all cases where the springs are the property of the State and are not on any patta land. But the special case of pools lying on patta lands seems to me to come rather under the head of the definition given in clause 4 (4) which we have already dealt with, where we have excluded from the definition of irrigation work all pools and springs. The definition says:

'Lakes and other natural collections of water not situated in estates or on lands held by registered holders.'

"So these springs and pools are excluded from the definition, and for that reason I am inclined to exclude it from the charge for water also. If this amendment is intended specially to apply to that class of cases, I do not think it is necessary. And if it is intended to refer to sources outside patta lands, that is on State land, then I think it must be opposed."

Diwan Bahadur M. KRISHNAN NAYAR :—"May we know from the hon. Member the amount of revenue which is collected in the South Arcot district on the second class of lands referred to by him, that is on lands irrigated by springs situated outside patta lands?"

Mr. E. W. LEGH :—"I am afraid my attention has only just now been drawn to that class of cases and I cannot give the figures without some enquiry."

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Diwan Bahadur M. KRISHNAN NAYAR :—"Another thing I want to know is whether the allegation made by the hon. Member Mr. Srinivasa Ayyangar, namely, that this cess was not levied till 1918 is correct."

Mr. E. W. LEGH :—"Mr. Srinivasa Ayyangar was quoting from the Settlement report, and I have not got a copy of it at present in my hands."

Mr. K. KOTI REDDI :—"Sir, I am tempted to accept this amendment if I consider it personally from the point of view of the benefit that my district would get if it is passed. But, worded as it is in such general terms, if it is passed, the State would necessarily lose a large amount of revenue (hear, hear, and laughter), which there is no reason to give up. I may explain myself further. There are natural pools and streams in my own district which would water about three or four hundred acres and in Kurnool, as far as I remember, there are two places; in one, the pool irrigates about three or four hundred acres, and in another about two hundred acres. The water comes naturally and the ryots do not contribute anything in the shape of labour. If hon. Members would remember, the reason why I spoke in favour of the previous amendment was that in that case the ryots spent labour which would cover from 20 to 30 rupees per acre. But in this case the ryot does not expend any amount of labour. The Government also do not expend any labour, but that is no criterion. The criterion comes only with regard to the ryots. Where the water comes from a pool or stream, that is, where it is a natural flow for which the ryot does not contribute labour, I do not accept the terms of the amendment, because there may be loss of revenue. If the ryots contribute some amount of money which is fairly proportionate to the cess that the Government levies, there is reason to justify exemption. But in cases where the ryot gets water by a free flow, there is no justification for exemption. If my hon. Friends can show that the ryot expended some amount of labour, say even Rs. 5 or Rs. 6 per acre, it would be some reason for accepting this amendment."

Mr. K. SITARAMA REDDI :—"My hon. Friend from Cuddapah just referred to the fact that in his district there is no labour involved in the maintenance of these ponds. But I may assure my hon. Friend that, so far as the ponds and pools in the South Arcot district are concerned, enormous labour is involved in the maintenance of these sources. Every year, silt has to be removed and sand cleared, and every year the sources get silted up and no water will come unless this is done periodically and regularly. In the maintenance an enormous amount of labour is involved and what is raised by means of this water is only irrigated paddy crop and not a dry crop, such as sugarcane or any such thing which can be said to be profitable to the cultivating ryot. I can, therefore, assure him that labour is involved, and so I hope he will not have any objection to agree with me. The hon. Member, Mr. Legh, has pointed out that these springs, etc., are a State asset and that this State asset should be made use of by the Government. It may be true that these are State assets but unless labour is expended on them, they will get nothing from them in course of time. I take it, therefore, that there will be no serious objection on the ground of a few lands irrigated by these ponds and pools, so far as South Arcot is concerned. And I take it that this applies to other dry districts like Chingleput, though the acreage covered is very small. I hope the Government will not grudge to accept this amendment in view of the fact that labour is involved in the maintenance of these ponds and pools."

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Mr. J. D. SAMUEL :—"Sir, I am inclined to think that the amendment as worded is rather too wide. As it is, it applies to all districts. Clause 4 (4) as it stands seems sufficient to meet the wishes of the hon. the Mover. The sources outside patta land are certainly State assets, just like porambokes. If we are to take the expenditure of money as a guiding factor, I am afraid nothing can be called State property."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I am inclined to support this amendment and that for this reason. In the first place I generally agree with the hon. the Law Member in the proposition stated by him, namely, that the revenue which the Government at present obtain should not be taken away from them. But here the case is peculiar. In the first place even my hon. Friend, Mr. Legh, has stated that the Government are inclined to accept part of this amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If I may interrupt the hon. Member, I may say that what the hon. the Revenue Secretary stated was that the definition itself comprised pools and other sources of that category which are situated on patta lands."

Diwan Bahadur M. KRISHNAN NAYAR :—"In fact I myself was going to refer to it and further to state that Mr. Legh himself stated that so far as those lands which are irrigated by water from ponds situated on patta lands themselves are concerned, they are included in the definition already passed, and in any case this particular amendment is unnecessary. His argument was only with reference to other lands which are irrigated from ponds situated outside these patta lands. There are two circumstances which I submit should be taken specially into consideration by this House, and they are these. I asked my hon. Friend the Revenue Secretary what amount the Government derive from this class of lands, but he was not able to give us any information. I understood from my hon. Friend, Mr. Sitaramareddi, that the amount of revenue which they derive from this class of lands is not."

Mr. E. W. LEGH :—"He was speaking only for his own district, but there are other districts in which I know large areas are irrigated from sources which come under the heading of 'springs and ponds'. I think Mr. Koti Reddi has referred to such instances."

Diwan Bahadur M. KRISHNAN NAYAR :—"But there are other reasons also. In the first place, no information has been placed before us as to the amount of revenue which the Government derive under this head from other districts. But apart from that we find that this revenue is a recent imposition. It was only in 1918 that the Government began to collect it and in that year."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Is that the case in every district, Sir?"

Diwan Bahadur M. KRISHNAN NAYAR :—"My hon. Friend, Mr. Sitarama Reddi, confined his remarks specially to South Arcot, and I support him particularly with reference to his remarks regarding South Arcot."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I may say that I am authoritatively informed that large tracts of land in almost every district will be covered by this amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—"May I know the approximate revenue which the Government are deriving from the lands?"

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"I have made a calculation of the revenue which we may lose on account of this amendment. But when it is asserted by men coming from various districts like Cuddapah, Godavari, Kistna, etc., that there are large tracts in those districts which will come within this definition, I cannot say correctly the amount of revenue that the Government would lose. It may be that the amount of revenue in South Arcot is small."

Diwan Bahadur M. KRISHNAN NAYAR :—"So far as I am able to understand, I think that only my hon. Friend from Cuddapah stated that there are some lands of this class in his district."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am in a position to say that there are at least half a dozen districts in which there are large extents of land irrigated like this."

Diwan Bahadur M. KRISHNAN NAYAR :—"The hon. the Law Member has reason to think that such lands are extensive, but he is not able to tell us even approximately the amount of revenue derived. He is not able to say what revenue would be lost."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Then, must we vote for the loss of the whole revenue, which would be the case if this amendment is accepted?"

Diwan Bahadur M. KRISHNAN NAYAR :—"It is quite inappreciable."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I may assure him that it is far from inappreciable."

Diwan Bahadur M. KRISHNAN NAYAR :—"I am sorry I cannot accept the *ipse dixit* of my hon. Friend when he is not able to support it by figures."

However, what I was going to say was that so far as the South Arcot district was concerned the change of policy of the Government has been recent, dating from some six years ago.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The only point that I am desirous of saying is that I have always found the hon. Member for Malabar uniformly reasonable in accepting assurances when they are based on some grounds. It is not in a spirit of irresponsibility that I stated that there are large extents of lands that are covered by this amendment. I asked the hon. the Revenue Secretary; I asked the various officials who were concerned with those districts and who are sitting behind me; I have asked the Members sitting in the Opposition Bench; I have asked Members who do not sit in the Opposition benches but who are below the gangway; they have all said that there are such areas in various districts which will be covered by this amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—"A word of personal explanation, Sir. If my hon. Friend, the Law Member, is not prepared to give us anything beyond these general statements, if he is not going to give us any idea regarding the details of the revenue that the Government will lose, I am not in any way to be blamed."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"All that I can say is that if the Government were to calculate the extent of revenue lost to them by the

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passing of every amendment and classify the area, there will be no end to it. It seems to me that it is a work of needless super-arrogation. All that I can say is that this amendment is not confined to South Arcot alone. Mr. R. Srinivasa Ayyangar has made reference to the particular conditions obtaining in South Arcot. Trying to deal with each district as the cases arise seems to me to be an unbusiness-like procedure."

The amendment was put to the vote and negatived.

At this stage 1-37 p.m. the House rose for lunch.

After Lunch (2-30 p.m.)

The hon. the PRESIDENT:—"I think we have agreed to allow the hon. Member, Mr. Narasimha Raju, to move his amendment now. Is that the general wish of the House or shall we go on with the amendment of the hon. Member, Mr. K. Sitarama Reddi?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Sir, may I mention, that I am staying here in spite of engagement elsewhere simply for the amendment to be moved by the hon. Member, Mr. Narasimha Raju. If my friend consents to move the amendment, I shall be much obliged."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I move the amendment the form of which I have already read in Council in the morning. I have at great length stated in my minute of dissent the reason why such lands shall be exempted and I have read it out to the Council this morning. Even Sir K. Srinivasa Ayyangar's Bill which is said to be a confiscatory Bill makes provision for being exempted from cess and my amendment does not go beyond that. I commend it to the acceptance of the House."

Mr. P. PEDDIRAJU:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"At the risk of embarrassing any further my hon. Friend from Chingleput, who, I find, is not in his place, I have ventured to move an amendment which I think will meet with no objection at all, and will carry out the objects which my hon. Friend has in view. If this House will permit me, I may read the amendment so that they may see exactly where we are and how it can be deemed acceptable. I would say, Sir,

'Add the following as item in proviso under section 45 (1):—

"on pre-settlement minor inam land situated within but not forming part of an estate irrigated with the water appropriated under explanation (a), (b) or (c) in section 20 from any source or work over which control has been assumed under section 9 where such land was regularly irrigated from such source or work free of charge prior to the issue of notification under the said section"

"That is the extent to which we are prepared to go and if that meets with the wishes of my hon. Friends, I think we shall have no need to discuss any further."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I am perfectly willing to accept the amendment in that form. If the Government are willing to move it in that form, I have no objection to withdraw my amendment."

The amendment was by leave withdrawn.

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"Then, I move the amendment which I have just read out."

Mr. E. W. LEGH:—"I second it"

The amendment was put to the House and carried.

Mr. K. SITARAMA REDDI:—"I will now move that the following item be added to the proviso:—

'On lands irrigated by rain-fed tanks which depend on an intermittent supply resulting from rain and from surface drainage and from the surplus of the tanks up above in a chain of rain-fed tanks if the Government do not incur any expenditure in the maintenance of channels that drain off the surplus water from the tank above and carry it to the tank lower down.'

"Probably, this amendment may not appeal to my hon. Friends from Godavari, Kistna and Tanjore. But I am sure other friends will agree with me, especially those from what I may call dry districts like Chingleput, South Arcot, Chittoor and other places, Cuddapah included. I refer to a system of tanks, the first tank it may be, where the tank receives water from a source and later on that tank, after it is full, sends out its water to tanks lower down. That can only be done in the case where we have very heavy rainfall as in my district. In these cases, the tank does not receive water from any source of supply and the water does not come from any drainage channel and Government does not spend anything on it. It is a natural channel. There is absolutely no other go for that water but to come down to the lower tank. Tanks receiving such water as is not of any use for tanks above and on which the Government have not spent even a pie and over the maintenance of which the Government have not spent anything should be exempted. It may be the contention that in the case of ryotwari lands if these tanks are maintained by the Government, the lands irrigated by such tanks should not be made free. But I particularly appeal to the House in the case of land in an estate receiving supply of water from such tanks, these lands should be exempted on the ground that Government does not spend a pie and the drainage channel carries the surplus water which is of no use to any tank above."

Mr. A. RAMASWAMI MUDALIYAR:—"I second it."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"May I have some information on the matter? I should like to know whether these tanks to which reference has been made by the substitution of the sub-clause are included in the system of tanks that are supervised by, and for which Government prepare estimates under, the Tank Restoration Scheme or whether they come under the Minor Irrigation Works."

Mr. C. V. VENKATARAMANA AYYANGAR:—"And may I also know whether if there is a breach, the Government are not expected to repair them?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Also whether they are on patta lands?"

Mr. K. SITARAMA REDDI:—"I may say that some of them are maintained by the Government, I do not know whether by the minor irrigation authorities or the Tank Restoration Scheme. I believe that most of them are maintained by the minor irrigation authorities and a few by the Public Works Department."

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Mr. S. VARADA ACHARIYAR :—"As has already been stated by the Revenue Secretary in connexion with the previous amendment, in all those cases where the sources are situated on patta lands or estates, they are covered by the provisions relating to appropriation. So that such cases are entitled to exemption. It is only where such cases are outside patta land, the operation of this clause can come into question at all. I would invite the attention of hon. Members to the considerations on which the Mover is basing his claim for the amendment. One is that the supply is intermittent and the other is that Government do not expend any money upon the maintenance of the works in question. I would like to ask the hon. Mover whether in cases of rivers the supply is not intermittent or otherwise and also whether it is his idea that on maintenance of these rivers Government spend all moneys that they realize by means of revenue on the lands served by those rivers. I take it there is some force in the argument advanced by my hon. Friend, Mr. Koti Reddi, that if the ryots spend money, there should be exemption. But to put it as a reason that the Government do not spend anything and therefore exemption should be given is a thing I do not understand. It is not a safe criterion to take a particular locality and say that Government do not spend anything on that locality. If they are not spending out anything at a particular place at least as it has been admitted *ex-hypothesis* they are spending money on the higher tank from which the tank lower down receives supply of water."

"Therefore though in the preamble to the Act of 1865 there is a reference to the Government having spent large sums of money by way of outlay on the construction of the works, it has been pointed out by very high authority that even under the Act, as it now stands, that is not the basis of liability. So, neither in principle nor on the facts is there any justification for this amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I think it is a question of interpretation whether the classes of cases covered by the amendment do come under the definition of irrigation works or not. The element that constitutes an irrigation work is that it should be maintained by the Government or controlled by them. If this element is absent, then it is not a Government work. I understand from the speech of my hon. Friend, Mr. Sitarama Reddi, that the Government do not spend a single pie on certain works and therefore it is that he wants that they should not be classed as irrigation works. The question arises whether the Government control them or not. If the Government exercise any control over any tank, it becomes an irrigation work; otherwise it is not and I do not see why my hon. Friend should press his amendment. I respectfully beg to differ from the hon. the expert Member in his interpretation that by the mere fact that a tank is situated in a poramboke it can be called an irrigation work."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I did not understand the explanation of Mr. Varada Achariyar to be that. He eliminated certain categories as being already within the section."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"If I understand him correctly, he said 'these are not tanks situated within the patta lands; they may be tanks situated within the poramboke land' and he wanted to show that all tanks situated in poramboke lands are *ipso facto* irrigation works."

Mr. S. VARADA ACHARIYAR :—"I said that it was only in such cases that the question under the amendment can arise."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—"So he agrees with me in thinking that the mere fact that a tank is situated in a poramboke land does not entitle the Government to class it as an irrigation work. To prove that a tank is an irrigation work, it must be maintained or controlled by the Government. Otherwise it is not a Government work. I therefore think that there is no necessity for this amendment."

Mr. K. SITARAMA REDDI :—"I am afraid my hon. Friend Mr. Narasimha Raju, has not understood my point. Tanks, it is true, may be maintained by the Government. But the drainage channels carrying the surplus water are not maintained by the Government. These channels carry water to a tank within or outside an estate. If they carry water to a tank within an estate, then according to the interpretation of the hon. expert Member it is exempt from cess. But in the case of lands in the ryotwari tracts which receive the water, there is the difficulty. The question is whether those lands are to be exempted or not."

The amendment was put and negatived.

Mr. K. SITARAMA REDDI :—"Sir, I beg to move :

'Add the following item to the proviso :—

"on lands cultivated with wet crops with the help of rain and surface drainage water by bunding up such water in such lands"

"These are lands which, in some districts, are known as *Acchukat* lands. The peculiarity of these lands is that they do not receive water from any tank or irrigation work. The ryot merely bunds up rain water given to him by Providence. In some cases water from surface drainage is also used. No Government money is expended here. Therefore, I think Government should not collect any cess in these cases."

"Objection may be raised that in some cases the ryot prevents water from flowing to the tank lower down. But there are some cases where the water is not carried into any tank but is wasted. In such cases I do not see why exemption should not be granted. After all it may be a dry crop that may be irrigated with this water and there will be no appreciable loss of revenue felt by the guardians of the Exchequer by granting this concession."

Mr. K. SARVARAYUDU :—"I second the amendment."

Mr. E. W. LEGH :—"Mr. President, Sir, the hon. Member is raising a very difficult question. The question of *Acchukattus* covers a very large class of cases. The amendment says :

'lands cultivated with wet crops with the help of rain and surface drainage water by bunding up such water in such lands'

"Now, Sir, as regards rain falling directly on the lands, obviously there is no claim for any charge at all. When you come to the surface drainage water flowing over a land the question depends entirely as to where it is coming from and where it is going to. It is not a question between the Government and the ryot but a question between a ryot and another ryot, between a set of ryots who have lands irrigated below a tank and a set of ryots whose lands are above that tank. I have seen in Salem a number of these lands situated along a sloping valley running over a considerable stretch of the country. There are series of walls put up and by means of these the water is collected. It will be an exceedingly difficult case to find out whether

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or not we should charge those cases. The decision depends upon whether the water is going from a Government source or going to a Government source. But I do not think we can deal with the question by a statutory provision. I think that should go into the rules. I do not think this wording as it stands would settle the matter finally. It will only lead to a great many difficulties. If you give a general right to bund up any water running from anywhere, it will affect the rights of wet landholders which we have to protect."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, originally an attempt was made for the purpose of regulating what has been called the *Acchukat* practice. It was then found that it was not expedient so to regulate it but to leave it to the operation of the common law having regard to the practices in particular localities and the sanction of such practices may have in specific localities. For instance, in Salem, as the Revenue Secretary has pointed out, there are cases of that kind. They constantly crop up in Chingleput. It was with a view not to lay down any definite rule with regard to this matter that it was finally resolved to leave it to local practice. The practice being so divergent in various places, we came to the conclusion that it was well to leave the common law to operate wherever the law at present prevails. That is the object with which that is left out. Now the hon. Mover's idea is to deal with *Acchukat* lands. He wants to have a statutory recognition of that practice. But that practice may or may not prevail in particular localities. For these reasons I appeal to my hon. Friend not to press his amendment, especially when he takes it from me that it is not the intention of the Government to make the practice invalid where it is valid."

Mr. K. SITARAMA REDDI :—" With that assurance of the Government that they will not derogate from the existing practice or from the policy which has been now enunciated by the hon. the Law Member, I beg to withdraw my amendment."

The amendment was by leave withdrawn.

3 p.m. Mr. V. C. VELLINGIRI GOUNDER :—" I beg to move the following :—

' Add at the end the following new item :—

" on lands irrigated from precarious jungle streams although registered as wet, for the irrigation of which Government do not incur any expenditure."

" Sir, I have given notice of this amendment in order to bring before the House the condition of things prevailing in my district. They arose out of a special settlement to which I referred in connexion with my previous amendment. Lands have been registered as wet for the convenience of the administration, because there was trouble in fixing up the water-rate and in finding out whether a particular stream supplied sufficient water for raising a crop. And further these lands were registered as wet not on account of sufficiency of the water available but on account of the competitive nature of the locality for water from the available jungle streams and pallams. The Government thought that by simply registering the lands as wet they would be relieved of a great trouble. That was the chief argument that was advanced with regard to the special settlement and to get rid of this objectionable procedure I have tabled this amendment. No doubt there are already provisions in the Standing Orders for exempting the lands from water cess but they are rarely observed in practice and the discretionary powers vested

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in the district authorities are not properly exercised. The ryots often ask for water and so the Government thought that by converting the lands as registered wet they would end all trouble. Otherwise it would be meaningless to transfer such lands from dry to wet. Irrigation from these jungle streams and pallams is not an easy matter. It requires a good deal of expenditure, as has been pointed out with regard to irrigation from spring channels by the hon. Member for Cuddapah. Even the benefits they are supposed to get are counteracted by abnormal rainfall. Again for years together there may not be any water-flowing at all on account of drought and there may not be any freshes in the streams. I therefore consider this registration of dry lands into wet and the charging of water rate are highly objectionable.

" I am told that the Government is going to frame a taxation Bill or provide for rule-making power. If such a provision is to be made to consider these conditions, I will wait and not press my amendments now."

Mr. R. SRINIVASA AYYANGAR :—" I second the amendment. I want to make only one submission. This amendment, in my humble judgment, seems to aim at legislative recognition being given to Board's Standing Orders. On the face of it, I think there will not be much difficulty in accepting it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I must frankly own to being puzzled by the amendment sought to be moved and what is startling to me is the expression 'precarious jungle streams'. What I understood was that water was being supplied from these jungle streams to the lands which raised double crop and which were registered as wet. All I say is that the precariousness of the jungle streams leading to double crop seems to be a hypothetical matter. After all, the whole question is this. There is no doubt provision is made in the rules for exemption in certain cases which are governed by these rules, and these rules have to be considered by this House when they come up. But to postulate a precarious jungle stream from which people are raising double crop is to state a hypothetical case."

Mr. V. C. VELLINGIRI GOUNDER :—" I did not say double crop."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" When it is registered as wet, there is no question of first crop; it is only the question of second crop that can arise."

Mr. V. C. VELLINGIRI GOUNDER :—" I had in my mind only those lands which have been cultivated with garden crop or have had some coconut plantations for a second crop. There may be irrigation done to a certain extent by the water from the stream and when the stream water dries up, it has to be supplemented in other ways. It is only in those cases that the wet registration is objectionable. It is the outcome of imposing water-cess without proper consideration to the locality and the nature of water-supply from these streams and pallams. With regard to what are called pallams, water may be running a few hours in the day or a few days in a month. On account of competition among the ryots for getting water at all costs, the authorities think that by converting the land to wet they will give a great advantage to the ryot and save themselves from constant trouble. Instances are not wanting where in spite of objections raised, the lands have been transferred to wet. On the face of it this is a very objectionable taxation. Whatever benefits may accrue to the ryots, they are counteracted by other influences, and only in those cases do I object to the levy of any tax."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" May I, Sir, at the risk of taking up a little more of the time of the House, refer my hon. Friend to the words

' Necessary, beneficial to and sufficient for the requirements of the crop on such land '

in the second paragraph of clause (1)? Is that test satisfied? If it is satisfied, I do not think there will be anything further to say on that matter. There is that safeguard. My hon. Friend surely does not seek to convert wet lands into dry by means of this Bill? We cannot really do it here."

Mr. V. C. VELLINGIRI GOUNDER :—" I thought this a fitting occasion to bring to the notice of the House the difficulties of irrigation and the impropriety of taxation. May I request the hon. the Law Member to consider this at the time when rule-making provisions are made? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" So far as the transfer from wet to dry is concerned, that cannot come in this enactment. But the codification of practice that may exist in this matter may be a subject for rules. That is a different matter."

Mr. V. C. VELLINGIRI GOUNDER :—" Where then is the remedy for the state of things I mentioned? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Settlement."

The motion was by leave withdrawn.

Mr. P. PEDDIRAJU :—" I beg to move the following amendment :—

' In the proviso insert the following :—

" on land irrigated for the purpose of raising or nurturing seedlings ".

" Sir, in moving this amendment I do not think that many words are necessary to commend this to the House. The point is under the rules framed, there is no doubt a rule that water-cess shall not be charged for nurturing seedlings, but that is one of the rules which is not observed in practice. As the Government have said they are making a rule to that effect, I do not want to press this. I want only statutory recognition that so far as the seedlings are concerned there should be no water-cess."

Mr. P. ANJANEYULU :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I undertake, Sir, to have this question examined and if, as a matter of fact, I do not see any serious objection to it to frame a rule to that effect, I do not see any objection to it if, as a matter of fact, it embodies practice. It seems to me the fitting place for it will be the rules and not the statute. I give an undertaking that if it is found to be the practice, it will be one of the rules."

Mr. J. D. SAMUEL :—" In the cases of lands irrigated with water for the purpose of raising seedlings, it will be very unjust if Government impose a cess. Will the Government kindly look into this matter? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" If there is any difficulty in the matter and if the question is apt to be brought under a rule, I, undertake to frame a rule to achieve the object which the hon. Member has in view. I do not think that this clause really applies to cases of seedling."

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Mr. P. PEDDIRAJU :—" If you will kindly peruse clause 45, paragraph 1, you will find that Government can levy water-cess not only in cases of user but also in cases where water is supplied. In this case it is not only a question of use but it is also a question of supplying water. That is the reason I have for bringing in this amendment. So far as I know, the practice in the delta of Gōdāvari and Kistna was for a long time not to levy any cess where water was supplied for the purpose of raising seedlings. Subsequently when the Government began to levy a charge, the ryots appealed to the Board of Revenue and they decided that no charge should be levied. Now the Government are not collecting any cess. Unless a rule is framed to that effect, so far as deltaic areas are concerned, the Government will be raising cess on a very large extent of land."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I shall examine the matter. If I find that the practice is not to levy any cess, I shall frame a rule to that effect."

The amendment was by leave of the House withdrawn.

Mr. E. W. LEGH :—" The amendment that stands in my name runs as follows :—

' Add the following as item (m) of the proviso :—

" on land within the districts of South Kanara and Malabar exempted by the terms of the settlement notification from additional charge for water during the currency of a settlement ".

" This amendment is moved with reference to an undertaking given to hon. Members representing Malabar and South Kanara that provision would be made in this Act for securing to these two districts the benefit of any change that might be made during a period of settlement. There is a desire on the part of one of the hon. Members not only to provide with reference to the present settlement but with reference to future settlements also, and I hope the House will see that this is not the proper place for passing a legislation of that character. At present a settlement is made for a period of years and we can provide in this Bill that the terms of the settlement cannot be changed during that period. But I do not think it will be right for us to legislate in this Bill about future settlements also. That can be dealt with in a Settlement Bill when it comes up."

Mr. G. F. PADDISON :—" I second it."

Diwan Bahadur M. KRISHNAN NAYAR :—" Before we proceed to discuss this amendment I wish to have your ruling on a certain point and that is this : the next amendment 246-C on the paper stands in my name and I wish to know from you, Sir, whether, if Mr. Legh's amendment is passed, I can move that amendment. As a matter of fact, so far as his amendment is concerned, it is not opposed by us, Members from Malabar and South Kanara. We accept it and as Mr. Legh himself has stated it meets our wishes. But our complaint is that his amendment does not go far enough and it is not only to preserve the existing practice but also to extend it further that I gave notice of my amendment which now stands as 246-C in the agenda paper as an amendment to Mr. Legh's amendment. Mr. Legh's amendment restricts what is contained in my amendment. Practically that is the only difference between the two amendments. What I want to know from you is this : whether, if Mr. Legh's amendment is accepted, I shall be in order in moving my

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amendment. If it is ruled that I shall not be in order, I shall move my amendment in the form in which I originally presented it to the Secretary. Mr. Legh's amendment is this:

'On land within the districts of South Kanara and Malabar exempted by the terms of the settlement notification from additional charge for water during the currency of a settlement.'

"My amendment is to *add* the words 'in force on the date of the passing of this Act' after the word 'notification' in Mr. Legh's amendment and also to *omit* the words 'during the currency of a settlement' at the end of his amendment."

Mr. B. MAHABALA HEGDE:—"The same argument which my hon. Friend Mr. Krishnan Nayar advanced for his amendment applies to mine."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, the order in which these amendments are to be moved and the voting upon them are entirely vested in you. For reasons best known to you, I would say that the other order would be a better way of dealing with the business. The reason is this: the amendment moved on behalf of Government is that if there is a settlement which exempts certain lands we should not impose any cess upon those lands during the currency of that settlement as they form the subject of that settlement. What my hon. Friend from Malabar desires to move is that not only during the currency of that settlement, i.e., for 30 years but for all time to come those lands which secured a settlement should be free from cess. Therefore if we are to vote and decide whether during the currency of a settlement lands should be exempted from cess and if that desire is granted, we can then decide the question whether that exemption should be confined to the period of settlement or for ever. Probably that would be a more convenient way of disposal of the business and I commend it to you for disposal."

Diwan Bahadur M. KRISHNAN NAYAR:—"Am I to understand that my hon. Friend Mr. Legh's amendment may be voted upon and then my amendment may be moved?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It has to be moved as an amendment to Mr. Legh's amendment. As soon as speeches are made on Mr. Legh's amendment, if Mr. Krishnan Nayar can move his amendment as an amendment to Mr. Legh's amendment, that may keep all questions out of the way."

Diwan Bahadur M. KRISHNAN NAYAR:—"Yes, if my amendment is accepted. If on the other hand my amendment is rejected, which is a contingency I do not anticipate, then of course I take it that Mr. Legh's amendment will stand."

The hon. the PRESIDENT:—"I understand the hon. the Law Member to ask the hon. Member from Malabar to defer the moving of his amendment until Mr. Legh's amendment has been debated upon."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Unless of course you are willing to have them debated upon simultaneously."

The hon. the President allowed Diwan Bahadur M. Krishnan Nayar to move his amendment.

Diwan Bahadur M. KRISHNAN NAYAR:—"I shall move my amendment as an amendment to Mr. Legh's amendment, and it is this:—

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'Add after the word "notification" in Mr. Legh's amendment the words "in force on the date of the passing of this Act" omitting in his amendment the last line" during the currency of a settlement".'

"So that, my amendment read with Mr. Legh's amendment will read thus:—

'On land within the districts of South Kanara and Malabar exempted by the terms of the settlement notification in force on the date of the passing of this Act from additional charge for water.'

"I wish to make only one or two remarks. Mr. Legh in moving his amendment has stated that at present lands in Malabar are not charged with cess. As a matter of fact the system of charging cess has not existed at all in Malabar. If this Bill becomes law any natural stream or canal becomes an irrigation work. There are lands now here and there in my district which are watered from these streams and canals and thereby crops are raised. This system has been going on, not during recent years, but for centuries. It was only by a deputy of Hyder Ali that land revenue was imposed in Malabar. Ever since Malabar came into existence we have not been paying water-cess at all. Hereafter simply because this Bill is going to convert all navigable rivers and all natural sources of water into irrigation works, it should not be made possible for the Government to levy additional taxation in the form of water-cess. What I want to bring about by this amendment is that the existing settlement notification should not be altered. Simply because there may be another settlement in future, we should not be compelled to pay water-cess on lands for which we have not been paying water-cess at any time. That is the object of this amendment. My hon. Friend, Mr. Legh, has stated that this is not the proper place for introducing settlement rules. Admittedly he introduces some change in the Settlement rule here."

Mr. E. W. LEGH:—"I want to introduce a statutory provision which will preserve the present settlement notification."

Diwan Bahadur M. KRISHNAN NAYAR:—"What I want is a statutory provision for preserving the existing state of affairs. Simply because you are converting all natural streams and canals into irrigation works, the existing state of affairs should not be altered."

Mr. B. MAHABALA HEGDE:—"In seconding this amendment I beg to say 3-30 p.m. a few words"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"On South Kanara?" (Laughter.)

Mr. B. MAHABALA HEGDE:—"Both on South Kanara and Malabar. I shall only quote a few extracts from G.O. No. 757, Revenue, dated 25th August 1902. At page 140 the following extract which is taken from the Settlement Officer's report will show that there is no irrigation work constructed by Government in South Kanara:

'As stated I do not approve of a second crop charge. There is no Government irrigation in the district and it would never pay us to have any. We easily find out what lands yield three wet crops, what two and what only one, and put them in different classes having wet rates from Rs. 12 downwards and abolishing all kattuttar remissions. In North Kanara there is no second crop charge. A second crop charge would involve annual remissions and inspection before jamabandi. Anyone knowing the district will agree that the attempt to do anything of the sort will be a failure. The Deputy Commissioner deals with kattuttar remissions in paragraph 67 of his scheme. It may be remarked that the Government decided half a century ago that "from the peculiar circumstances of the district and the tenure of landed property the repair

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of works of irrigation properly belong to private proprietors" (G.O. No. 1233, dated 9th November 1848, in Board's Proceedings, dated 27th November 1848). This order is conclusive on the point that Government is not bound to contribute aid towards irrigation works, and it seems high time to abolish the remissions at the settlement as was done in North Kanara.

"Again on page 54 of the same Government Order we have:

'67. *Irrigation sources and kattuttar remissions.*—There are no works of irrigation properly so called built or maintained by Government in this district. The early paddy crop is usually matured by the south-west monsoon rains both on the richer lands at the bottom of the valleys and the terraced hill sides rendered fit for the cultivation of that crop at considerable labour and expense on the part of the landholder. But a source of supply of some sort is everywhere much appreciated and valued even during the early crop season; because if owing, as it sometimes happens, to the uneven distribution of the seasonal rains, there was a prolonged break during the monsoon months, the crops would be liable to spoil if there was no extra source of water-supply available. Ordinarily, therefore, irrigation sources, whether natural such as spring channels, hill side percolations, surface springs, etc., or artificial such as small tanks or pools or private wells, are depended upon more particularly for growing a second or third crop of paddy. In every valley of a village springs or rainfed channels run through Government or private patta lands; and these are availed of to the utmost extent of their irrigating capacity. The channel clearances are all carried out by the ryots themselves. But, with a view to ensure irrigation by direct flow, it is usual for the ryot to build temporary dams across such channels and streams; and Government has long allowed on that account a small remission of beriz in respect of a few "warga".

"These facts will clearly show that all the irrigation works were constructed and maintained by the ryots themselves at their own cost and labour. There is absolutely no scope left for the Government to construct any irrigation work there. Of course during unfavourable seasons hill side percolations and spring channels are availed of to grow a second crop on a third-class wet land and a third crop on first and second class wet lands. No cess has been levied in those cases by the Government. This practice has been going on for a very very long time and I do not see any reason why now that the Irrigation Bill is introduced we should be assessed for these waters. There is no justification whatever.

"I shall conclude by just quoting another extract from the same record:

'4. *General remarks.*—It is well that attention should be continually called to the many circumstances which in South Kanara plead for a lenient assessment. All the cultivable land, both wet and garden, has been reclaimed by long years of patient toiling and mulling. There is nothing to tax except the ryots' improvements.'

"I am only quoting the report of the Settlement Officer; it has been accepted by the Government. (Laughter.) He is an officer who carried out the settlement for five years:

'The brooks and streams in the valleys are trained along the sides of the levelled fields by stone revetments, the building of which must have cost immense labour. The springs at the heads of the valleys are cleared out and enlarged by hewing cisterns in the laterite. To clear the land of stones, and to keep out the small black cattle of the district, which are as agile as goats, solid stone walls, four or five feet high, are built round the occupied lands. In the interior nearly all occupied land is enclosed either by high stone walls, or by mud wall topped with thorns, with dikes, or by thick set thorn hedges.'

"This will show that all water sources whether they are in assessed Government land or in patta lands are constructed by the ryots themselves. The water is used for the second or third crop in times of scarcity. I do not see any reason why Government should object to this amendment, which after all is a very fair one."

The hon. the PRESIDENT:—"It has been moved and seconded that the following be added as item (m) of the proviso:—

'(m) on land within the districts of South Kanara and Malabar exempted by the terms of the settlement notification from additional charge for water during the currency of a settlement'.

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"Since, it has been moved and seconded that this amendment be further amended by the addition of the words 'in force on the date of the passing of this Act' and the omission of the words 'during the currency of a settlement'. This amendment of the hon. Member from Malabar is now under discussion."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, it is not without considerable hesitation that I venture upon that pristine period of history to which advertence was so light-heartedly made by the hon. Member from Malabar who spoke of Parasurama as the founder of Malabar."

Diwan Bahadur M. KRISHNAN NAYAR:—"I beg my hon. Friend's pardon; I never mentioned Parasurama."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"What he said was that ever since the land came into existence . . ."

Diwan Bahadur M. KRISHNAN NAYAR:—"Parasurama never created that land."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"There is a common legend that Parasurama created that land; we differ in the reading of the legend. While not desirous to travel in the regions of Parasurama, the eponymous originator or the creator of Malabar, while not desirous also to detract in the slightest extent from the peculiar features both of Malabar and South Kanara which indeed find expression in the Settlement Report relating to these districts, let me bring the hon. Members of the House to the earth, if I may use such an expression, and refer them once more to the Settlement Report. Now the point is this. Malabar was settled in the year 1900. The Government Order on the settlement is informing. The terms of the settlement are these. I am referring to G.O. No. 883, Revenue, dated 29th August 1900. At page 274 we find the following:

'14. Second crop:—On all land which regularly yields two crops the charge for the second crop will be consolidated at one-quarter of the single crop assessment.

'The Government adopts this lenient course in order to escape the necessity of extensive annual inspections and measurements which encourage fraud and lead to loss of revenue.

'15. For occasional second crop on land assessed as single crop the charge will be one-half the single crop assessment as in other districts.

'16. With the introduction of the new rates the general rules as to remission will be extended to the Malabar district.'

"And then the dry rates are dealt with. Again paragraph 20 says that:

'The settlement will be for a period of thirty years, during which period no extra charge will be made on "occupied dry" converted into "wet" or "garden" or on "wet" converted into "garden".'

"Mark the words, Mr. President. Again it says that

'Unoccupied land will be assessed under the proper head when cultivated or brought under occupation. At the end of the settlement. . .'

"Mark the words, Mr. President.

'At the end of the settlement period the Government reserves the right either to revert to the system of tree-tax, or to introduce such changes in the classification and assessment of "dry", "wet" and "garden" as may then seem proper.'

"Now taking Malabar alone into consideration what is the result? Whatever might have been the case before we are guided, Mr. President, by the terms of the settlement notification of 1900 which has had currency for 24 years and which will have currency for six more years. What in a sense my hon. Friend the Member for Malabar, desires to do is practically to settle permanently the district of Malabar so far as this part of the revenue, viz.,

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water-cess, is concerned. For that will really be the effect of the hon. Member's contention. Now let me put it like this; it is a permanent settlement of Malabar so far as this category of revenue is concerned, viz., water-cess, at the rate settled in 1900 for all time to come. Now whatever may be the factors that induced the Government to settle at that rate for thirty years, I do not propose to canvass the result. We are bound by that. What we have determined to do and what Mr. Legh's amendment seeks to bring about is to recognize during the currency of the settlement and honour the contract which has been entered into between the Government and the people of Malabar according to the notification. But what is now sought to be done is to crystallize that practice into a permanent one. It seems to me that we cannot consent to that unless there are some special grounds for making a permanent settlement of the Malabar district as apart from the other districts of the Presidency. Let me also remind my hon. Friend that we are taking the question of the land revenue settlement which I hope will come within the purview of this hon. House. We shall then have to deal with Malabar and South Kanara as with other districts of the Presidency. It is the common hope of every one, it was also the recommendation of the Joint Committee of Parliament, that the Legislative Council should have an effective voice in the question of the settlement of land revenue. These questions will then come up either as a taxation measure or otherwise as the case may be. When we are contemplating a settlement of the various districts periodically according to the needs of this Council and according to the needs of this country, it seems to me that it would not be a forward movement in the right direction to crystallise as it were in the form of a permanent settlement one part of the sum total of the consolidated amount derived from land-cess. These are my arguments in regard to Malabar and I hope the House will agree with me.

"Let me now come to South Kanara. I shall read again from the Government Order relating to the settlement of South Kanara, G.O. No. 757, Revenue, dated 25th August 1902. At page 222 we find:

'16. Second crop:—Having regard to the difficulties attending field inspection in South Kanara and to the importance of encouraging the improvement of single-crop lands into double-crop lands the Government agree with the Commissioner and the Special Settlement Officer that no extra charge should be made during the currency of the settlement on second crop grown on land not classed as double crop land at the settlement.'

'Mark the words, Mr. President, 'Government agree with the Commissioner and the Special Settlement Officer that no extra charge should be made during the currency of the settlement on land not classed as double crop land at the settlement.' Then again we have:

'As regards what lands should be classed as double crop, the Government consider that, (1) all land entered at the settlement as double crop land in the first class should be classified as such and charged a consolidated wet rate of $1\frac{1}{2}$ times the single crop rate, that (2) similarly all land, on which, though placed in the second class, a second wet crop has been regularly raised, should be classed as double crop and charged at the same consolidated rate.'

"The Government Order begins by saying that 'the above papers relate to the settlement of South Kanara, the last district to which the methods of revenue assessment adopted in this Presidency remain to be applied. Now in these two quotations what do we find? There might have been special circumstances, special exemptions, special inducements and special encouragement given to certain kinds of cultivators. With these inducements and encouragements Government do not desire to interfere in the slightest extent. It may be that when we come to the next settlement the same inducements

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the same concessions and the same exemptions may continue. There may be no reason to depart from the policy laid down in the settlement practice. But what I refuse to accept is to lay down for all time as a permanent settlement a thing which was arrived at as a matter of *quid pro quo*, as a compromise, in the year 1902.

"Both in the case of Malabar and of South Kanara under the settlement practice there have been exemptions, there have been special practices, which will always be respected. What my hon. Friends—I say so with all respect—seek to-day by means of this amendment, is to get rid of that statement in the settlement notification and see that what should be done at the settlement periods must be made a permanent feature. My submission to this hon. House is that I would not be doing justice either to ourselves or to posterity by accepting this amendment, unless reasons more overmastering than those which have been adduced before the House are put forward. One practical difficulty I shall mention and I shall then conclude. I think that provision is made in South Kanara that dry land can be converted into wet and wet into dry at the settlement and now practically what my hon. Friend wants to do is that for all time the conversion of dry into wet and wet into dry would be impossible."

Mr. B. MAHABALA HEGDE:—"I am afraid, Sir, that there is some amount of misapprehension."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I confess I am thoroughly ignorant of the subject. I shall however finish what I have to say, Sir. I do not desire to go into greater length or into greater detail than absolutely necessary. All that I desire to say is that in regard to the charge for water it may be that conditions may change; it may be that another Council may come to the conclusion that a different irrigation policy is necessary. My hon. Friend from Malabar, enforced by the other hon. Member from Malabar who does not agree with him too often, has told the Government fairly, unmistakably, that the Government have absolutely no irrigation policy at all, that they have done nothing for irrigation. That may not be the case for ever. Supposing there is a departure from that policy, supposing at any time in the future to prevent the damages by floods or check their ravages, works are proposed to be started and streams are bunded, supposing financially these are made possible, does my hon. Friend want that all possibilities in that direction should be prevented for ever by the enactment of such a clause as he is now seeking to bring into existence?"

Mr. J. A. SALDANHA:—"Mr. President, Sir, I am afraid there is some misapprehension on the point which we from South Kanara and Malabar urge. It is not a question of contract or compromise or pact. The Settlement Report is referred to only for the purpose of adverting to historical facts. And what are the facts?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"My submission is that history is imported into the Settlement Report."

Mr. J. A. SALDANHA:—"The facts are these. In South Kanara and Malabar Government have not spent any money on irrigation works. We have got natural irrigation works which, as my hon. Friend has pointed out, are being utilized to the last drop for irrigation purposes. I am not anticipating the amendment which I propose to chapter XI with a view to empower the villagers to construct irrigation works by means of bunds and embankments at their own cost. This sort of construction has been going on

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from time immemorial and will go on in future. It is very unlikely that Government will spend anything for several years more on irrigation works in these districts. We are dealing with irrigation works that already exist. A settlement covers only a period of thirty years. But here we are dealing with vested rights which have accrued to us from works constructed by ourselves. We seek a perpetuation of these rights and it is quite natural that they should not be left to the uncertain settlements for the future. I may point out that already the appropriation of the water rights has been crystallized and perpetuated by section 19 which has already been passed. The perpetuation is not at all inconsistent with periodical settlements. As I have already pointed out, settlements are only for a fixed period while the Irrigation Act is to perpetuate certain rights which are now in force. A settlement is referred to only for proof of historical facts. The Government will not lose any revenue. We naturally apprehend that after the thirty-year period is over, the Government may entirely forget the history."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Not with strenuous reminders from hon. Members like my hon. Friend."

Mr. J. A. SALDANHA :—"It should not be left to the mere chance or caprice or to any future arbitrary system. Even this Council may forget the history. I therefore hope that this hon. House will concede to us this right as it is a vested right and grant all the consequences that follow therefrom. I may point out that it is quite inequitable to deny us this right. It is only a question of no taxation on a right on which no tax has been levied and on which there can be no taxation in the future. We want to guarantee ourselves against any possible taxation to the prejudice of our vested rights."

Mr. K. KOTI REDDI :—"Judged by the standards set to us by the hon. the Law Member, the hon. Mover of this amendment and those who have supported him are probably correct. But I am not one of those who accept that standard, namely, that we should not lose revenue that we have been getting. Conversely we do not want any revenue from sources from which we have not got any. I am prepared to lose the revenue from the sources wherefrom we have been getting revenue and prepared to tax also the sources which have not been taxed hitherto judged from certain standards in each case. So far as the question of South Kanara and Malabar is concerned we have not been given any reasons why they have been exempted altogether. I am prepared to say that if the ryots in South Kanara and Malabar have to spend some amount of money for the supply of water, some exemption could be made. But the reasons that have been adduced to us in favour of their claim, namely, that they have a vested right, that the reasons are historical, do not really satisfy us to allow the exemption. My hon. Friend from South Kanara said that these are natural sources and that the Government did not spend any money over them. The very same test could have been applied to the case of spring channels. The Government do not spend any money over them; they are natural sources; and judged by these tests, I do not think that South Kanara and Malabar have any reason to get special exemption. If it can be shown to this House that the ryots of South Kanara and Malabar have to spend for the sake of getting that water an amount of money which probably the Government levy as cess, say about Rs. 10 or Rs. 15, which is the usual rate which the Government levy in Kistna and other districts, if it is shown that the ryots have spent so much money per acre, there is, I believe, every reason for exemption. The amendment brought in by the hon. Member,

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Mr. Legh, certainly guarantees to them the rights promised to them at the settlement. I think the Members of the two districts ought to be satisfied with that. When the time comes, I hope it will come sooner or later, the sooner the better, when we will recast the whole principle of taxation particularly with regard to land settlement, we shall have to bestow some amount of attention, and if the hon. Members from South Kanara and Malabar then urge any reasons to be exempted altogether permanently, I am sure this House will be prepared to consider their case. Till then, I think, they will have to be satisfied with the rights secured to them under the settlement."

Mr. K. PRABHAKARAN TAMPAN :—"I wish to say a few words on the motion. I have ever maintained that not a drop of water in Malabar belongs to the Government. The Government have not levied one pie as cess on the water used for irrigation in Malabar."

Mr. E. W. LEGH :—"That is not correct, Sir. The Settlement Order provides for the levy of double second crop charge on lands registered as wet."

Mr. K. PRABHAKARAN TAMPAN :—"That is land revenue and not tax upon water."

"I want to invite the attention of the House to two aspects. We have had only one settlement in Malabar though the district came into the hands of the Government 125 years ago. Our contention was that the district was permanently settled, and at the time of the settlement we were told the increase in assessment was due to new lands brought under cultivation which were not assessed and increase in the price of produce. Nothing was charged for water, and the only water that was used for irrigation purposes was from works which belonged to private parties, and the Government did not spend one pie for irrigation works of any kind. We have rain water for nine months in the year within which two crops can easily be raised."

"The other point is that with regard to the settlement rate. The rate for second crop was only one-fourth or so, having regard to the fact that the water used was mostly *manavari* or rain water, and on such land as was irrigated from water-works, that is, tanks, streams and other irrigation works, nothing in the shape of water-cess was charged because they were all treated as private party. These are the facts which have to be borne in mind before deciding this question. That is all what I have got to say."

Diwan Bahadur M. KRISHNAN NAYAR :—"I wish to say just one or two words by way of reply. I may at once say one word with reference to the arguments advanced by my hon. Friend from Cuddapah. My Friend will allow me to say that evidently he is smarting under the defeat of his amendment with reference to spring channels." (Laughter.)

Mr. K. KOTI REDDI :—"Not at all."

Diwan Bahadur M. KRISHNAN NAYAR :—"Probably he wants to take his revenge on behalf of his district upon Malabar and South Kanara. However, with regard to the arguments advanced by my hon. Friend the Law Member and Mr. Legh I have to say this. What we stated and what was in effect stated by my hon. Friend, Mr. Legh, also was this. Practically, they state that what the Malabar and South Kanara Members want is perpetuation of

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the existing state of affairs so far as the settlement rates are concerned and that they do not want any increase in the shape of water-cess rates to be levied in future. With all respect, my Friends will allow me to say that they have not fully apprehended the real situation. As a matter of fact, there is assessment now in Malabar, dry as well as wet assessment, and settlement relates only to the question of assessment. Of course, when the next settlement comes, whenever it may be, let them by all means according to the circumstances existing then increase or decrease the assessment. The present amendments relate not to assessment on land but to water-cess. My point is that no water-cess has at any time been levied in Malabar, and that the existing state of affairs so far as water-cess is concerned should be allowed to stand. So that, my Friend's arguments relating to the question of assessment really have no bearing on this amendment.

"It is admitted on all hands that practically Government have not spent anything for irrigation in Malabar. None of my Friends from Malabar and South Kanara are so unreasonable as to say that if the Government spend money for irrigation in Malabar in future, they should not levy water-cess. That is certainly not our position. Our position is this. Simply because the Government may think of constructing some irrigation works in future, therefore they should not, as soon as this Act is passed, be enabled to collect revenue by way of water-cess. Now, as the definition stands, any stream is an irrigation work, and the Government will be enabled under this law to collect water-cess by reason of that definition. Our position is this: do not do that, do not take authority to do that. But if by spending money you construct artificial works, by all means do it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Will not champions as strenuous and farsighted as Mr. Krishnan Nayar be there when the next settlement comes up for discussion? Will not the same contention be raised and cannot several provisions be incorporated in the settlement report to this effect?"

Diwan Bahadur M. KRISHNAN NAYAR:—"My hon. Friend may look so long into the future, but let us consider the present state of things. Let us look to the present state of things only. Let not the Government, by reason of this definition, levy water-cess."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I rise to make a personal explanation? I am afraid I was not understood. What I said was that at present such exemptions as are relied on by my hon. Friends from Malabar and South Kanara are contained in the settlement reports and what I am saying is that such safeguards will also be inserted in the next settlement reports if the conditions do not change. But if this amendment is carried, that would be rendered impossible."

Mr. J. A. SALDANHA:—"May I say one thing? What is the principle of a cess? Is not cess in the nature of a return to the Government for the expenditure they undergo upon irrigation works? And if that is so, it is quite a different thing from assessment based on a different principle."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is in order to avoid those intricate questions that in clause 6 we did not lay down any such doctrine."

The amendment of Diwan Bahadur M. Krishnan Nayar to Mr. E. W. Legh's amendment was then put to the House and declared lost.

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Mr. K. Prabhakaran Tampan demanded a poll which was accordingly taken, and the House divided as follows:—

Ayes: 12.

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| 1. Mr. B. Mahabala Hegde. | 7. Rao Bahadur P. Raman. |
| 2. " P. N. Marthandam Pillai. | 8. Mr. A. Ramaswami Mudaliyar. |
| 3. " B. Muniswami Nayudu. | 9. " J. A. Saldanha. |
| 4. " K. Prabhakaran Tampan. | 10. " C. Gopala Menon. |
| 5. " K. Raghubandra Ballana. | 11. " K. Chavadi Subrahmanya Pillai. |
| 6. " B. Ramaabandra Reddi. | 12. Diwan Bahadur M. Krishnan Nayar. |

Noes: 36.

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| 1. The hon. Khan Bahadur Sir Muhammad Habib-ullah Sahib Bahadur. | 18. Mr. H. B. Ari Gowder. |
| 2. " Sir Arthur Knapp. | 19. " T. Mallesappa. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 20. " B. Obalesappa. |
| 4. " the Raja of Panagul. | 21. Rao Bahadur C. V. S. Narasimha Raju. |
| 5. " Rao Bahadur Sir A. P. Patro. | 22. Mr. C. Ramalinga Reddi. |
| 6. " Diwan Bahadur T. N. Sivagnanam Pillai. | 23. Rao Bahadur A. S. Krishna Rao Pantula. |
| 7. Mr. R. W. Davies. | 24. " T. A. Ramalinga Chettiyar. |
| 8. " P. Hawkins. | 25. Mr. A. Ranganatha Mudaliyar. |
| 9. " E. W. Legh. | 26. " P. Anjareyulu. |
| 10. " P. L. Moore. | 27. " K. Kotti Reddi. |
| 11. " T. R. Venkatarama Sastriyar. | 28. " R. Srinivasan. |
| 12. " S. Varada Achariyar. | 29. " P. V. S. Sundaramurti. |
| 13. " G. F. Paddison. | 30. " K. Veerian. |
| 14. " Abdulla Ghatala Sahib. | 31. Rai Bahadur T. M. Narasimhacharlu. |
| 15. " S. Arpudawami Udayar. | 32. Mr. Abbas Ali Khan Sahib. |
| 16. Rao Sahib T. C. Tangavelu Pillai. | 33. " Ghouse Mian Sahib. |
| 17. Mr. J. A. Davis. | 34. " R. Srinivasa Ayyangar. |
| | 35. " V. C. Vellingiri Gounder. |
| | 36. " C. V. Venkataramana Ayyangar. |

After the taking of the poll was closed, Messrs. K. Prabhakaran Tampan and A. Ranganatha Mudaliyar asked that neutral Members may also be noted.

The hon. the PRESIDENT:—"It should have been asked *for* at the time of voting."

Twelve hon. Members voted *for* the motion and 36 *against*.

The motion was lost.

The hon. the PRESIDENT:—"The original amendment of 4-15 p.m. Mr. Legh is now before the House."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As a matter of language, Sir, I think 'during the currency of a settlement' ought to come in the beginning, that is 'during the currency of a settlement on land within the districts of South Kanara and Malabar exempted by the terms of the settlement notification from additional charge for water'."

Mr. E. W. LEGH:—"I second it."

Mr. K. PRABHAKARAN TAMPAN:—"I oppose it. We do not want small mercies. The present settlement will be over in five years and the proposed amendment will not help us in any way; as such I oppose it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"We are not giving or receiving small mercies. We are trying to legislate according to the best of our lights."

The amendment of Mr. Legh as amended was put and carried.

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Mr. E. W. LEGH :—“ I beg to move :

‘ Add the following as separate proviso :—

“ *Provided also that no separate charge shall be levied—*

“(a) *on land registered as wet and not included in an estate unless such land, being registered as single crop wet, is cultivated with two or more irrigated crops ; and*

“(b) *on land in respect of which a cess is levied under section 55.*” ’ ”

Mr. PRESIDENT :—“ Sir, this is really a formal amendment just to alter the form of the section in order to get over the difficulty which arises from clauses (g) and (k) as they stand. Clause (g) as it stands says :

‘ On land registered as wet and not included in an estate unless such land, being registered as single crop wet, is cultivated with two or more irrigated crops.’

“ Strictly speaking cess is already being levied on such lands. Therefore it is not properly placed as it stands. Similarly in (k) cess is being levied in the case of those lands. Strictly speaking they do not come in this proviso. Therefore we shall take those two sections out of the proviso to clause 45 (1) and make a separate proviso. I do not think there is anything there to be objected to.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I second it.”

The amendment was put and carried and the addition was made.

Mr. E. W. LEGH :—“ I formally move amendments 237 and 240 on the agenda paper—

‘ Omit item (g) of the proviso and re-letter the remaining.’

‘ Omit item (k) of the proviso.’ ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I second it.”

The amendments were put and carried and the omissions were made.

Sub-clause (2).

Mr. S. MUTTAYYA MUDALIYAR :—“ I beg to move :

‘ After the words “ on all lands ” insert the words “ except lands registered as wet lands in the revenue accounts and which pay a consolidated land-tax and water-cess ”.’

“ The purpose of my moving this amendment is to see that lands which are already registered as wet lands do not have any additional burden during the period of the settlement. As it is at the time of settlement irrigation sources are classified ; the soil is classified and the tax is fixed on the land. If during the pendency of the settlement they improve the sources of irrigation and the land is benefited to a larger extent thereby what they say is ‘ within the period of settlement itself ’, we will revise the tax on land. We are not revising land tax ; but we will levy only an additional tax ! I submit that it will be a greater burden than revising the settlement itself. If they levy a cess there is no limit and in addition to the land tax which they may go on increasing this additional cess will also continue. On these grounds I say that lands registered as wet shall not have additional tax.”

Mr. R. SRINIVASA AYYANGAR :—“ I second it.”

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The hon. Mr. C. P. RAMASWAMI AYYAR :—“ May I point out, Sir, that this really embodies the existing settlement practice ? I will take a typical instance of the notification. ‘ The 30 years ’ limit fixed above for the currency of the resettlement rates does not apply to lands, the irrigation of which may be improved by Government subsequent to the resettlement or to dry or *manavari* lands which may be converted into wet, or to lands which may be included in the ayacut of irrigation works constructed or extended by the Government during the currency of the resettlement.’ Added to it hon. Members will see that it is made clear that the new irrigation work should be constructed by Government or an old one improved so as to increase the amount or duration of water-supply.”

Mr. S. SATYAMURTI :—“ I do not think, Sir, the hon. the Law Member improved his case by simply saying that this is the existing settlement practice. I do not think he will find anybody in any side of the House who agrees with the existing settlement practice or who thinks that the last word has been said on the subject. On the other hand we feel dissatisfied with it and we feel that a Bill ought to be introduced as early as possible. Therefore, if the only argument for the provision is . . . ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I said that this really embodies the existing resettlement practice. I also drew attention to the fact that the amount or duration of water-supply should be increased. If the Government by the expenditure of money increase the amount or duration of water-supply, some charge is leviable.”

Mr. S. SATYAMURTI :—“ As regards what the hon. the Law Member says about the increase of the amount or duration of water-supply, I only say that the amendment expects lands registered as wet lands in the revenue accounts and which pay a consolidated land-tax and water-cess. After all the Government won’t lose much if they wait till the next settlement when there will be a reclassification of lands. I do not see why the contract entered into between the State and the ryot should be interfered with, because there are changes introduced in the meantime. I dare say there may be some loss to the Government. But after all Government ought not to consider itself as a kind of merchant trying to ring out the last pie from the ryot. Let them wait for thirty years or whatever the period may be and then increase. If it is a matter of permanent settlement, it may be a different thing altogether. As there will be no permanent settlement, the State won’t lose anything. Temporary loss there may be now, but let the ryot be profited by it. I therefore ask the House to accept this amendment which will not prevent the Government from changing the class in the next resettlement. It will only profit the ryot in the meantime.”

Mr. E. W. LEGH :—“ I am afraid the hon. Member was guided by his dislike of settlement in general. In fact what the hon. the Law Member was referring to was that the settlement notification is evidence of the terms of contract between the Government and the ryot. The hon. Member for the University referred to a breach or interference with the terms of settlement. The settlement notification is itself evidence of those terms and just because there is in these terms a provision made for a particular set of circumstances, viz., that even wet lands are subject to a revision of rate—for that particular reason, there is no interference in this particular clause. It is only carrying into the statute what is already agreed to as between the Government and the ryot by the contract which is made for the settlement.”

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Mr. B. MUNISWAMI NAYUDU :—“ While I sympathize with the Mover of this amendment, I really do not feel called upon to support the amendment for excepting Government wet lands from the payment of cess. Once it becomes an irrigation work, the Government is entitled to levy some cess. There is no reason why a distinction should be made between lands in Government and zamindari areas. We have had scant sympathy shown to the zamin ryots in the amendments carried so far and it is on that ground I object to this.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ This clause refers not only to Government lands but also to zamindari inam lands. In the past, public money was spent and irrigation sources were improved on the ground that the registered area is wet area and zamindars and inamdars are not prepared to do anything like that. A source of revenue was lost thereby to the general tax-payer. If you take into consideration Godavari and Kistna systems and the condition of zamindars there, I think, we can safely assert that very much revenue is lost to the general tax-payer. Now, the question arises: in any future scheme, suppose an irrigation work which is at present a second-class irrigation work is to be improved and by the improvement the zamindar is to be benefited, is it not just and reasonable that he should also be made to pay a differential water-rate towards the general tax-payers' money which has been spent on account of the benefit derived by him? Or, is he simply to enjoy the benefit at the cost of the tax-payer? The clause clearly lays down that whenever he is so benefited the tax will be levied. That means that when the quantity of water is improved, or when the duration or period during which a particular water-supply is to last is further improved and extended, a further benefit is to any water-cess and he will not be bound to pay anything. Various opinions have been expressed and after all we have to see hereafter whether the Council is willing to vote grants unless they are assured that there will be a fit return in the shape of interest or some such thing. Otherwise, they may not be prepared to vote large sums of money for any improvement of irrigation work. Of course, there are many cases where you can put up a dam. We are hereafter to resort to construction of reservoirs which means great expenditure of interest at which the Government has to borrow money and then we should ascertain what improvement is to be made and the expense therefor out of the funds of the general tax-payer. Now, are these zamindars and the inamdars who will be benefited by these improvements to be made to pay or not? That is the main point. As far as the ryotwari landholder is concerned, as it has been submitted, at the time of the resettlement, the Government reserve the right of revising the rate. Beyond that there is nothing enunciated in this enactment except codifying the existing resettlement rules. But as far as the zamindari inam area is concerned, I believe, the improvement cannot be effected without an adequate return to the public exchequer.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I am surprised at the attitude taken by my hon. Friend Mr. Muniswami Nayudu. And his attitude is only to spite the face by cutting the nose. He did not make us understand whether he agrees with at least the principle of the amendment. He only made us understand that he opposed this amendment and

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does not include the zamindari areas. Probably for the last two or three days discussions on various speeches have been divided on particular issues. And I am surprised also that Mr. Muniswami Nayudu should have opposed this amendment simply because we have not supported many amendments so far as it concerned the zamindars. So far as I am concerned, I have also tried to support many amendments in support of zamindars wherever I found their case strong. The general impression is that the zamindars so far have been more benefited than the others. My friend says that he opposes because this does not benefit zamindars.”

Mr. B. MUNISWAMI NAYUDU :—“ I oppose it because this does not benefit the zamin ryot in the same sense as it benefits the ryotwari ryot.”

Mr. P. ANJANEYULU :—“ On a point of order, Sir, is it going to be a dialogue or a speech on the merits?”

Mr. B. MUNISWAMI NAYUDU :—“ It is a personal explanation, Sir.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I do not think Mr. Muniswami Nayudu has very much advanced his position. He has only explained his position. He says it is very good and he opposes it because it does not benefit them. To say so simply because it affects only one class of people is not good. However, Sir, that is only his gratitude that makes him say that as one of the reasons why he opposes.

“ My only difficulty is this. No doubt the Government must have some reasons and temptations for investing more money in improving existing irrigation works. I only appeal to the hon. the Law Member that as the wording is very vague, it might be altered so as to specify something like what is referred to in this amendment. Otherwise it may be this. It may be that there is a first-class land. It may be entitled to get full water for five or six months. For some reason or other the channel might have got into no repairs for some time and it may not be getting the water that it was getting for some years. In consequence, instead of a longer crop I may be compelled to raise only five or six months' paddy. Supposing the Government spend some money and improve that particular work so as to increase the amount of water that the land is getting and supposing the land is made to get a little more additional water so that it might have the usual supply of water. Is it fair then for the Government to come and say that there was an improvement, though it is due to the fact of the channel not having been kept in order that the usual supply has been reduced and the so-called improvement in supply was necessitated only by the disrepair of the channel? As it is, they might say 'no doubt the land was first-class land, but now that the Government have had to spend some money for increasing the duration of water or the quantity of water, no matter for whatever reason, you must pay additional cess'. We only now want to make some safeguard which would remove the difficulty pointed out. I only want some such safeguard as is provided in amendment No. 254 on the agenda paper. I am prepared to accept any amendment which the hon. the Law Member might himself propose. There are so many eminent men like the hon. the Law Member; there is the Advocate-General with very great experience; and there is also the Revenue Secretary, Mr. Legh, who is an expert in irrigation matters. They can do something to remove all these possible apprehensions. It is only with that view that I say that some amendment should be introduced.”

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Mr. P. PEDDIRAJU :—"There is one apprehension which I wish to bring to the notice of the Government. The hon. the Law Member has referred to the settlement orders. If the work is improved, the Government is at liberty to raise the assessment. Under the Irrigation Cess Act they may raise additional water-cess. There are these two things and that is the apprehension. Even the wording is not clear and so there must be some sort of amendment to this. I do not think there will be any further difficulty if the wording is made clear and due consideration is paid also to the difficulty pointed out by Mr. Venkataramana Ayyangar."

Mr. S. VARADA ACHARIYAR :—"With reference to the point raised by the hon. Member from Coimbatore, I am afraid his attention has not for the moment been drawn to the concluding portion of the paragraph which was purposely put in so as to obviate the difficulties pointed out by him. I am referring to the passage 'an additional cess proportionate to the benefit conferred by such construction or improvement'. So that under the mere guise of having made some improvement, we cannot claim some cess. The additional cess ought to be proportionate to the improvement derived."

Mr. S. SATYAMURTI :—"Is fixing the proportion a matter for the court or is it to be devised by the executive?"

Mr. S. VARADA ACHARIYAR :—"The words 'in the opinion of the Collector' have been removed."

Mr. S. SATYAMURTI :—"And whose opinion has been substituted instead?"

Mr. S. VARADA ACHARIYAR :—"It is the House that has to consider when the Taxation Bill is introduced."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I think I have in the first place to refer to the unfortunate impression created by the speeches made by the hon. Members from Chittoor and Coimbatore. So far as the vote which took place in the House is concerned, it has been guided by pure considerations of merits and not by the fact that it was in favour of the ryots or the zamindars or otherwise. Sir, it would have been better if there had been no reference to any such consideration either on the one side or on the other."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Because there was a reference on the other side, a reply was made from this side."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"May I point out that any one who has carefully gone through the provisions of the Bill ever since it was introduced in the Council, should have realized that this Bill is a very complicated Bill affecting several conflicting interests? The sole question and the most important question which must have been in the view of every Member of this House is whether in the interests of expansion of irrigation, it is or it is not necessary to have a useful Bill. In working out such a provision it was inevitable that all of us should have been very anxious to secure the vested rights of all classes of persons irrespective of their position or interest. Every interest is anxious now and before the Bill is passed into law to preserve as sacred every vested interest, whether it be zamindari or landlord or otherwise."

Mr. A. RAMASWAMI MUDALIYAR :—"As a matter of personal explanation, may I say that what my hon. Friend was referring to was estate ryots and not zamindars?"

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am not confining myself exactly to his remarks. I am stating that because an impression has been created and it has been asked as to why those who are in opposition are in a position to agree with the Government and it is my duty to explain the matter. Sir, there have been conflicting interests created between the landholders, zamindars, ryots and ryotwari proprietors. Again, Sir, may I point out that there have been conflicting interests in this Bill even as between ryotwari proprietors in different localities? The districts that are more favoured by having well-organized and well-equipped deltaic systems must be treated differently from those like the Ceded districts. The House would have realized that those who represent the Godavari and such other deltaic districts have been anxious to see that the rights of all classes of persons are preserved and, if possible, that there is scope for further extensions. At the same time, is it anything unnatural if those coming from the Ceded districts and districts similarly situated should have thought that whatever the Bill might do, there must be ample provision for expansion of irrigation works in those districts? Thus there have been several conflicting interests so much so it is not possible to come to any unanimous understanding on any particular amendment. But it is very unfortunate if the impression should get abroad that any section of Members have been voting for landholders or against landholders, on behalf of ryots or against ryots or in favour of one class or another."

"Coming to the particular provision, Sir, we find that notice was given of an amendment to the effect that this provision should be deleted. It has been given by representatives of all sections of this House. So far as this is concerned, the only indication is that if that amendment had been moved probably it would have been possible to discuss the whole subject. Unfortunately, it has not been before the House. The general question put forward by the hon. Member for the University whether the Government could not forego this small item is a very pertinent question to answer. Unfortunately, that motion is not before this House. But assuming for a moment that we are for the omission of this clause, my difficulty is that those who are interested in seeing that there should be improvement of irrigation, that new works should be constructed and old ones improved, cannot achieve that object. If it were possible for us to expect that the Government would be so magnanimous as to take up construction of new works even without expecting additional revenue, I for one welcome that provision. But knowing as I do that the Government have been taking a mercenary view in these matters and that they have not been treating this question in a better spirit than that, I really shrink from advancing that position. I am not for making any distinction between the landholder, the ryot and the zamindar. May I point out to the hon. the Law Member that if he wants to retain this clause, he must at least put in the word 'substantially' in the clause? As matters stand at present 'if a new irrigation work is constructed by the Government, or an old one is so improved as to increase the amount or duration of the water-supply the Government may levy on all lands benefited by such work an additional cess proportionate to the benefit conferred' and so on. In the absence of the word 'substantially' it may be any sort of increase. It may be an increase for a single day. Unless there is something to indicate that the increase is not merely nominal or imaginary, unless words to that effect are inserted, even now I decline to vote against the retention of this clause. On the other hand if it is left as vague as it is, difficulties may arise."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, let me confess my feeling of surprise at the very last suggestion which emanated from the hon. Member from Nellore. If he will pause and consider clauses (2) and (3) together, he will notice that—

'the rates at which cess shall be levied under this section shall from time to time be fixed by an Act of the local legislature and till such Act is passed the cess shall be levied as at the date of the passing of this Act'.

"Now, the hon. Member says that the addition of the word 'substantially' would make some difference. What will be the test of that substantiality. You must resort in the last instance to this House under clause (3)."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I point out that sub-clause (3) deals only with the fixing of the rates? As to whether there has been an increase of the amount or duration of the water-supply or not depends on other considerations."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That again has been pointed out already. The words 'in the opinion of' etc., have been omitted. Therefore, the question of the substantiality or the non-substantiality of the increase in the amount or duration of supply is left at large. The person concerned has a right to have that point investigated. But apart from that there is one answer which, I think, would be sufficient and also conclusive. There is the enacting portion of this clause. If any improvement takes place so as to increase the supply, then the Government may levy an additional cess, which is proportionate to the benefit conferred by such construction or improvement. If the benefit is not substantial, there can be no such enhancement of cess. Therefore, the whole question of the substantiality, the incidence or the emphasis of substantiality, is really secured by saying that any additional cess that is levied should be proportionate to the benefit conferred."

Mr. P. ANJANEYULU :—" Sir, I have been attempting to digest all that has been said on this till now but I fail to understand who it will be that will determine the benefit that is conferred by any work that may be constructed. We were told that the word 'Collector' is omitted."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There is another section, which the hon. Member would see, giving rights to the ryot to litigate. As to rates, this House has got a right."

Mr. P. ANJANEYULU :—" Under clause 47 :

'No Civil Court shall take cognizance of any suit by any person questioning the levy of cess under this chapter except on the ground that the land on which the cess was levied was not liable to be charged with cess or that he is not the person liable for the same'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am afraid I have not made myself understood. For any further action that we may take we have to introduce a Taxation Bill and that is the stage at which the House will consider this point."

Mr. S. SATYAMURTI :—" May I know, Sir, whether there is any obligation in the clause as it now stands on the part of the Government to introduce a Bill at any particular time? They may choose to go on as long as they please at the existing rates."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The cess itself is not leviable, unless we get the Taxation Bill through. No new cess can be levied except by a Taxation Bill."

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Mr. S. MUTTAYYA MUDALIYAR :—" Clause (3) says 'till such Act is passed the cess shall be levied as at the date of the passing of this Act'. Is it water-rate on second crop? Or is it anything else?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" May I say this? This particular criterion, namely, the levy of cess proportionate to the benefit conferred by such construction, is a thing which will come into existence on account of this Bill. Therefore the levy of cess on that basis will be a levy which will come under clause (3) and we cannot levy the cess unless there is a Taxation Bill."

Mr. P. ANJANEYULU :—" I should like to know whether the test of benefit conferred as determined by the Revenue or some other agency can be questioned in a court of law?"

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I think this clause is not governed by the existing cess rules which are intended to govern the class of cases coming under clause (1). Clause (3) says that the new rules are to be presented to this Council in the form of a taxation measure. Therefore if in the case of any irrigation work Government want to levy any new cess under clause (2), they must introduce a Taxation Bill and the Council will have an opportunity to examine whether the rates fixed in the Bill regarding the particular irrigation work are proper or not. The Council will have an opportunity to judge the taxation measure on its own merits, both in the case of ryotwari lands and in the case of zamindari lands."

Mr. P. SIVA RAO :—" I am not in favour of this amendment. I am afraid that hon. Members of this Council have been traversing very wide of the issues involved in this amendment. If, as the hon. Member for Nellore pointed out, the amendment No. 251 on the agenda had been moved, it would have been a different matter altogether. Now what we have to consider is a very simple matter. The gist or the objection of the amendment comes to this. Whatever may be the improvements, whatever may be the expenditure incurred by the Government, during the currency of the settlement, you shall not increase the assessment. What we have to consider is whether that is a reasonable position to take up. Now, Sir, clause (2) itself was originally couched in proper terms and as the result of the labours of the Select Committee, it has been thoroughly recast. It says :

'If any new irrigation work is constructed by the Government or an old one is so improved as to increase the amount or duration of the water-supply the Government may levy on all lands benefited by such work an additional cess proportionate to the benefit conferred by such construction or improvement.'

"Again, the words 'in the opinion of the Collector' have been taken away. Again under clause 47 the civil court has power to determine whether the additional cess is leviable or not."

"That is one of the safeguards that has been provided under this Bill and any misapprehension that may be felt is removed thereby. 5 p.m. Under this provision a cess may be levied and also under the provision of the Settlement Rules. I may point out in this connexion that the Settlement practice which is now in force is only sought to be codified in this clause 45."

"Now, Sir, I have been asked whether I have not been a party to an amendment on similar lines, but let me explain to the hon. Member from Coimbatore that my amendment was not framed on similar lines. I thought

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of omitting it on reconsideration, as there was no necessity for moving it because there were ample safeguards provided for in the Bill itself. Now, Sir, I may point out for the consideration of the hon. Members of this Council that this is an additional and new cess and until a Taxation Bill is passed I do not think that any such additional levy can possibly be sanctioned; so there is no danger of this additional cess being levied by virtue of an executive act. So for all these reasons, especially in view of the circumstance that the main amendment in sub-clause (2) has been given up, whether deliberately or not, there is absolutely no use in bringing this amendment.

"I may mention as an additional reason that the Government would not have any incentive whatever for making any improvements or spend any money over the existing sources of irrigation unless they are assured of some revenue accruing to them. The Government must be given an assurance, and encouraged, as it were, to invest additional moneys on these ventures. Otherwise they would not for a moment entertain any ideas of effecting and improvements and it would be to the detriment of the ryots concerned."

The amendment was put to the House and negatived.

The House adjourned at 5-3 p.m. to meet again at 11 a.m. on Monday, the 17th November 1924.

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

APPENDIX A.

[Vide answer to question No. 1204 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 14th November 1924, page 208 supra.]

List of nominated members on certain district boards.

Name.	Community.
<i>South Kanara.</i>	
Muhammad Schamnad Sahib Bahadur, M.L.A. ...	Mappilla.
M.R.Ry. Attavar Balakrishna Shetti Avargal ...	Bant (ceased since).
" Somappa Avargal ...	Caniga (oil monger).
" T. K. Rama Varma Raja Avargal ...	Malayali, Kshatriya.
" N. N. Suvarna Avargal ...	Billavar.
" K. Angara Avargal ...	Adi-Dravida.
" Rai Sahib E. C. M. Mascarenhas Avargal ...	Roman Catholic Christian.
" Kalle Dugganna Bontra Avargal ...	Billavar.
" M. P. Krishnan Avargal ...	Mukkava (fisherman).

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List of nominated members on certain district boards—cont.

Name.	Community.
<i>Malabar.</i>	
M.R.Ry. A. Gopalan Avargal ...	Adi-Dravida.
" Diwan Bahadur G. T. Vurgese Avargal ...	Indian Christian.
" K. Cheria Chami Avargal ...	Non-Brahman.
" K. Nambi Avargal ...	Viswa Karma.
" C. A. Kunjunni Guptan Avargal ...	Non-Brahman.
" K. K. Kunhiraman Nambiyar Avargal ...	Do.
Mr. S. H. Powell ...	European.
Mr. R. A. Brown ...	Anglo-Indian.
Khan Bahadur O. M. P. Muthukoya Tangal Sahib Bahadur.	Muhammadan.
Srimathi O. C. Ammika Ammal ...	Non-Brahman.
M.R.Ry. Rao Bahadur P. Raman Avargal, M.L.C.	Tiyya (since appointed).
" M. C. Krishnan Avargal ...	Mukkuva (do.).
<i>Coimbatore.</i>	
M.R.Ry. C. M. Ramachandra Chettiyar Avargal,	Devangam.
" C. V. Venkataramana Ayyangar	Brahman, Vaishnava.
Avargal, B.A., B.L., M.L.C.	
" V. Verivada Chettiyar Avargal ...	Devangam.
Rev. R. Robertson, B.D. ...	European.
(Six seats vacant.)	
<i>The Nilgiris.</i>	
M.R.Ry. T. M. Arumugam Pillai Avargal ...	Non-Brahman, Vellala.
" V. I. Muniswami Pillai Avargal ...	Adi-Dravida.
Khan Sahib Sulaiman Soomar Sait Sahib Bahadur	Muhammadan.
Mr. George Batty, B.A. ...	Anglo-Indian.
Mr. Alexander Granville Blake, I.C.S. ...	European.
Lieut.-Col. W. R. J. Scroggie, C.I.E., I.M.S. ...	Do.
<i>Salem.</i>	
T. A. Azizulla Khan Sahib Bahadur ...	Muhammadan.
M.R.Ry. A. Vaiyapuri Pandaram ...	Non-Brahman.
" D. A. Kandaswami Chettiyar ...	Do.
" M. Perumal Boyan ...	Do.
Mr. W. A. Rahm ...	European.
M.R.Ry. Kolar Subrahmaniyam ...	Adi-Dravida.
" P. Perianna Chettiyar ...	Non-Brahman.
" Usheni Varadayya ...	Adi-Dravida d852i
(Vacant.)	

[14th November 1924]

SECTION A.—Gazetted Officers—cont.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammads.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkilis, Totis, Cherumas and Holiyas.	Others.
(iii) Heads of Departments—cont.							
Registrar-General of Births, Deaths and Marriages.	..	..	..	..	..	..	..
Registrar of Joint Stock Companies.	..	..	..	..	..	..	..
Director of Industries ..	1	9	1	..	8	..	..
Director of Fisheries ..	..	1	1	..	..	..	1
Chief Conservator of Forests ..	17	11	4	3	32	..	..
His Britannic Majesty's Consul at Pondicherry.	..	..	..	..	..	..	..
Director of Agriculture ..	16	11	4	1	13	..	..
Registrar of Co-operative Societies.	9	10	3	1	1	..	..
Surgeon-General ..	83	57	41	6	67	..	1
Deputy Director of Agriculture, Cinchona.	..	..	..	..	2	..	..
Director of Public Health ..	11	7	7	..	2	..	..
Presidency Port Officer ..	..	..	..	..	12	..	..
Examiner of Local Fund Accounts.	4	..	..	..	..	..	..
Administrator-General ..	..	..	..	..	..	..	..
Assistant Political Agent for Pudukkottai.	..	..	..	..	..	..	..
Chief Presidency Magistrate ..	..	1	..	1	1	..	..
Madras Record Office ..	..	..	..	..	..	..	..
Principal, Madras Veterinary College.	1	..	..	..	3	..	..
Paymaster, Carnatic Stipends.	..	..	..	..	..	..	..
Superintendent, Government Press.	..	..	..	..	4	..	..
Superintendent, Civil Veterinary Department.	2	1	1	..	2	..	..
Board of Examiners ..	..	..	..	..	1	..	..
Superintendent of Stamps ..	..	..	..	..	1	..	..
Superintendent, Government Museum.	..	..	..	..	1	..	..
Chemical Examiner to Government.	1	..	..	1	1	..	..
Sheriff of Madras ..	..	..	..	..	..	..	..
Senior Translator to Government.	2	1	1	1	..	..	..
Commissioner of Labour and Factory Offices.	2	1	1	..	1	..	..
Bishop of Madras and the Registrar of the Diocese of Madras.	..	..	..	..	..	..	..
Public Prosecutor ..	..	..	..	..	..	..	..
Archdeacon of Madras ..	..	..	..	..	..	..	..
Presidency Senior Chaplain ..	..	..	..	..	..	..	..
Deputy Port Conservator, Madras.	..	..	..	..	1	..	..
Advocate-General ..	1	..	..	..	..	..	..
Government Pleader ..	1	..	..	..	..	..	..
Total ..	573	268	116	51	459	..	7

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SECTION B.—Non-gazetted officers on Rs. 100 and over.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammads.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkilis, Totis, Cherumas and Holiyas.	Others.
Collectorates, including Divisional Offices.							
Anantapur ..	26	5	1	1	..	..	..
Arcoot, North ..	25	9	4	..	..	..	..
Do. South ..	18	11	3	1	..	..	..
Bellary ..	22	5	..	1	..	1	..
Chingleput ..	17	8	3	2	..	..	..
Chittoor ..	19	5	1	..	..	..	..
Coimbatore ..	22	6	5	3	..	..	..
Cuddapah ..	23	7	..	3	..	..	..
Ganjam ..	19	9	1	1	..	..	..
Godavari ..	23	12	..	2	..	..	..
Guntur ..	25	8	..	1	..	..	..
Kanara, South ..	17	5	1	2	..	..	..
Kistna ..	30	11	2	2	..	..	..
Kurnool ..	25	4	1	4	..	..	..
Madras ..	4	1	..	..	..	..	..
Malabar ..	16	19	2	2	2	..	..
Madura ..	17	3	6	..	1	..	..
Nellore ..	24	9	..	..	..	..	..
The Nilgiris ..	6	3	..	..	..	..	..
Ramnad ..	9	6	1	..	..	..	..
Salem ..	23	12	5	1	..	..	..
Tanjore ..	27	15	5	..	..	..	..
Tinnevely ..	23	7	4	2	..	..	..
Trichinopoly ..	15	8	6	..	..	..	..
Vizagapatam ..	27	6	1	..	1	..	..
District Courts.							
Anantapur ..	1	1	..	..	..	..	..
Arcoot, North ..	4	..	..	..	..	..	..
Do. South ..	3	1	1	..	..	..	..
Bellary ..	2	1	..	..	..	..	..
Coimbatore ..	5	1	..	..	..	..	..
Chingleput ..	5	..	..	..	..	..	..
Cuddapah ..	3	..	..	..	..	..	..
Chittoor ..	4	1	..	..	..	..	..
Godavari ..	3	3	..	..	..	..	..
Ganjam ..	3	1	..	..	..	..	..
Guntur ..	5	..	1	..	..	..	..
Kanara, South ..	5	..	..	..	..	..	..
Kistna ..	7	1	..	..	..	..	..
Kurnool ..	3	..	..	..	..	..	..
Madura ..	7	..	1	1	..	..	..
Malabar, South ..	3	3	..	..	..	..	..
Do. North ..	3	1	..	..	..	..	..
Nellore ..	4	..	..	..	..	..	..
Ramnad ..	6	..	..	..	..	..	..
Salem ..	3	..	..	..	..	..	..
Tanjore, East ..	6	..	..	..	..	..	..
Do. West ..	3	2	1	..	..	..	..
Trichinopoly ..	3	2	..	1	..	..	..
Tinnevely ..	2	2	1	..	..	..	..
Vizagapatam ..	3	1	..	..	..	..	..

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SECTION B.—Non-gazetted officers on Rs. 100 and over—*cont.*

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadans.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkils, Totis, Cherumas and Holiyas.	Others.
<i>Heads of Departments.</i>							
Secretariat—							
Chief Secretariat	13	5	3	1	..	..	..
Law Department	13	4	1	..	..	..	..
Legislative Council Office ..	12	2	..	..	..	..	..
Revenue Department	8	2	3	..	..	..	..
Development Department ..	5	2	..	..	..	..	..
Finance Department	9	5	3	1	..	..	..
Local Self-Government Department ..	14	3	1	..	..	..	..
* Public Works Department ..	213	39	13	3	9	..	..
Board of Revenue—							
Land Revenue and Settlement, including also Survey and Settlement Parties.	47	18	9	2	1	..	..
Commissioner of Excise and subordinate offices.	18	12	2	4	5	..	..
Office of Inam Commissioner ..	1	..	1	..	..	..	..
Registrar, High Court	69	23	2	1	2	..	1
City Civil Court	3	..	..	..	..	..	..
Court of Small Causes	4	4	..	2	1	..	..
Inspector-General of Police (and sub-offices).	577	448	73	99	149	..	..
Commissioner of Police	10	14	1	4	70	..	..
Inspector-General of Prisons ..	6	7	2	..	12	..	..
Director of Public Instruction.	383	59	50	32	42	..	..
Commissioner for Government Examinations.	2	1	..	..	..	..	..
Inspector-General of Registration.	209	88	16	16	1	..	..
Private Secretary to His Excellency the Governor's office.	1	2	..	..	..	..	..
Registrar-General of Births, Deaths and Marriages.	..	..	..	..	..	..	..
Registrar of Joint Stock Companies.	1	1	1	..	..	..	..
Director of Industries	18	19	1	..	1	..	..
Director of Fisheries	2	8	1	..	..	..	..
Chief Conservator of Forests.	83	67	21	9	8	..	1
His Britannic Majesty's Consul at Pondicherry.	..	..	1	..	..	..	..
Director of Agriculture	49	23	10	1	1	..	..
Registrar of Co-operative Societies.	6	5	..	..	..	..	..
Surgeon-General	85	81	49	21	36	..	1
Deputy Director of Agriculture, Cinchona.	..	1	2	..	1	..	..

* Includes the Secretariat as well as the department.

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SECTION B.—Non-gazetted officers on Rs. 100 and over—*cont.*

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadans.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkils, Totis, Cherumas and Holiyas.	Others.
<i>Heads of Departments—cont.</i>							
Director of Public Health ..	34	17	2	..	..	..	..
Presidency Port Officer	3	2	1	..	1	..	..
Examiner of Local Fund Accounts.	19	8	..	1	..	..	..
Administrator-General	..	..	..	..	1	..	..
Assistant Political Agent for Pudukottai.	..	..	..	..	..	..	..
Chief Presidency Magistrate ..	3	2	..	..	..	..	..
Madras Record Office	3	1	1	1	..	..	..
Principal, Madras Veterinary College.	5	1	1	..	..	..	..
Paymaster, Carnatic Stipends.	..	5	2	..	3	1	..
Superintendent, Government Press.	3	..	..	..	..	..	1
Superintendent, Civil Veterinary Department.	35	23	7	2	3	..	..
Board of Examiners	..	1	..	..	..	..	..
Superintendent of Stamps ..	2	1	..	..	..	..	..
Superintendent, Government Museum.	3	2	..	..	..	..	..
Chemical Examiner to Government.	1	..	..	..	..	..	..
Sheriff of Madras	..	1	..	..	..	..	..
Senior Translator to Government.	4	2	..	1	..	..	..
Commissioner of Labour and Factory offices.	..	..	..	..	..	..	..
Bishop of Madras and the Registrar of the Diocese, Madras.	..	..	..	..	..	..	..
Public Prosecutor	1	..	..	..	..	..	..
Archdeacon of Madras	..	..	..	..	..	..	..
Presidency Senior Chaplain ..	..	..	..	..	..	..	..
Deputy Port Conservator, Madras.	1	3	..	..	..	..	..
Advocate-General	1	..	..	..	..	..	..
Government Pleader	1	..	..	..	..	..	..
Total	2,578	1,227	337	232	350	2	4

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SECTION C.—Non-gazetted officers drawing from Rs. 35 to Rs. 100.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadians.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkilis, Totis, Cherumas and Holyas.	Others.

Collectorates including Divisional Offices.

Anantapur	177	40	6	14	..	..	..
Arcoot, North	205	58	8	19	..	..	..
Do. South	183	69	11	9	1	..	..
Bellary	155	35	11	13	..	..	..
Chingleput	136	76	10	14	..	..	..
Chittoor	117	65	5	9	..	..	..
Coimbatore	206	58	6	10	..	..	..
Cuddapah	165	46	6	27	..	..	..
Ganjam	145	90	5	5	..	..	..
Godavari	203	71	3	15	..	..	..
Guntur	195	60	7	10	..	..	..
Kanara, South	104	44	25	13	..	..	..
Kistna	258	92	3	14	..	..	..
Kurnool	149	60	9	32	..	..	..
Madras	25	13	5	9	..	..	..
Malabar	88	181	8	11	1	..	..
Madura	150	63	14	8	..	3	..
Nellore	195	36	9	..	..	6*	..
The Nilgiris	24	22	9	4	..	..	..
Ramnad	106	48	14	1	..	..	..
Salem	220	68	10	20	..	..	..
Tanjore	227	92	18	12	..	1	..
Tinnevely	152	89	19	9	..	1	..
Trichinopoly	169	53	17	9	..	1	..
Vizagapatam	154	76	1	7	..	..	..

District Courts.

Anantapur	24	5	..	3	..	..	..
Arcoot, North	54	8	1	2	..	..	..
Do. South	71	36	8	7	..	..	..
Bellary	26	5	..	1	..	..	..
Coimbatore	76	22	..	3	..	..	..
Chingleput	52	14	..	3	..	..	..
Cuddapah	34	6	1	3	..	..	..
Chittoor	39	16	2	2	..	..	..
Godavari	86	26	..	6	..	..	..
Ganjam	45	12	..	..	..	..	..
Guntur	87	12	..	3	..	..	..
Kanara, South	49	12	8	3	..	..	..
Kistna	114	27	2	5	..	2	..
Kurnool	22	14	2	6	..	..	..
Madura	76	22	5	4	..	..	..
Malabar, South	92	83	5	4	..	..	..
Malabar, North	22	83	1	4	..	..	..
Nellore	54	5	3	4	..	..	..
Ramnad	82	20	10	3	..	..	..

* Sourashtras.

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SECTION C.—Non-gazetted officers drawing from Rs. 35 to Rs. 100—cont.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadians.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkilis, Totis, Cherumas and Holyas.	Others.

District Courts—cont.

Salem	59	9	4	6	..	..	..
Tanjore, East	62	12	3	2	..	2	1*
Tanjore, West	104	22	3	4	..	..	3*
Trichinopoly	126	57	7	16	..	..	..
Tinnevely	74	41	14	3	..	..	..
Vizagapatam	47	32	..	2	..	1	..

Heads of Departments.

Secretariat—							
Chief Secretariat	22	17	6	3	..	1	..
Law Department	8	5	2	..	..	1	..
Legislative Council Office	4	2	..	1	..	..	..
Revenue Department	3	4	2	..	..	..	..
Development Department	3	3	3	..	..	..	..
Finance Department	5	6	..	1	..	..	..
Local Self-Government Department	11	10	..	1	..	..	..
† Public Works Department	529	190	23	7	3	2	..
Board of Revenue—							
Land Revenue and Settlement including also Survey and Settlement Parts. a.	284	203	22	16	4	..	..
Commissioner of Excise and subordinate offices.	515	286	37	83	5	1	..
Office of Inam Commissioner.	2	2	..	1	..	..	..
Registrar, High Court	123	60	5	9	2	..	..
City Civil Court	6	3	1	1	1	..	..
Court of Small Causes	16	27	3	3	1	1	..
Inspector-General of Police (and sub-offices).	566	1,287	126	368	4	8	6
Commissioner of Police	37	202	14	42	10	3	..
Inspector-General of Prisons	37	58	19	14	24	..	1
Director of Public Instruction.	736	247	233	109	12	..	1
Commissioner for Government Examinations.	8	3	..	..	..	..	..
Inspector-General of Registration.	1,266	919	82	153	3	5	..
Private Secretary to His Excellency the Governor's office.	..	1	..	..	..	..	..
Registrar-General of Births, Deaths and Marriages.	..	..	2	..	..	..	..
Registrar of Joint Stock Companies.	4	..	..	..	..	..	..
Director of Industries	66	76	17	6	1	..	..
Director of Fisheries	18	36	10	2	1	..	..
Chief Conservator of Forests	327	354	66	108	1	1	7
His Britannic Majesty's Consul at Pondicherry.	..	..	1	..	..	..	..

* Jains.

† Includes the Secretariat as well as the department.

[14th November 1924]

SECTION C.—Non-gazetted officers drawing from Rs. 35 to Rs. 100—cont.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadians.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Falias, Valluvas, Malas, Madigas, Chakkils, Totis, Cherumas and Holyas.	Others.
<i>Heads of Departments—cont.</i>							
Director of Agriculture ..	177	96	23	4	..	..	..
Registrar of Co-operative Societies ..	219	149	34	13	..	8	..
Surgeon-General ..	219	219	73	29	72	..	5
Deputy Director of Agriculture and Cinchona ..	1	3	5	..	..	..	..
Director of Public Health ..	122	71	11	2	..	..	..
Presidency Port Officer ..	27	29	17	9	2	..	..
Examiner of Local Fund Accounts ..	198	49	12	11	..	..	..
Administrator-General ..	4	5	..	..	2	..	..
Assistant Political Agent for Pudukottai ..	..	1	1	..	..	..	..
Chief Presidency Magistrate ..	8	10	4	4	..	..	..
Madras Record Office ..	4	1	2	..	..	..	..
Principal, Madras Veterinary College ..	3	3	1	..	..	..	..
Paymaster, Carnatic Stipends ..	1	..	..	1	..	..	..
Superintendent, Government Press ..	31	108	10	3	5	4	..
Superintendent, Civil Veterinary Department ..	83	46	11	5	1	..	..
Board of Examiners ..	2	1	..	..	..	..	..
Superintendent of Stamps ..	24	14	..	9	..	1	..
Superintendent, Government Museum ..	2	4	4	..	..	..	..
Chemical Examiner to Government ..	2	1	..	..	..	..	..
Sheriff of Madras ..	..	1	..	..	2	..	..
Senior Translator to Government ..	8	3	..	3	..	..	..
Commissioner of Labour and Factory offices ..	3	10	1	..	..	..	..
Bishop of Madras and Registrar of the Diocese, Madras ..	1	..	5	..	..	..	..
Public Prosecutor ..	2	..	..	..	..	..	..
Archdeacon of Madras ..	..	..	..	..	2	..	..
Presidency Senior Chaplain ..	..	1	..	..	..	..	..
Deputy Port Conservator, Madras ..	2	7	2	..	2	..	..
Advocate-General ..	1	..	..	..	..	..	..
Government Pleader ..	1	..	..	..	..	..	..
Total ..	11,224	7,000	1,216	1,427	162	46	34

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SECTION D.—Appointments on less than Rs. 35.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadians.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Falias, Valluvas, Malas, Madigas, Chakkils, Totis, Cherumas and Holyas.	Others.
<i>Collectorates including Divisional Offices.</i>							
Anantapur ..	11	150	..	128	..	2	..
Arcot, North ..	9	244	1	80	..	5	..
Do. South ..	13	194	1	87	..	..	..
Bellary ..	18	118	2	133	..	1	..
Chingleput ..	4	170	1	68	..	1	..
Chittoor ..	12	144	1	60	..	1	..
Coimbatore ..	24	189	16	47	..	..	..
Cuddapah ..	1	164	3	130	..	..	..
Ganjam ..	21	244	..	19	..	5	..
Godavari ..	23	186	3	96	..	1	10
Guntur ..	14	175	1	144	..	..	..
Kanara, South ..	13	127	37	42	..	..	..
Kistna ..	13	256	7	127	..	6	1
Kurnool ..	5	148	3	154	..	..	..
Madras ..	2	50	..	7	..	..	..
Malabar ..	4	244	5	83	..	1	1
Madura ..	36	209	7	88	..	2	..
Nellore ..	2	181	4	137	..	..	..
The Nilgiris ..	4	28	6	8	..	..	..
Ramnad ..	15	106	1	24	..	1	..
Salem ..	6	238	4	87	..	2	..
Tanjore ..	10	320	2	47	..	..	..
Tinnevely ..	15	173	7	73	..	..	..
Trichinopoly ..	17	198	3	66	..	1	..
Vizagapatam ..	33	144	..	19	..	..	..
<i>District Courts.</i>							
Anantapur ..	12	56	2	57	..	..	..
Arcot, North ..	20	207	7	82	..	1	..
Do. South ..	18	355	10	140	..	..	..
Bellary ..	14	70	1	65	..	..	..
Coimbatore ..	61	331	9	65	1	..	..
Chingleput ..	21	159	..	73	..	1	..
Cuddapah ..	12	86	..	86	..	..	..
Chittoor ..	28	150	8	73	..	2	..
Godavari ..	75	313	3	109	..	..	..
Ganjam ..	40	233	11	16	..	1	..
Guntur ..	43	258	2	170	..	2	..
Kanara, South ..	38	169	63	68	..	..	..
Kistna ..	53	504	9	176	..	35	..
Kurnool ..	13	76	..	92	..	..	..
Madura ..	37	386	33	120	..	1	..
Malabar, South ..	44	556	31	85	..	3	..
Do. North ..	4	430	11	43	..	1	..
Nellore ..	28	114	6	120	..	..	..
Ramnad ..	52	363	30	77	..	..	..
Salem ..	44	197	9	138	..	..	..
Tanjore, East ..	67	282	13	29	..	..	..
Do. West ..	58	366	29	35	..	..	..
Trichinopoly ..	41	276	2	68	..	5	..
Tinnevely ..	32	365	31	127	..	..	25
Vizagapatam ..	23	243	4	36	..	..	1

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SECTION D.—Appointments on less than Rs. 35—cont.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadans.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkils, Totis, Cherumas and Holyas.	Others.
<i>Heads of Departments.</i>							
Secretariat—							
Chief Secretariat ..	..	46	9	28	..	14	..
Law Department ..	..	11	..	3	..	1	..
Legislative Council Office ..	..	9	2	3	..	1	..
Revenue Department ..	..	12	..	3	..	..	..
Development Department ..	..	8	1	2	..	3	..
Finance Department ..	..	9	..	2	..	2	..
Local Self-Government Department.	..	12	3	..	..	..	..
* Public Works Department	54	506	44	162	..	25	4
Board of Revenue -							
Land Revenue and Settlement including also Survey and Settlement Parties.	120	320	7	73	..	6	..
Commissioner of Excise and subordinate offices.	..	2,223	101	710	..	55	1
Office of Inam Commissioner	..	..	..	1	..	..	..
Registrar, High Court ..	..	124	14	52	..	..	..
City Civil Court ..	3	12	..	2	..	..	..
Court of Small Causes	4	32	3	11	..	..	..
Inspector-General of Police (and sub-offices).	310	17,291	1,089	5,355	5	237	85
Commissioner of Police ..	9	1,167	54	294	1	65	..
Inspector-General of Prisons.	2	507	88	94	6	73	3
Director of Public Instruction.	105	486	30	154	..	13	4
Commissioner for Government Examinations.	..	2	..	..	..	..	..
Inspector-General of Registration.	2	942	21	188	..	7	..
Private Secretary to His Excellency the Governor's Office.	..	..	..	..	..	..	..
Registrar-General of Births, Deaths and Marriages.	..	2	..	..	..	..	..
Registrar of Joint Stock Companies.	..	1	..	2	..	..	..
Director of Industries ..	14	135	18	16	..	2	..
Director of Fisheries ..	1	214	18	40	..	18	..
Chief Conservator of Forests.	78	1,247	133	528	..	28	64
His Britannic Majesty's Consul at Pondicherry.	..	..	..	..	..	..	..
Director of Agriculture ..	5	125	16	19	..	3	..
Registrar of Co-operative Societies.	7	62	1	8	..	2	..
Surgeon-General ..	19	501	91	84	..	555	..
Deputy Director of Agriculture, Cinchona.	..	..	..	..	..	..	..

* Includes the Secretariat as well as the department.

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SECTION D.—Appointments on less than Rs. 35—cont.

Office.	Number of officers.						
	Brahmans.	Non-Brahmans.	Indian Christians.	Muhammadans.	Europeans and Anglo-Indians.	Depressed classes, viz., Pariahs, Pallas, Valluvas, Malas, Madigas, Chakkils, Totis, Cherumas and Holyas.	Others.
<i>Heads of Departments—cont.</i>							
Director of Public Health ..	14	208	2	24	..	1	..
Presidency Port Officer ..	1	74	27	33	..	7	13
Examiner of Local Fund Accounts.	..	55	..	7	..	..	..
Administrator-General ..	..	..	..	..	..	..	..
Government Political Agent for Pudukkottai.	..	..	..	..	..	..	..
Chief Presidency Magistrate.	..	7	..	1	..	..	..
Madras Record Office ..	..	18	3	7	..	6	..
Principal, Madras Veterinary College.	..	3	3	1	..	2	..
Paymaster, Carnatic Stipends	..	1	..	3	..	..	..
Superintendent, Government Press.	19	550	25	17	6	35	..
Superintendent, Civil Veterinary Department.	..	63	5	6	..	1	..
Board of Examiners ..	..	2	..	..	..	..	..
Superintendent of Stamps ..	..	17	..	12	..	1	..
Superintendent, Government Museum.	..	28	..	9	..	4	..
Chemical Examiner to Government.	..	1	..	1	..	..	..
Sheriff of Madras ..	..	4	1	1	..	..	..
Senior Translator to Government.	..	4	..	2	..	..	..
Commissioner of Labour and Factory Offices.	..	9	..	2	..	3	..
Bishop of Madras and the Registrar of the Diocese, Madras.	..	..	..	..	..	..	..
Public Prosecutor ..	..	1	1	..	..	..	..
Archdeacon of Madras ..	..	..	..	..	..	..	..
Presidency Senior Chaplain ..	..	..	..	..	..	..	..
Deputy Port Conservator, Madras.	..	22	..	2	1	..	..
Advocate-General ..	..	2	..	1	..	..	..
Government Pleader ..	1	2	..	..	..	..	..
Total ..	1,974	38,020	2,249	12,047	20	1,259	213

THE MADRAS LEGISLATIVE COUNCIL

Monday, the 17th November 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, 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.]

Floods.

Repairs to wet lands in the flood-affected area.

1214 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU: Will the hon. the Member for Revenue be pleased to state—

(a) the extent of wet lands that have been cut up or silted up in the flood-affected area and whether the ryots are attending to the repairs of their fields; and

(b) whether Government have inaugurated a policy of granting loans to the ryots promptly and quickly and if so what is the amount of loans granted up to date?

A.—(a) About 14,000 acres. The ryots are attending to the repairs.

(b) Yes. An amount of Rs. 8 lakhs has already been placed at the disposal of the Board of Revenue for distribution to ryots and Collectors have been authorized to entertain extra establishments to expedite the distribution of loans. Information as to the amount granted to ryots up to date is not available.

Land Revenue.

Assignment of land to the depressed classes in Cuddapah district.

1215 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) what extent of Government land has been assigned to the depressed classes in Cuddapah district during the last fasli;

(b) whether any objections to the grant were raised by the people;

(c) how were the objections disposed of;

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(d) whether any lands were assigned to the depressed classes since the beginning of this fasli; and

(e) of those to whom lands were assigned, how many were Christians and how many others?

A.—(a) 3,454 acres.

(b) Yes.

(c) The objections were considered before the lands were assigned and modifications made in the proposals where necessary.

(d) 679 acres from 1st July 1924 up to 12th October 1924.

(e) Of 1,208 assignees, 613 were Christians and 595 non-Christians.

Mr. K. ABDUL HYE SAHIB :—“With regard to answer to (e), may I know whether the Government are aware that as a result of missionary influences in the matter of assignments of lands, many people are embracing Christianity in Cuddapah?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“Government are not aware.”

Mr. K. ABDUL HYE SAHIB :—“Will Government call for information?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“I am afraid that it is not one of the matters in which Government should interfere.”

Mr. P. SIVA RAO :—“May I know with reference to the answer to (c) ‘that the objections were considered before the lands were assigned,’ what was the nature of the objections?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“The usual objections that can be raised under the four corners of the Board’s Standing Orders.”

Mr. P. SIVA RAO :—“May I have some inkling as to the nature of the objections, whether the land has been already in long enjoyment, whether it is held under sivaajama tenure and so on?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“Presumably all such objections were raised on the occasion of the assignment. It is impossible categorically to mention all the objections which were raised in respect of the assignment of 3,454 acres to a large number of individuals. Each individual would have raised some objection or other. I cannot categorically mention all the objections made.”

Mr. P. SIVA RAO :—“Do Indian Christians come under the head of depressed classes?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“Yes; they do.”

Mr. K. ABDUL HYE SAHIB :—“My information is that some of the Muhammadans had embraced Christianity on account of missionary influence. Will the Government therefore be pleased to call for the information?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“I am not aware of the fact at all.”

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Mr. P. SIVA RAO :—“Will the hon. the Revenue Member be pleased to call for information as to whether, on the temptation of assignment of lands, anybody has become a Christian in the district of Cuddapah?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“I am afraid no useful information will be elicited by such an inquiry.”

Mr. R. SRINIVASAN :—“May I ask whether Government have any information as to what sort or sections of Christians are depressed classes?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“There are Christians who are classed as depressed classes, and there are also Christians who cannot be classed as depressed classes. It is rather difficult to determine which class belongs to depressed and which does not.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Is it not a fact that some of the assignments are in the name of missions, which are intended for depressed classes?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“In some cases, they are in the name of congregations and in very many cases they are in names of individuals.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Is it not a fact that lands are assigned in the name of missions with powers to assign to both Christians and non-Christians?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“Sometimes they are.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Has anything been done to ascertain as to whether these missionaries show any favouritism?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“The Government held an investigation quite recently in connexion with another case which was brought to their notice by the hon. Member himself and they were satisfied that no undue influence was brought to bear.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Are any conditions attached to these assignments?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“The usual conditions, in the same way as for depressed classes.”

Rai Bahadur T. M. NARASIMHACHARLU :—“What are those usual conditions?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“I will invite the attention of the hon. Member to the Board’s Standing Orders.”

Rai Bahadur T. M. NARASIMHACHARLU :—“Is there any prohibition as to alienation of the lands assigned?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—
“All that comes under the conditions specified in Board’s Standing Orders.”

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Rai Bahadur T. M. NARASIMHACHARLU :—"Is there any time limit as, say, ten years?"

Mr. R. VEERIAN :—"With reference to clause (d), may I know whether the lands assigned to them, namely 679 acres, are actually fit for cultivation, and if so may I know, Sir, how many acres of land are under cultivation now?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"As regards the first part of the question, I may say presumably so; as regards the second I have no definite information."

Mr. R. VEERIAN :—"May I ask whether he will be pleased to call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I do not consider it necessary."

Mr. R. VEERIAN :—"May I know, Sir, whether any loans have been granted to improve such lands?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I am not aware. The question does not arise."

Forests.

Grant of manure leaves from forests in North Arcot district.

1216 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that manure leaves were allowed to be taken from reserved forests at 6 annas per cart-load in North Arcot district;

(b) whether this has been completely stopped and if so, when;

(c) whether forest panchayats were given permission in class II reserves to allow manure leaves free to ryots some two years back;

(d) whether subsequently they were asked to sell at Rs. 2 per cart-load;

(e) whether any representations were received to be allowed to take manure leaves free;

(f) what is the amount of compensation collected for illicit collection of manure leaves from the reserves in North Arcot district during the last five years;

(g) what are the latest orders passed on the subject of grant of manure leaves in the district; and

(h) whether Government are considering the question of allowing manure leaves free at least to forest panchayats?

A.—(a) The seigniorage on manure leaves in North Arcot district was 5 annas per cart-load until 1912.

(b) The rates have been gradually raised. The removal of green manure leaves from the reserves of South and West Vellore divisions was totally prohibited with effect from 1st July 1917 and from those of North Vellore division from the 1st April 1919.

(c) No.

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(d) Panchayats have been permitted to allow removal of manure leaves on permits at Rs. 2 per cart.

(e) Yes.

(f) The Government have no information.

(g) A copy of the latest orders * issued by the Chief Conservator in regard to North Arcot district is placed on the Council Table.

(h) No such proposals are before Government.

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know, Sir, whether it is not a fact that a large number of animals grazing in the reserved forests are killed by wild beasts and snakes on account of the growth of these shrubs and creepers?"

The hon. Sir ARTHUR KNAPP :—"May I ask which clause is referred to?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"Clauses (a) and (b)."

The hon. Sir ARTHUR KNAPP :—"I am afraid I cannot see any connexion between destruction of animals by wild beasts and snakes and rates of seigniorage."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I thought I need not make a speech. The removal of shrubs and creepers is prohibited from these portions of reserved forests. These shrubs and creepers give shelter to wild beasts and snakes and the grazing animals are naturally killed by them. Therefore will the Government consider the advisability of permitting removal of shrubs and creepers?"

The hon. Sir ARTHUR KNAPP :—"My own personal experience is that wild animals are not very plentiful in the North Arcot district."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I may say I did not restrict my question to North Arcot alone."

The hon. Sir ARTHUR KNAPP :—"Then may I say that my hon. Friend's supplementary question does not arise."

Mr. C. V. VENKATARAMANA AYYANGAR :—"That may be a direct answer, that does not require notice. Even with regard to North Arcot I have papers on hand to show that animals have been killed by poisonous snakes, which is generally due to the growth of shrubs and creepers—I do not mind very much whether wild beasts are also included in the category of snakes or not."

Jails.

Jail rule prohibiting the writing of original books by convicts.

1217 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Home Member be pleased to state—

(a) whether there is any rule in the jails that no convict should write any original book but may make translations and if so when and why the rule was made; and

(b) whether there is any rule that no convicts should be allowed to read even such old newspapers as can be spared by any officer in the jail or by any reading room of its officers; if so, why and when that rule was framed; whether the rule prevents the reading of such weekly journals as the *Times of India* weekly edition?

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A.—(a) There is no rule in the Jail Manual permitting convicts to write original books or prepare translations. But the Superintendent of the jail may grant permission in individual cases under such conditions as he may consider necessary to prescribe.

(b) The rules in the Jail Manual do not allow the use of newspapers by convicts.

Mr. C. V. VENKATARAMANA AYYANGAR :—"The answer to question (a) is in the negative. I want to know whether there is anything like a prohibition preventing the convicts from writing any original book. The answer given is 'there is no rule permitting it.' What I ask is, is there anything prohibiting them?"

The hon. Sir ARTHUR KNAPP :—"There is no specific rule prohibiting it just as there are no specific rules prohibiting a great many other things which the Council may not do."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The question has arisen directly whether the Superintendent has got the power to permit even original books being written."

The hon. Sir ARTHUR KNAPP :—"Yes, Sir, he has."

Mr. C. V. VENKATARAMANA AYYANGAR :—"As regards (b), I do not know if the category of newspapers include old papers also. But will the hon. the Home Member see that some change is introduced in these rules, that people who want to read old newspapers or journals, which are not specifically political, may be permitted the use of them. In Coimbatore, there is a regular reading room maintained by the jail staff, not by Government, and they are prepared to allow old copies for the use of these jail convicts if they want. So, will Government consider the advisability of permitting these old papers being supplied?"

The hon. Sir ARTHUR KNAPP :—"I am quite prepared to consider the suggestion. But we have to abide by the rules issued by the Government of India, and should have to see that we do not go against the principle they have laid down. Subject to that, I am quite prepared to see whether we cannot allow some old papers to be supplied to the convicts from the reading room of the jail staff."

Mr. C. V. VENKATARAMANA AYYANGAR :—"There are only a few convicts who know English. I am quite satisfied with that."

Mr. P. N. MARTHANDAM PILLAI :—"May I ask whether this concession may not be extended to other jails also?"

The hon. Sir ARTHUR KNAPP :—"I am not aware whether we have reading rooms in all the other jails. I shall first consider what may be done in the case of Coimbatore and then see whether we can extend it further."

Mr. P. N. MARTHANDAM PILLAI :—"If there are any people willing to supply, will the hon. the Home Member consider it?"

The hon. Sir ARTHUR KNAPP :—"That is a much wider question. Relying on the fact that papers are available from the reading room of the jail staff at Coimbatore, I said I had no objection to consider the suggestion."

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Mr. P. N. MARTHANDAM PILLAI :—"Then may I know whether the cost of the papers stands in the way?"

The hon. Sir ARTHUR KNAPP :—"No."

Mr. P. N. MARTHANDAM PILLAI :—"If not, whether the Government will be prepared to supply newspapers?"

The hon. Sir ARTHUR KNAPP :—"I do not think I can at present add anything to the undertaking I have given my hon. Friend opposite (Mr. Venkataramana Ayyangar)."

Criminal Justice.

Adoption of minor girls by the Kalavantula community.

1218 Q.—Mr. P. PEDDIRAJU : Will the hon. the Law Member be pleased to state—

(a) whether the attention of the Government is drawn to the resolutions passed by Kalavantula Social Conference held at Guntur in April last; if so, what action has been taken thereon; and

(b) whether, in view of the growing consciousness and aversion in the community and the general public to the adoption of minor girls by the said community, the Government intend to pass any statute prohibiting the same?

A.—(a) Yes. The Government did not consider that any action was called for on the resolutions.

(b) No.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Arising out of the answer to question (a), may I know whether it is the view of the Government that the resolutions as contemplated by the Conference are outside the pale of their functions?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That answer was furnished in view of the fact that the Government of India are contemplating a comprehensive legislation applicable throughout India."

Appeals filed on the recommendation of District Magistrates against acquittals.

1219 Q.—The RAJA OF RAMNAD : Will the hon. the Law Member be pleased to state for the period commencing from the date of his assumption of charge of the Judicial portfolio till 1st October 1924—

(a) the number of appeals recommended by the various District Magistrates against acquittals;

(b) the number of appeals actually filed in the High Court with their results; and

(c) the total cost to Government in the case of such appeals as were dismissed by the High Court?

A.—(a) 71.

(b) 47.

(This includes appeals directed prior to the 12th February 1923 as also those presented otherwise than on the recommendation of District Magistrates.)

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(c) *Results of appeal from 12th February 1923 to 1st October 1924.*

Number of appeals allowed	...	...	...	...	18
Do. dismissed	...	...	...	...	22
Do. pending	...	...	...	...	7

In one out of the 22 appeals that were dismissed, the question of law for the decision of which the appeal was filed, was allowed, though under the circumstances of the case no re-trial was ordered. Another appeal was dismissed as permission to compromise was given under the provisions of the new Code of Criminal Procedure.

The total cost to Government was Rs. 1,410.

Irrigation.

Non-cultivation of a large portion of lands in the Gonzu Tampara, Ganjam district.

1220 Q.—Sriman SASIBHUSHAN RATH Mahasayo : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a large portion of the lands in the *Gonzu Tampara*, Berhampur taluk, Ganjam district, is left uncultivated each year ;

(b) whether it is a fact that a large portion of the Tampara lands remains under water and that failure to cultivate them is not due to indifference or neglect on the part of the ryots ;

(c) whether there have been any proposals to drain off water that accumulates on the Tampara lands ;

(d) whether the Government have given remission in the case of uncultivated lands in the Tampara due to submersion of the same by excess water let off from the canals ; if so, the amount of such remission for the last three years ; and

(e) whether the Government have received representations from the affected ryots and if so, what relief is sought to be given to them ?

A.—(a), (b) & (d) The Government have not the information.

(c) The hon. Member is referred to the answer given to clause (a) of question No. 1221.

(e) No representation has been received from the affected ryots recently.

Excavation of a drainage canal in Ganjam.

1221 Q.—Sriman SASIBHUSHAN RATH Mahasayo : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a proposal to excavate a drainage canal to drain off the *Gonzu Tampara* lands in the district of Ganjam is now on hand with the Government ;

(b) the probable amount of revenue to be derived out of proposed improvements to the Tampara lands and what percentage that will be on the total cost of the project ; and

(c) whether Government expect to realize a large sum by selling certain lands reclaimed from the Tampara after the improvements are effected ; if so, why the project is held up ?

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A.—(a) The hon. Member's attention is drawn to item 6 on page 7 of Mr. Morgan's report on irrigation projects placed on the Editors' Table. Plans and estimates amounting to Rs. 7.02 lakhs for the project have since been received from the Superintending Engineer and are under the consideration of the Chief Engineer for Irrigation. The estimates are only for reclaiming the Tampara and do not provide for the irrigation facilities to the reclaimed lands.

(b) The net revenue derivable is about Rs. 30,000 giving a return of about 4 per cent, which will be considerably altered when the cost of providing irrigation facilities is taken into account.

(c) The sale-proceeds of waste lands to be commanded by the scheme will be about Rs. 4.44 lakhs. The project is held up pending settlement of the question of supplementing the supply of the Rushikulya reservoirs.

Repairing of river breaches and irrigation sources in flood-damaged areas.

1222 Q.—Mr. V. C. VELLINGIRI GOUNDER : Will the hon. the Law Member be pleased to state—

(a) whether any arrangement has been made or proposed to recruit enough labour from all available sources and in all possible ways for speeding up the work of repairing river breaches and irrigation sources in flood-damaged areas ;

(b) the approximate or correct extent of single and double crop wet land not yet brought under cultivation on account of—

(i) silting by sand,

(ii) irrigation sources damaged, breached, silted up, etc., in each taluk of the flooded area ;

(c) the total estimated cost to Government of restoring all breaches in river banks and irrigation sources in the flooded areas ;

(d) the approximate or correct sum spent by Government till now for repairing these damages ; and

(e) when Government hope to finish these repairs ?

A.—(a) Yes.

(b) Information is not available.

(c) About 6½ lakhs for closing breaches and temporary works for the restoration of irrigation supply.

(d) About 4½ lakhs. Work is in progress.

(e) *Closing of breaches.*—All the breaches have been completely closed excepting the extensive breach above the Grand Anicut. This has been sufficiently closed to enable the Cauvery delta to be supplied and it is proposed to close finally the gap which has been left in the stop-bund early in December.

Question 1223—Cancelled.

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Police.*Memorial to Government from the Jains of South Kanara.*

1224 Q.—MR. K. RAGHUCHANDRA BALLANA: Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware that a memorial, dated 28th February 1920, was submitted to them by the representatives of the Jain community of South Kanara through the Collector of the district;

(b) what action was taken, if any;

(c) how many Jains are in the Police Department as District Superintendents, Deputy Superintendents, Circle Inspectors, Sub-Inspectors;

(d) whether the Government have been pleased to extend to Jains concessions shown to other minority communities in this department; and

(e) if not, whether the Government have any objection to extend all necessary concessions due to them?

A.—(a) & (b) No such memorial has been received.

(c) The hon. Member will observe from G.O. No. 658, Public, dated the 15th August 1922, that a separate heading for Jains is not maintained in communal returns.

(d) & (e) The Government do not know to what the hon. Member refers.

MR. B. MAHABALA HEGDE:—"With reference to clause (a), will the Government be pleased to call for the memorial?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is quite open to the memorialists to send the memorial to the Government."

MR. B. MAHABALA HEGDE:—"It was sent through the Collector."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I dare say it will reach us or has reached the office."

MR. B. MAHABALA HEGDE:—"As there are many important points raised in it, will the Government be pleased to call for it?"

MR. B. MAHABALA HEGDE:—"As regards answer to question (c), may I know what classes belong to the minority communities?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I have always understood that the Jains are not a majority in this Presidency."

MR. B. MAHABALA HEGDE:—"Will the Government be pleased to include the Jain community in the minority communities?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Such a request reaches us from many communities very often, and it is difficult to give a specific answer to my hon. Friend's question at once."

MR. B. MAHABALA HEGDE:—"What I say is, if it is a small and important community, will the Government consider my suggestion?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Others also claim the same peculiarity and importance."

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Public Works.*The powers and duties of the Chief Engineers.*

1225 Q.—MR. P. N. MARTHANDAM PILLAI: Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) what are the powers vested in, and the duties devolving on, the two Chief Engineers in regard to the passing of estimates and administrative control in the department; and

(b) the number of estimates sanctioned by the Chief Engineer for Works and Communication and by the Chief Engineer for Irrigation, respectively, for the years 1922-23 and 1923-24?

A.—(a) *Chief Engineer (General, Buildings and Roads).*—The Chief Engineer has no power to sanction estimates technically. All estimates for original works costing above one lakh are scrutinised by him before administrative or technical sanction is accorded thereto by Government.

He sometimes deals with proposals, estimates and designs for important sanitary works in original.

In regard to administrative control, the Chief Engineer exercises the powers vested in the 'heads of departments'.

Chief Engineer for Irrigation.—The Chief Engineer for Irrigation has no power to sanction estimates technically; but all estimates requiring the administrative or technical sanction of Government are examined by him before they are submitted to Government. Proposals and designs for important works also are dealt with by him in original.

(b) As the Chief Engineers have no powers of technical sanction, the number of estimates technically sanctioned by either of them in 1922-23 and 1923-24 is nil.

The following statement shows the number of the estimates scrutinised by them in 1922-23 and in 1923-24:—

	Chief Engineer (Buildings and Roads Branch).			Chief Engineer (Irrigation).		
	Number of estimates scrutinised.			Number of estimates scrutinised.		
1922-23	...	...	75	...	...	102
1923-24	...	...	91	...	...	121

MR. P. N. MARTHANDAM PILLAI:—"May I know the necessity for this diarchy?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It has been so for the last 40 years. The functions of the Chief Engineer for Works are different from those of the Chief Engineer for Irrigation."

MR. P. N. MARTHANDAM PILLAI:—"May I ask the reason for the existence of two Chief Engineers and whether the duties cannot be attended to by one Chief Engineer?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The report shows that the matter was considered by the Retrenchment Committee and it was not considered advisable to reduce the number to one; but if the question be raised, it will be examined."

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Mr. C. V. VENKATARAMANA AYYANGAR :—"I thought, Sir, that the Government would consider the question of appointing a separate Secretary and then the question will arise whether one Engineer would be sufficient for both the functions. May I know, Sir, whether that has been considered?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The question has been under consideration."

Mr. C. V. VENKATARAMANA AYYANGAR :—"As regards (a), may I know if the acceptance of tenders is within the power of the Chief Engineer and if so, to what extent?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The Chief Engineer delegates his powers to the Superintending Engineer and the Executive Engineer."

Mr. C. V. VENKATARAMANA AYYANGAR :—"My question is not about the 11-15 a.m. Chief Engineer's powers for calling for tenders, but it is what powers the Chief Engineer has got for accepting tenders."

The hon. Rao Bahadur Sir A. P. PATRO :—"The powers of the Chief Engineer in this matter are defined in the Public Works Code."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know if it is not possible for the hon. the Minister just to tell me whether the Chief Engineer has got power to accept tenders at all?"

Finance.

Voting of the salary of hon. Ministers.

1226 Q.—Sriman BISWANATH DAS Mahasayo : In view of the inconvenience and difficulties expressed during the last budget discussions, will the hon. the Member for Finance be pleased to state whether any arrangement is being made for a separate voting of the salary of the Ministers?

A.—The vote for the salary of Ministers will be included in a separate demand, as in the current year's budget.

Local Boards and Municipal Councils.

Contract for Siruvani water-supply.

1227 Q.—Mr. V. C. VELLINGIRI GOUNDER : Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that contract for the whole of Siruvani water-supply scheme sanctioned (for Coimbatore) by Government has been given to a private person or firm;

(b) if so, why it was done instead of calling for tenders publicly; and

(c) whether the Government will be pleased to place on the table a copy of the deed of contract?

A.—(a) No contract has been given to any private firm or person for the whole scheme, but an order has been placed by the Chief Engineer with the South Indian Export Company, Agents of the Bengal Iron Company, for the supply of the pipes required

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for the work. These pipes are manufactured in India. By the use of such pipes it was possible to reduce the estimate to 41 lakhs.

(b) Tenders were not called for by advertisement in the newspapers, but quotations were obtained from certain leading firms who supply pipes of the kind.

(c) A formal agreement with the South Indian Export Company for the supply of pipes has not yet been executed; it is under preparation.

Mr. C. V. VENKATARAMANA AYYANGAR :—"I will repeat my question here. I want to know whether the Chief Engineer was within his powers in accepting tenders to the very large extent of about 20 lakhs of rupees."

The hon. Rao Bahadur Sir A. P. PATRO :—"Of course he has the power of accepting; but the Government have to confirm and the estimate must be sanctioned by Government."

Mr. C. V. VENKATARAMANA AYYANGAR :—"In this case have the Government confirmed it? Has any special order been issued in the Public Works Secretariat in this matter?"

The hon. Rao Bahadur Sir A. P. PATRO :—"It is not so."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Was any order issued before the tender was accepted?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Yes. The Chief Engineer, as I said the other day, accepted the tender under the Store Rules which empower him to do so."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am speaking of a specific order issued by the Government saying that specific orders will be passed by the Government in the Public Works Secretariat about accepting the tender. I think that restricted the powers of the Chief Engineer so far as the Store Rules were concerned. Therefore my question is whether an order was issued in the Public Works Secretariat accepting that tender or not."

The hon. Rao Bahadur Sir A. P. PATRO :—"The Government issued no order. The Chief Engineer exercised his power under the Store Rules as an emergency case."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am very sorry my question, in spite of being very specific, has not been answered. In the last paragraph of the Government Order they say that orders would be issued for the acceptance of the tender. My question is very simple. Has that order referred to in the last paragraph been passed till now or not?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"May I know whether the question of this tender was placed before the Advisory Committee or not?"

The hon. Rao Bahadur Sir A. P. PATRO :—"It was not, Sir."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"May I know the reasons, Sir?"

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The hon. Rao Bahadur Sir A. P. PATRO:—"I said that it was an emergency case; the period for arriving at a decision with respect to the tender was very limited. If the Government had not accepted it then, the period would have expired and they would have had to pay higher rates. Under these circumstances, the Chief Engineer accepted the tender."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I should like to know if the Government considered it an emergency case seeing that the pipes themselves were required only four years hence."

The hon. Rao Bahadur Sir A. P. PATRO:—"I think that assumption is not quite correct."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Would the Government say what the exact number of years required is?"

The hon. Rao Bahadur Sir A. P. PATRO:—"As the work progresses and as the trenches are laid, the pipes would be required."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I want to know when they will be required and only when that is known we can judge the emergency or otherwise of the case."

The hon. Rao Bahadur Sir A. P. PATRO:—"The emergency arose from the conditions attached to the quotation by the South Indian Export Company and that being so the Chief Engineer had to accept the tender."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I have some idea of this emergency? May I know when the tender was given and what time was there to decide?"

The hon. Rao Bahadur Sir A. P. PATRO:—"All that information was furnished on the last occasion in reply to a question on the subject."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am afraid the specific date within which the tender was to be accepted was not given."

The hon. Rao Bahadur Sir A. P. PATRO:—"The tender was to be accepted before 7th September."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know when the tender was made? If there was an interval of say three months or so between the date of its receipt and acceptance, it would not be an emergent case and the municipality or some other local body could have been consulted."

Mr. P. L. MOORE:—"May I ask whether it is not a fact that if the Chief Engineer had not exercised his power and accepted these tenders the rate-payers of Coimbatore would almost certainly not have water-supply for many years to come?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It is so. The people of Coimbatore would have to wait for the water-supply scheme sanctioned by Government."

Mr. C. V. VENKATARAMANA AYYANGAR:—"That is a bureaucratic answer saying that the Government knows much better than the municipality itself. My question is when the tender was received by the Government."

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Mr. A. RANGANATHA MUDALIYAR:—"This answer does not add to the reputation of the administration at all. I should like to know if the Government have confirmed that tender."

The hon. Rao Bahadur Sir A. P. PATRO:—"The tender was accepted by the Chief Engineer."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I want to know if the Government have confirmed that acceptance."

The hon. Rao Bahadur Sir A. P. PATRO:—"The agreement has yet to be considered by the Government."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether the terms have been accepted?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The rate has been accepted by the Chief Engineer."

Education.

The Hindustani pandit of the Ceded Districts College, Anantapur.

1228 Q.—Mr. ABDUL HYE SAHIB: Will the hon. the Minister for Education be pleased to state—

(a) whether the post of the Hindustani munshi in the Ceded Districts College, Anantapur, is a permanent one; if not, why it is not made permanent while the posts of other pandits in the said college are permanent;

(b) what are the scales of salary fixed for the Hindustani and other pandits in the said college; and

(c) what is the number of hours for which each of these pandits works, and what the strength of each of the vernacular classes is?

A.—(a) No. The post has not yet been made permanent. Its permanence will be considered when the number of students taking Urdu increases permanently.

(b) The pay of the Urdu munshi is Rs. 40—2—50. The pay of the other pandits is Rs. 75—4—95.

(c) The number of hours of work per week for the Sanskrit, Telugu, Kanarese and Urdu instructors is 11, 13, 8 and 8 respectively. The strength of each vernacular class is as follows:—

Classes.	Part.	Telugu.	Sanskrit.	Kanarese.	Urdu.
Junior Inter. ...	I	74	9	3	7
Do. ...	II	20	1	1	2
Senior Inter. ...	I	48	2	2	5
Do. ...	II	6	...	...	...
Junior B.A. ...	...	...	...	...	...
Senior B.A. [Groups (v) and (vi)].	...	1	2	...	...
Total ...	...	149	14	6	14

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Mr. ABDUL HYE SAHIB :—" From the answer to (b) it is seen that the pay of the Urdu munshi is much lower than that of other pandits. May I know if, under such circumstances, the Government would consider the question of raising his pay ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The question will be considered. "

Mr. ABDUL HYE SAHIB :—" It is seen from clause (c) that the number of boys in the Junior and in the Senior Intermediate classes attending the Urdu class is larger than in the other vernacular classes. May I know, in view of this, whether Government will not consider the desirability of increasing the pay of the Hindustani munshi ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" In the particular case under reference, the strength of the Urdu class happens to be as stated. In the beginning it was not so. "

Rao Bahadur C. NATESA MUDALIYAR :—" For that reason may I take it that the question of the increase of the pay for the Urdu munshi will be considered ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I have already answered that question. "

Rao Bahadur C. NATESA MUDALIYAR :—" It is stated that Rs. 95 is the maximum for the munshis. Is that so ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is the scale of the munshis. "

Rao Bahadur C. NATESA MUDALIYAR :—" Some of these munshis have taken degrees in vernaculars. Why should not they be paid the same salary paid to lecturers in the various colleges ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That was the scale fixed. We have not yet had any reason to revise it. "

Rao Bahadur C. NATESA MUDALIYAR :—" Will the Government consider the question and revise their scale as we are now having graduates in vernaculars ? I see no reason why they should not be placed on the same footing as the lecturers and assistant lecturers in the various colleges. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Especially in view of the fact that no one of the munshis can hope to get any promotion. "

Registration.

Punishments in the department of the Inspector-General of Registration.

1229 Q.—Rai Bahadur T. M. NARASIMHACHARLU : Will the hon. the Minister for Education be pleased to state—

(a) what is the number of punishments according to caste inflicted by the present permanent Inspector-General of Registration on the registrars, sub-registrars and other subordinates of the department ; and

(b) what is the number of officers who were compelled to take leave or retire on medical certificate or otherwise ?

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A.—(a) The Inspector-General has no power to punish registrars. The Government have no information on other points.

(b) No officer was compelled to take leave or retire. Nine sub-registrars were declared unfit for duty by District Medical Officers. They had therefore to retire before they attained the age of 55.

Rai Bahadur T. M. NARASIMHACHARLU :—" Does the Inspector-General recommend any registrar for punishment ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" No reports are received from him. "

Rai Bahadur T. M. NARASIMHACHARLU :—" How many cases he reported and how many were punished ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" No information is available. "

Rai Bahadur T. M. NARASIMHACHARLU :—" Will it be inconvenient for the Government to call for the information ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It will not be possible to collect all the information. "

Mr. A. RANGANATHA MUDALIYAR :—" Does the hon. the Minister accept the suggestion that punishments are awarded according to castes ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is denied. "

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Do the majority of the registrars belong to a particular community ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Yes. "

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I only mean to say that if the number of a particular community is larger than that of another the number of punishments awarded to it should also be larger. "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is so. "

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Is it also a fact that this particular community has benefited for a long time by official patronage so that it could do anything with impunity ? "

Mr. P. SIVA RAO :—" In answer to clause (a) the Government say ' that they have no information on other 'points'. In view of the allegation that punishments are inflicted on communal grounds, will the hon. the Minister be pleased to call for the information on this point ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" On which point ? Is it on the point suggested by my hon. Friend, Sir K. Venkataraddi Nayudu ? "

(Laughter.)

Mr. P. SIVA RAO :—" That may also be obtained. With reference to (a), may I know if the Government will be pleased to call for the information in view of the fact that it is strongly alleged that punishment has been meted out on communal grounds ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" As I said, it is not possible. "

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Mr. A. RAMASWAMI MUDALIYAR :—" May I remind the hon. Minister that about February this year a similar question was put and all the available information up to that date was furnished and that it was found from the answer that proportionately higher number of the non-Brahman community were severely punished than those of other communities by this Inspector-General of Registration? Yet, punishment according to caste is so much in the brains of my hon. Friends opposite?"

Mr. P. SIVA RAO :—" If that information is available, what is the difficulty in furnishing it and satisfying us? If the punishment is not according to caste, what is the difficulty in furnishing that information?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The suggestion of my hon. Friend from Chingleput is correct."

Dr. P. SUBBARAYAN :—" Is it not a fact that Brahman heads of departments punish their non-Brahman subordinates?"

Rao Bahadur C. NATESA MUDALIYAR :—" Is it not a fact that the administration of the Registration Department is much better today than it was before?"

The hon. Rao Bahadur Sir A. P. PATRO :—" It is so. It is now more efficiently administered and the tone of the department is considerably improved."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if it is due to the hon. the Minister or the Inspector-General?"

The hon. Rao Bahadur Sir A. P. PATRO :—" Both."

Rai Bahadur T. M. NARASIMHACHARLU :—" May I know if the officers mentioned in clause (b) of the answer went to the medical officers of their own accord or they were sent?"

The hon. Rao Bahadur Sir A. P. PATRO :—" When they ask for sick leave they have to obtain a medical certificate."

II

RESOLUTION OF CONDOLENCE ON THE DEATH OF THE
RT. HON. E. S. MONTAGU.

The hon. the RAJA OF PANAGAL :—" May I request permission, Sir, to move a resolution in connexion with the sad news we have received about the untimely death of the Rt. hon. E. S. Montagu?"

The hon. the PRESIDENT :—" Considering the occasion and the precedents for it, the hon. the Raja of Panagal may move his motion."

The hon. the RAJA OF PANAGAL :—" Mr. President, I beg to move :

'that this Council places on record its sense of the profound loss sustained by the people of India owing to the sudden and untimely death of the Rt. hon. E. S. Montagu who was for many years connected with the administration of this country as Under Secretary of State and later on as Secretary of State.'

"He was a statesman of great initiative, resolute courage and lofty ideals and India will always feel indebted to him for espousing the cause of India's self-government and the recognition of India as an important entity in the British Commonwealth."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second the motion."
The motion was put and carried *nem con* all Members standing.

III

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The hon. the President announced that the Madras Stage Carriages and Hackney Carriage (Amendment) Act which was
11-30 a.m. passed by the Madras Legislative Council received the assent of His Excellency the Governor-General on the 24th October 1924.

IV

AMENDMENTS TO THE STANDING ORDERS.

Standing Order No. 3.

Mr. T. R. VENKATARAMA SASTRIYAR :—" I beg to present the report of the Select Committee appointed to consider certain draft amendments to Standing Order No. 3 of the Standing Orders of the Madras Legislative Council and move that the report be taken into consideration and the amendment passed."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The hon. the PRESIDENT :—" Hon. Members are aware that the matter refers to the rules regarding the election of the president in January next. I believe hon. Members are in possession of copies of the report of the Select Committee. If hon. Members do not wish to discuss the matter, I will put at once the question that the report be taken into consideration and the amendment passed."

Standing Order * as amended by the Select Committee was put to the House and passed.

The debate on the Irrigation Bill was then resumed.

V

THE MADRAS IRRIGATION BILL.

Clause 45.

Sub-clause (2).

Mr. B. Venkataratnam asked in Telugu the permission of the House to move the amendment of which notice was given by Mr. P. Anjaneyulu.

The hon. the PRESIDENT :—" Does the House give leave to Mr. Venkataratnam to move the amendment on behalf of Mr. Anjaneyulu? Does the hon. the Law Member agree?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am not going to ask the House not to permit it; but I am going to oppose it."

Mr. B. Venkataratnam moved that the following be added at the end of clause 45 (2) :—

"This sub-section does not apply to cases where the said construction or improvement helps only to remove existing disabilities or grievances of the owners of such lands"

and made a speech in Telugu.

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Mr. C. V. VENKATARAMANA AYYANGAR :—"In formally seconding the amendment, may I appeal to the hon. the Law Member to consider the difficulties and remove the vagueness of the language?"

Diwan Bahadur M. KRISHNAN NAYAR :—"May I make a suggestion, Sir? For the benefit of those who are ignorant of Telugu, or for the matter of that any language which all the Members of the Council cannot understand, some arrangement may be made, if necessary, by the employment of a translator, to give us the substance of such speeches. I am ignorant of the Telugu language and I have not understood what the hon. Member has said."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, I should like with your permission to read the amendment moved by my hon. Friend in Telugu so that the purport of it might be clear to hon. Members:

'This sub-section does not apply to cases where the said construction or improvement helps only to remove existing disabilities or grievances of the owners of such lands.'

"To embody in the statute the fact that the removal of existing grievances and disabilities should not have a certain result would not, I submit, meet with the wishes of the House. With reference to the remarks made by the hon. the Mover of the amendment and also the hon. Member from Coimbatore I fervently appeal to the House to consider sub-section 2 very carefully.

'Notwithstanding anything contained in the above proviso, if at any time, any new irrigation work is constructed by the Government or an old one is so improved as to increase the amount or duration of the water-supply the Government may levy on all lands benefited by such work an additional cess proportionate to the benefit conferred by such construction or improvement.'

"When you remember the language adopted and when you also remember that the final authority in regard to any new imposition is this Council the grievances which have been detailed by my hon. Friend and to which advertence was made by the hon. Member from Coimbatore will not be any reason for accepting this amendment. The House will have to give its concurrence to every new taxation measure."

The hon. the PRESIDENT :—"I have to answer the question put by the hon. Member for Malabar. He wanted some arrangement to be made for interpreting all speeches made in the vernaculars for the benefit of Members who do not understand the particular vernacular spoken. I am afraid, in a matter like this, we must suffer ourselves to go no further than the Standing Orders. Standing Order 46 (3) says that—

'if any member is unacquainted with English, the Secretary shall also, if the President so directs, cause every such notice to be translated into a vernacular language for his use.'

"There is no provision for translating speeches from a vernacular into English for the benefit of hon. Members who do not understand the vernacular. We have so far refrained from furnishing translations of vernacular speeches made in open Council. We do not even furnish them in the printed proceedings; we simply print the vernacular speeches as they are delivered. There are many difficulties connected with the matter, and I can only suggest that hon. Members who do not understand any particular vernacular should intervene with their friends who are disposed to use the

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vernacular and see that they speak in English instead of in the vernacular. (Laughter). I believe Mr. Venkataratnam speaks English very well." (Laughter.)

Diwan Bahadur M. KRISHNAN NAYAR :—"I appreciate the difficulty, Sir. My point is whether the Standing Orders cannot be so revised as to make the necessary provision. If such speeches are delivered especially by a Member who initiates the discussion on any Bill or amendment, the utility of the whole discussion is minimised. That is a difficulty experienced by the whole Council; I am not complaining, but I am only making a suggestion."

The hon. the PRESIDENT :—"It is far more easy for the hon. Member to move an amendment to the Standing Orders than it is for me; I suggest to him that he might take up this question."

Diwan Bahadur M. KRISHNAN NAYAR :—"I shall certainly table an amendment to that effect."

Rai Bahadur T. M. NARASIMHACHARLU :—"I would have been very glad to have helped my Friend if he had a difficulty in understanding Telugu speeches". (Laughter)

Mr. G. RAMESWARA RAO :—"The best solution will be the re-construction of the province on a linguistic basis."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That is not within the cognizance of this Council."

The hon. the PRESIDENT :—"Nor of this amendment."

Mr. B. Venkataratnam withdrew his amendment in a *Telugu speech*.

The hon. the PRESIDENT :—"The amendment is by leave withdrawn."

Mr. E. W. LEGH :—"Sir, I beg to move the amendment rendered necessary by the alterations made on Friday last. We have a second proviso to 45 (1), and consequently I move that—

'in sub-clause 45 (2) for the word "proviso" in line 2 the word "provisos" be substituted.'

"I should like to draw your attention, Sir, to the spelling of the plural of the word 'proviso'. I sent it without an 'e' and spelt it as 'provisos'. Your office has inserted an 'e' and spelt it as 'provisoes' with a doubtful typing, the 'e' being typed over the 'o'. I am not responsible for the spelling. I took it from the Printing Manual and I take it as the authority."

The hon. the PRESIDENT :—"The House will in any case accept Mr. Legh's authority rather than that of my office."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the amendment." The amendment was put to the House and carried.

Clause 45 as amended was put to the House and passed and added to the Bill.

Clause 46 was then put to the House and passed and added to the Bill.

Clause 47.

Mr. J. D. SAMUEL :—"With your permission and the permission of the House, I propose to move the amendment which stands in the name of the hon. Member, Mr. P. Anjaneyulu."

11-45 a.m.

[Mr. E. W. Legh.]

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The leave of the House being granted, Mr. SAMUEL proceeded:—"The amendment reads thus:

'Add at the end the words:

"or on the ground that extra cess as may be levied under clause 45 (2) is not to be levied at all or is high"'

"Clause 45 (2) provides for the levy of additional cess for improved irrigation by the Government, and clause 47 retains the jurisdiction of the civil court only in two cases. It would be a hardship to leave the levy of cess on the ground stated in sub-clause 2 of section 45 entirely to the Government and exclude the jurisdiction of the civil courts on the matter. With this amendment carried, this difficulty would be solved. I therefore move the amendment."

Mr. B. VENKATARATNAM (in Telugu):—"Mr. President, I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I want to be enlightened on one or two points, Sir. I wish to present the difficulties felt on the other side. The question whether an extra cess may or may not be levied under clause 45 (2) will be covered by, or will be involved in, as has been already pointed out by Mr. Legh, the question to be settled by this Council. And whether a particular land is to be charged one rate or the other need not be brought within the jurisdiction of the court. To leave it to be decided by the civil court would be to ask the court to do the work of the jamabandi officer. It seems to me that the Select Committee carefully considered this aspect of the question and came to the conclusion that it was not a proper task to be thrust upon the courts."

Mr. J. D. SAMUEL:—"I beg leave to withdraw the amendment, Sir."

The amendment was by leave withdrawn.

Clause 47 was then put and passed and added to the Bill.

CHAPTER VI.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I beg to move the amendment which reads thus:

'In the heading for the words "and maintenance" substitute "or improvement"'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, I am afraid, headings are not part of the chapter."

The amendment was by leave withdrawn.

Clause 48.

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

'For the words "specified rate is" substitute the words "specified rate or rates are"'

"The clause, as it is, provides only for a flat rate of the levy. There may be occasions when different rates may be levied. In order to make the section elastic enough to include such cases, I propose the amendment."

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Mr. E. W. LEGH:—"I second it, Sir. The addition is necessary to make the section quite clear."

The amendment was put and carried.

Clause 48 as amended was put, passed and added to the Bill.

Clause 49.

Mr. P. PEDDIRAJU:—"I wish to move the amendment standing in the name of my hon. Friend, Mr. Koti Reddi, and I beg permission of the House to do so."

Leave was granted.

Mr. P. PEDDIRAJU:—"The amendment reads:

'For the word "or" occurring between the word "capital" and the words "recurring expenditure" substitute the word "and"'

"I formally move it, Sir."

Mr. T. R. VENKATARAMA SASTRIYAR:—"It is really a slip in the section as it stands, Sir. I second the amendment."

The amendment was put and carried.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, before you put the clause to the vote, I may be permitted to point out some difficulty in the explanation attached to the section. The explanation contemplates only two classes of lands, lands in the possession of the registered holder and private lands. I want to know what the idea of the Government is as to waste lands or relinquished lands. To whom is the notice to be given in those cases? In the case of waste lands which are situated in zamindaris if the intention is that it is to the zamindar, it is necessary to amend the section. Unfortunately I have not given notice of an amendment. It seems better to alter the section like this; and in respect of land which is not in the occupation of the occupancy ryot, to the landholder. In case it is so altered, it becomes clear that in the case of private lands, waste lands and lands relinquished by ryots, notice may be given to the landholder."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"We shall consider it at the third reading of the Bill, Sir."

Clause 49 was put, passed and added to the Bill.

Clause 50.

Clause 50 was put, passed and added to the Bill.

Clause 51.

Mr. K. PRABHAKARAN TAMPAN:—"I move the amendment which stands in my name. It reads:

'Add at the end the following:—

"The report and the statement shall be published forthwith in the official gazette of the district concerned"'

"Sir, my object in moving this amendment is that the Collector's report and statement must be published in the district gazette with a view to enable the people concerned to know what the Collector has reported and recommended and send in their objections, if any, while the papers are yet in the

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hands of the Government. An opportunity is sought to be given to them for making any fresh representations before final orders are passed by the Government."

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

Mr. E. W. LEGH :—"May I point out, Sir, what the publication would mean? First of all, in the beginning of this chapter, there is a publication of notice provided for setting forth the general scheme under section 49. That is the first publication. This statement is sent by the Collector as a report by him for the benefit of the Government as to the result of his enquiry, and it hardly seems to be advisable that it should be published at that stage. There is again a further publication in section 53 of the scheme as finally approved by the Local Government. It seems to me that in this intermediate stage, where the Government are considering the proposal and the Collector is sending in his report of the revenue prospects it is not very advisable that any public statement should be made. There are two publications one before and another after. I therefore oppose the amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"May I make a few remarks in reply to my hon. Friend, Mr. Legh? The utility of this publication is this, that the persons affected may have the opportunity of considering it before the scheme is finally approved of by the Government and before it will be difficult for them to induce the Government to alter the order once passed. The persons concerned may have the opportunity of making representations to the Government before orders are finally passed. It has been our experience that once orders are passed by the Government it is difficult to induce the Government to change the orders. I think, therefore, that it is a beneficial provision and it ought to be inserted in the Bill."

Diwan Bahadur M. KRISHNAN NAYAR :—"It seems to me that more good than evil will result from this provision. The publication is a matter which concerns the public at large, and the owners of the lands in the locality concerned. I do not think any harm will result from this publication; on the other hand, it will be of considerable use both to the Government and to the officers concerned. It seems to me the better course would be to accept the amendment."

The amendment was put and carried.

Clause 51 as amended was put, passed and added to the Bill.

Clause 52.

Mr. K. PRABHAKARAN TAMPAN :—"I beg to move:

'For the words "upon receipt" substitute the words "upon the expiry of three months after the publication".'

"It is only a consequential amendment, Sir. The idea is that three months after the publication of the Collector's report the Government may take action. It is only fair that some time should be given to the parties to make representations. I beg to move the amendment."

Mr. B. RAMACHANDRA REDDI :—"I second it."

Mr. A. RAMASWAMI MUDALIYAR :—"I do not think this amendment is either consequential or necessary. As a matter of fact, section 53 says that the Local Government may act, after such enquiry, if any, as may appear to them necessary, etc., so that the further enquiry must involve some time and

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during that time representations may be made to the Government especially as the previous amendment has now been carried making it possible for the publication of the Collector's report. I think my hon. Friend would be well advised in withdrawing his amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Before the hon. Mover thinks of withdrawing his amendment, I wish to say a few words. What is the object, Sir, in having accepted an amendment that the report should be published in the district gazette, but to give an opportunity to the persons concerned to make representations? If it would be possible for the Government to pass an order immediately on the receipt of the report, as it is possible under the section as it stands, the object is frustrated. We are, therefore, introducing this amendment to ensure this interval. If the Government does not consider it necessary to make any enquiry, it may pass orders at once. The section contemplates such a possibility. Having once accepted that the report shall be published, we must give persons affected a reasonable opportunity of making representations. If, however, a three months' period is considered long, provide for one month at least. Some time at least must elapse between that date and the date of passing the order."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"All right, Sir. I agree to a period of one month."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I formally move the amendment that—'one month' be substituted for 'three months'."

Mr. P. ANJANEYULU :—"I second the motion."

Mr. K. PRABHAKARAN TAMPAN :—"I accept it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not want to be cynical, but I would suggest that the words 'upon the expiration' would probably be better than the words 'upon the expiry'."

Mr. T. R. Venkatarama Sastriyar seconded the motion.

The amendment of Mr. K. Prabhakaran Tampan as amended by Mr. A. S. Krishna Rao and the hon. the Law Member was then put to the House and carried.

Clause 52 as amended was put, passed and added to the Bill.

Clause 53.

In the absence of Mr. K. Kotti Reddi who gave notice of amendment No. 265-H. on the agenda, Mr. P. Peddiraju was permitted by the House to move it.

Mr. P. PEDDIRAJU :—"With the permission of the House, I beg to move that

'in item (a) of sub-clause (1), for the word "or" occurring between the word "Capital" and the word "recurring", the word "and" be substituted.'

"This amendment is, I think, necessary, and I formally move it."

Mr. P. U. Venkatapati Raju seconded the motion.

The amendment was put and carried.

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Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, I beg to move that 'in item (d) for the word "rate", the words "rate or rates" be substituted'.

" This amendment is the same as the one passed before, and I formally move it."

Rao Bahadur A. S. Krishna Rao seconded the motion.

The amendment was put and carried.

Rao Bahadur C. V. S. NARASIMHA RAJU then moved the following amendment :—

' At the end of item (d) omit the word "and" and add the following proviso with the explanation :—

' Provided that the Government shall not enhance the water-rate when the work is not resulting in loss with the prevailing rate or rates.

' Explanation.—An irrigation work is said to be not resulting in loss so long as the interest payable by the Government from time to time on the first cost of the works adding thereto the estimated yearly costs of the maintenance and supervision of the same is balanced by the estimated income, if any, derived from the works adding thereto the estimated receipts on account of the prevailing rates levied under this chapter.'

" Mr. President, the principle which the Government have accepted is that alteration of rates must be done in the form of a Taxation Bill, and clause 45 (3) does not cover this matter because it is stated therein that the levy of rate 'under this section', etc., shall be fixed by an Act of the Legislature. If the Government agree to amend clause 45 (3) in order to include this chapter, I think it would be better. I think any revision of rates should be under legislative control, as that would be more satisfactory than leaving the interpretation of what the term 'resulting in loss' would mean in this clause."

Mr. E. W. LEGH :—" I should like to point out that as regards the initial rates under this chapter . . ."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I mean the revised rates."

Mr. E. W. LEGH :—" One has to be careful in wording any amendment of this kind, because as regards initial rates there is a contract between the ryots and the Government, and I do not think they would come under the Taxation Bill. But as regards revision rates, I do not think there is any harm in making them subject to a Taxation Bill provided that they would not be reduced below the cost price. I do not think there is any objection to that."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" The principle of the amendment of which I have given notice is that the Government shall not be put to any loss in revising the existing rates as agreed to between the ryots and the Government. Now, as it is, the clause provides for the Government revising the rates after a certain period without any reference to the Legislative Council or without an opportunity being given to the persons to be taxed to state their case. Therefore, I would suggest that the Government may consent to introduce suitable amendments to introduce revision rates by a Taxation Bill wherever necessary."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, I may make a suggestion like this. It is possible to devise a clause which meets with the wishes of hon. Members, namely, that whereas the initial rates under this chapter are the subject-matter of a contract between the persons who accept the said levy and the Government, there is no scope either for a taxation statute or for other ways of enhancements or modifications of such rates. If my hon. Friend will allow this clause to stand over till after lunch, we shall bring in an amendment in the meantime. He may either keep this amendment or withdraw it."

Mr. T. R. VENKATARAMA SASTRIYAR :—" May I suggest that this may be embodied in section 55, as I think that would be more convenient? Section 55 reads thus:

' After the scheme has been carried out, it shall be lawful for the Local Government subject to such rules as may be prescribed, to levy from the holders of land within the benefited area water-cess at the rate specified in section 53, etc.'

" We can add the words 'the rates so fixed shall not be revised except by an Act of the Legislature'."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I accept the suggestion and withdraw my amendment."

The amendment was by leave withdrawn.

Clause 53 as amended was put, passed and added to the Bill.

Clause 54.

Clause 54 was put, passed and added to the Bill.

Clause 55.

Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, I move that

' the words "rate or rates" be substituted for the word "rate" and that before the words "section 53" the words, "the notification under" be inserted.'

Mr. S. VARADA ACHARIYAR :—" I second the motion."

The amendment was put and carried.

Mr. P. PEDDIRAJU :—" Sir, I beg to move that—

' in the proviso, for the word "Government", the word "Collector" be substituted.'

" If I remember right, the original scheme of the Bill was that discretion should be given to the Collector to exempt any land which is not benefited."

Mr. P. ANJANEYULU :—" I second the motion, Sir."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I accept it. I suppose what is meant is 'District Collector'. If it is 'District Collector', I have no objection."

Mr. P. PEDDIRAJU :—" I have no objection to accept the words 'District Collector' instead of the word 'Collector'."

The amendment of Mr. P. Peddiraju as further amended by the hon. Mr. C. P. Ramaswami Ayyar was put and carried.

Mr. P. PEDDIRAJU :—" Sir, as a consequential amendment, the word 'their' should be substituted by the word 'his', in the second line of the proviso. I formally move it."

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Rai Bahadur T. M. Narasimhacharlu seconded the motion.

The amendment was put and carried.

Mr. V. C. VELLINGIRI GOUNDER:—"Sir, I beg to move that the following words may be added at the end of the proviso:—

"or shall fix a reduced rate of cess in proportion to the benefit."

"I move this because I want to know whether only total exemption can be given, in all cases or if there is a small benefit to the lands, whether a reduced rate in proportion to that benefit cannot be levied on it. In moving this amendment, I have in mind small irrigation sources and works, and the Government cannot give exemptions to all such cases. I submit that Government must consider about levying a proportionate rate as suggested by me, so that they may encourage such irrigation and induce the ryots to pay this rate willingly. It is with that object that I move this amendment."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I second the amendment, Sir."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The object which the hon. Member has in mind is exactly what is served by the insertion of the words 'rate or rates'. Therefore I think this amendment is unnecessary."

Mr. V. C. VELLINGIRI GOUNDER:—"As I am told by the hon. the Law Member that already a provision has been made, I do not press this amendment."

The amendment was by leave withdrawn.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move that—

'between the first and the second paragraphs of section 55, the following new paragraph be inserted:—

'Such rates shall not be revised except as provided by an Act of the Legislature'."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I second the amendment."

The amendment was put and carried.

Clause 55 as amended was put, passed and added to the Bill.

Clause 56.

Clause 56 was put, passed and added to the Bill.

New clause after clause 56.

12-15 p.m. Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to move—

'Add the following as clause 56-A in Chapter VI.—

"56-A. Nothing in this chapter shall be construed to take away the obligation of the Government to construct and maintain protective water-supply in areas affected by periodical droughts merely on the ground that such works will not prove remunerative."

"Mr. President, Sir, it is more as a precautionary measure than anything else that this amendment is tabled. This chapter deals with remunerative works. There is no specific provision in a comprehensive

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Irrigation Bill like this casting the obligation on the Government to undertake protective works in the famine zones. In order to remove an apprehension on the part of many who live in areas subject to such periodical famines, this section is introduced and not because the Government are not willing to provide such works when famines occur. I know also that under the Government of India Act Rules, there is such a fund as the Famine Insurance Fund out of which every year money is provided for famine relief. But that is only as a palliative measure. I think, Sir, that in order to prevent famines, protective works of irrigation are absolutely necessary. Unless Government wish to say that there is no such obligation I propose to move my amendment in order to remove the misapprehension in the minds of some."

Mr. R. SRINIVASA AYYANGAR:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"As there are a number of amendments more or less couched in the same language, though the legal effect would be different, and as all of them have the same object underlying them, let me at once explain the position. No one is more anxious than the Members of Government to recognize their moral obligation in regard to the construction of what have been termed protective works. But the matter is one which is very largely in the hands of this House and another authority, namely, the Government of India. The matter in final analysis is somewhat simple. Let us see what will be the effect of carrying this amendment. The amendment says:

'Nothing in this chapter shall be construed to take away the obligation of the Government to construct and maintain protective water-supply, etc.'

What is the obligation? Undoubtedly there are paramount considerations of State policy underlying that duty which every Government has got to see that no tract is suffering from famine. That everybody grants. If we have not succeeded so far in our irrigation projects in the Ceded districts, let me assure hon. Members that it is not due to the supineness or indifference of the Madras Government. There have been other circumstances at work. Now, this amendment seeks to lay down certain legal obligations on the Government which will handicap the activities of this Council, and which will make the Government give an undertaking to the country which they may not be able to discharge. For what would be the result of the obligation? Supposing in certain localities the schemes bring only one per cent income, we shall not be able to get loans unless we pay six per cent. Who is to pay the other five per cent? If this Council votes for that five per cent no one will be gladder than the Government. Whatever may be the paramount considerations of State policy in regard to the construction of these protective works, according to my ideals—I say this deliberately on the floor of this House and as a Member responsible for the subject—State insurance is of the highest value. It is one thing to press the point of view as to who are responsible for financing the schemes. It is another thing to lay down in a statute something akin to a legal obligation."

Rai Bahadur T. M. NARASIMHACHARLU:—"I am very sorry that the trust reposed in me will prove fruitless. The hon. the Law Member says that this will cast a legal obligation on the Government. It is perfectly so. We want to take this opportunity to throw the legal obligation on the Government, and not allow them to escape on the mere statement that they have merely a

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moral obligation and nothing else. Therefore it is my deliberate intention to throw the legal obligation on the Government. Secondly, the hon. the Law Member said: 'If it is not remunerative who is to pay for it? Are the other tax-payers bound to pay?' For the famines that are now raging in some of the districts, the tax-payers of other districts are being asked to pay in the shape of Famine Insurance Fund. Good many lakhs amounting to crores of rupees have been spent. If once the Government undertakes to lay out works and relieve these districts from recurring famines I submit, Sir, there will be no necessity to spend money year after year from the tax-payers' collections. I therefore submit that the two arguments advanced by the hon. the Law Member are not convincing and I submit that this provision must be insisted on. There is another danger. There is a talk that the Cuddapah-Kurnool canal cannot be continuously maintained as it is not sufficiently remunerative. Therefore this provision seems to be very necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"To build upon the basis of rumours which I shall certainly say have no foundation, is not the general attitude adopted by my hon. Friend who generally acts upon the best possible facts."

Rai Bahadur T. M. NARASIMHACHARLU:—"I thank the hon. Member for the flattering words. But many of these rumours happen to be true though not at once at least after some time. I do not wish it should be true. But I submit, Sir, that a provision of this kind is very necessary in a comprehensive legislation like this."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Even though I find that the trust reposed has been refuted, may I appeal that if what he wants is that because we have finished this chapter we shall not at once bid fair to any duties or legal obligation on the part of the Government, I am prepared to consider any other amendment which does not impose a legal obligation. There is amendment No. 275 on the paper. But to be bound by a legal obligation in the terms of what my hon. Friend from Cuddapah has suggested would give rise to a right of suit. If a man in the Cuddapah district feels that he is adversely affected, he has got a right to sue. That is the acid test of the matter. I say all these things to persuade my hon. Friend not to confer rights of suit in regard to this matter. If he says notwithstanding the enactment of this chapter the moral duty lies on the Government I have no objection."

Rai Bahadur T. M. NARASIMHACHARLU:—"Very well, Sir, half a loaf is better than nothing. Accepting this principle I shall withdraw my amendment and move No. 275 on the agenda in the absence of Mr. Venkatarangareddi."

The amendment was by leave withdrawn.

Rai Bahadur T. M. NARASIMHACHARLU:—"With your permission, Sir, and the permission of the House I beg to move the amendment of Mr. Venkatarangareddi."

The House having granted the permission the following amendment was moved by Rai Bahadur T. M. Narasimacharlu:

'Insert the following as clause 56-A:—

'56-A. Nothing in this Chapter shall affect the power of Government to undertake protective works of irrigation wherever necessary.'

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Mr. R. SRINIVASA AYYANGAR:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I have no objection to it." The amendment was put and carried and the insertion was made.

Mr. V. C. VELLINGIRI GOUNDER:—"I beg to move —

'Insert the following as a new clause after clause 56 and re-number the subsequent clauses:—

"57. When Government undertakes new projects for dry irrigation or dry and wet mixed it shall be lawful for Government to take agreements from the existing holders of lands to pay a certain rate per annum for water for dry irrigation and that agreement shall be binding on their heirs and assignees."

"The object of my amendment is this. There are projects big and small investigated by Government. The moment these projects are commenced they find that they invariably differ from their calculations. The moment they find that the project is not remunerative they drop it. But in areas where the ryots are industrious and are anxious to have wet and dry irrigation they are prepared to assist Government by giving a premium or a special water-cess for a certain period.

"And in certain cases they are also prepared to contribute a portion of the cost just as it is done in the case of the Godavari delta lands. In this case, when we approach the Government, they are not quite prepared to undertake such works and we are not in a position to compel the ryots to pay the rate of water-cess or premiums, etc., as agreed to. I submit this thing more or less arose from several attempts that were made on behalf of the ryots to approach the Government in this direction. I might also point out that this will serve also as a sort of State aid to agriculture. In order also to infuse ideas of co-operation among the villagers in taking up such effective and useful works I would move this amendment. It is in fact not only co-operation among the villagers themselves but also co-operation by Government as well. I therefore beg to move the amendment and request the Government to accept it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I second the amendment."

Mr. E. W. LEGH:—"Mr. President, Sir, before voting on the amendment, I think the House would like to be quite clear (and I should like to be clear about it myself) about this. Is it intended by this proposal that an agreement should be taken from the holders of land affected by this particular type of project, that this proposal should be governed by the proceedings that took place earlier on this chapter, or is it proposed that there should be direct contracts with the ryots concerned? I apprehend it is the second. But I want to be quite sure of that. If that is so, we should have a varied form of procedure, somewhat shorter, by which he shall be able to make these contracts without any question whether anybody else consents or whether there is a majority of the holders for the time being? If this is intended, as I presume it is, I would suggest some alterations to be made in the wording. I would suggest that after the words 'holders of Lands' the words 'affected by such projects' be inserted; and instead of the words 'binding. . .', we should have some such words as 'such an agreement

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shall constitute a covenant binding on the land.' If that is the view, I shall accept it and will be prepared to put it somewhere at the end."

Mr. K. KOTI REDDI:—"If I had any disappointment in my life, Sir, I should think it is to-day. I am sorry to express to this House that I was very keen that this chapter should not find a place in the Statute Book. And during the time for interpellations which took the usual one hour I was preparing for the subject. I came to the House with a zeal and earnestness to convince this House of the obnoxious implications underlying this chapter. I am therefore very much disappointed. But, Sir, with your leave, if it is possible, it is entirely in your discretion to allow me . . ."

The hon. the PRESIDENT:—"I do not think the House would go back upon what it has done. But I suppose Mr. Legh waits for an answer to his question from the mover of the present amendment."

Mr. K. KOTI REDDI:—"May I take it, Sir, that an opportunity cannot be given to me at any time to move for excluding the chapter as I feel very strongly on it and as I think I shall be able to convince the House about my point of view?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, may I point out that you have given a ruling that the House cannot go back upon a clause once put and passed?"

VOICES—Whole chapter.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"There are no chapters. If I may point out, you do not put chapters to the vote of the House."

Mr. K. KOTI REDDI:—"If I cannot be permitted to move my amendment, I certainly think that I should oppose this amendment which has been moved by my hon. Friend, Mr. Vellingiri Gounder. Sir, it is bad enough that the Government under this chapter wish to take the power to themselves, powers which have not been dreamt of in any country, barring probably such parts as the North-West Provinces which have been alluded to but about which I have not yet studied. And the principles of taxation and sources of revenue that have been hitherto tapped by the British administration run counter to what is really intended here. I do not see why Members of this House should help the Government in their object of following a policy of '*heads I win and tails you lose*'."

"Sir, when you enter into the implications of what it means, it comes to this. Wherever the Government can get any income from the ryot they should avail themselves of it whether or not they are equally ready to help them. The implications of this amendment are much more than those of this chapter. So far as the chapter is concerned, there is at least this that they will be taxed wherever there is the scheme. But so far as the amendment is concerned, the implications underlying it are that the Government can easily take advantage of the circumstances not only in the famine-stricken places but also in districts where the rainfall is not very regular and where the conditions of the country are such that the ryots would be prepared under the present economic distress to take advantage of the Government's offer wherever the ryots think that half a loaf is better than no bread. It simply comes to that. The underlying principle of the amendment comes to this, that if the Government is not prepared to spend an amount of money which is necessary for the general well-being of the people as a whole, the

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Government can easily offer terms to the ryots under circumstances already mentioned which put them under a great disadvantage. If we look at the sources of revenue, whatever might be the defaults made by the British Administration in the past, they have erred in a much better way than they have done now. The policy of taxation of the British Administration shows that to a certain extent they have tried to help in a fair distribution of wealth in the country and they have showed a tendency to be fair and reasonable in that. But the underlying principle of this chapter, and more particularly of this amendment, runs counter to the good principles that guided them so far and advantage is sought to be taken of the necessitous circumstances of the ryots whenever the Government can easily do so. This is a country, as is no doubt said, of mighty rivers and extensive lands. Attempts have been made to introduce irrigation projects to benefit a very large number of its population. But I am bound to say, at the same time, proper advantage has not been taken to utilize the resources of the country for the general well-being of the millions of the country. When we see that in countries like Italy, Canada, France and so many other places, where there is not so much necessity for irrigation, there have been good irrigation projects extending vast sums of money on irrigation and when we see those countries spending vast sums of money on those projects, in this country that boasts of mighty rivers, the Government is very much behind hand because for every single scheme a very consistent commercial test is applied. So far as the present schemes are concerned, the Government are already realizing much profit. I see the hon. the Law Member nod his head as much as to say that it is not the case. I can show actual facts and figures to prove my position."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If interpretations have to be made on my nod, then the full meaning of my nod is this. In certain of the delta areas the outturn is very high, I admit. But we cannot deal with each part of the presidency by itself. We must pool the resources and then the House must decide in regard to their expenses."

Mr. K. KOTI REDDI:—"That is exactly what I want. If the Government is prepared to pool all the sources together, that will satisfy me. So far as the Madras Presidency is concerned, they have been realizing very much. I want that these moneys should be utilized for tracts that are not so favourably situated. I am afraid I must point out that certain localities ought to be treated in a very much better fashion than the Government treat them now. I do not want that an advantage should be taken of the natural rich resources of the country only to get as much as they can from the ryots of the locality."

"So it follows as a matter of course that if one particular part is favoured by nature, the advantages that nature has bestowed on it ought not to be confined to that particular part but they ought to be distributed so that each and every part of the country may get the maximum of those advantages. I believe the British administrators have to a great extent been following that principle. That is why they have been spending large sums of money on the people in the famine-affected districts, on roads and structures in the poorer districts. All this shows that they have been spending the resources of the country on the country as a whole. Under this test, I do not really see the necessity for the Government to take any undertaking from the ryot."

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Mr. P. HAWKINS:—" May I point out that this amendment provides for a contract which will be entirely voluntary on the part of the ryot ? "

Mr. K. KOTI REDDI:—" That is exactly my complaint, Sir. I have said that the State has a much better and a much wider function than merely to take advantage of the necessitous circumstances of one part of the population. At any rate, in this country the principle has been recognized of husbanding the natural resources of the country as a whole. I only say that the natural advantages in a certain tract ought not to be limited only to that particular portion. It is for that reason that the State claims and the people are willing to give, power to conserve the natural resources of the country. It follows as a matter of course that if the State will get advantage from a particular portion, it ought to give advantage to the other portions as well."

Mr. E. W. LEGH:—" That is the object of the present proposal, i.e., getting money from the area which has the advantage and using it throughout the whole Presidency."

Mr. K. KOTI REDDI:—" What I say is that the State ought not to take advantage of the necessitous circumstances of one part of the country. If there is a benefit from an irrigation work, the ryot should be allowed to take advantage of that. The question of compelling a ryot to accept a certain standard of rate comes to this: that the Government are afraid that the ryot will not be prepared to take advantage of any scheme. The whole course of events in this country shows that the ryot is not so conservative and senseless as not to take advantage of the natural conditions that are offered to him. Bearing that in mind, I do not see any necessity why any particular section of the country or any set of people should be bound down by any rules, binding not only themselves but also the posterity for a definite course of action as far as the cess is concerned. The land revenue policy, at least in this Presidency, is a great levelling up so far as the distribution is concerned. It has at least that advantage. If we bear that in mind, if the advantages that would be derived by means of irrigation schemes will be calculated in arriving at the net income of the ryot, where is the necessity for binding any ryot for a certain course of action with regard to the irrigation cess ?

" Again the hon. the Law Member has said that Government would not like to bind itself down to an obligation. Sir, the Famine Commission of 1878—80 recommended to the Government, considering the interests that are likely to be affected in this country, that the surplus revenue derived from the irrigation works in a certain part ought to be spent on some other parts where irrigation works have not been constructed to any effective extent. Again the Irrigation Commission of 1901—03 hoped that during a course of twenty years—which period has passed already—the waters of the Kistna and the Tungabhadra would be so husbanded as to benefit a large population. Applying a very rigid test for protective as well as productive works, the Commission said that it was necessary in the interests of the people that the Tungabhadra project, although it was not likely to be remunerative, ought to be taken up by the Government at once and that has not yet been done. I think the Madras Government are answerable to the posterity for the lack of interest they have been showing in the undertaking of some of these big irrigation projects. If only they had a mind, they could have made so

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many improvements. Other provinces, for instance, the Punjab, have taken advantage of the terms offered by the Government of India, whereas Madras has not done so."

The hon. the PRESIDENT:—" I am afraid the hon. Member has greatly exceeded his time. I have not enforced the time-limit hitherto because I found that the House as a whole was anxious to get through the Bill as quickly as possible and the speeches made so far have been fairly moderate in length. The hon. Member has been speaking for a long time and I do not think I can allow him to go on very much longer. He is opposing an amendment and he could have done so in a very much shorter speech than the one he is employing on the present occasion."

Mr. K. KOTI REDDI:—" I will conclude my speech by saying this. The irrigation schemes ought to be considered as a whole so far as the whole Presidency is concerned. It is no good taking a certain part of the country or a certain river and trying to calculate the profits that are likely to accrue from a particular scheme. The whole resources ought to be pooled together and considering the nature of the country and the amount of population the majority of whom are dependent on agriculture and considering the nature of the monsoons, considering the essential necessity of undertaking the irrigation works, the Government ought not to take into account each part of the country and put forward each scheme as a separate one. If they consider the whole thing as one, there is no necessity to bind any ryot to any definite terms. The whole can be undertaken as a big scheme. It may or may not be remunerative in particular parts. We have to take into consideration not only the direct revenue that the Government get but also the indirect advantages. Having this in view, I am bound to oppose this amendment."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—" Sir, there seems to be a misapprehension in the minds of some of my hon. Friends with regard to this amendment. The history of this will probably help them to understand the object with which it has been brought forward. There is a project called the upper Bhavani project in the Coimbatore district. It was not considered a paying concern for a long time and people thought it would never see the light of day. After the present Chief Engineer came to office, he seems to have gone into the question with some care and he held a meeting at which all the people concerned were asked to attend. When he met them, what he said was this. Either 80,000 acres of land could be brought under wet cultivation or 240,000 acres of land could be brought under dry cultivation. The question was a choice between 80,000 acres of land for wet cultivation and 240,000 acres of land for dry cultivation. In these circumstances, people chose to accept the 240,000 acres on two grounds. One ground was that a larger area would be served and the second was that if the wet cultivation was accepted, the rates would be too heavy for the people to pay. For instance, in another connexion, Government would not agree to a certain scheme unless the people were prepared to pay at the rate of Rs. 30 per acre for wet irrigation. That is a very high figure indeed. Now suppose the same water is utilized for three acres instead of for one. The charge may be distributed among the three acres and the people will have to pay only Rs. 10 per acre. Now what are generally grown there are not ordinary food crops. They are groundnut, cotton, tobacco, sugarcane and crops of that sort. Under these circumstances, people would be willing to pay

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Rs. 10 instead of Rs. 30. Thus, if the rate of Rs. 30 was insisted on, the scheme would have to be abandoned altogether. Of course, if we are to proceed further in this matter of irrigation, we ought to be prepared to pay a little more than what we are paying now. Well, Sir, in a matter like this, there ought to be ample provisions made for different treatment under different circumstances in regard to every scheme. Now I have mentioned the particular difficulty with regard to the Coimbatore district. As I have already stated, we met the Chief Engineer in Coimbatore and told him that we were prepared to give him an agreement with regard to the lands under that particular scheme to pay this rather high rate for even dry irrigation, as we were told that it was only under that condition that the scheme would be put forward. Thus provision must, I think, be made for cases like that. That is why this amendment has been proposed and I do not think that it is likely to offend anybody in any sinister way under any circumstances.

"It is a matter of agreement. It is only when an agreement is effected that this can come into force. Further it is restricted to new projects, and there is no fear that it has any reference to old projects. If it is necessary that special arrangements have to be made and the ryots are prepared to enter into an agreement with the Government, it is only then that this provision comes into force. All that is necessary is that the agreement should run with the land. It is a very difficult question whether an agreement entered into will be binding on the land unless there is a provision in the Act. It is only to provide against that that this provision is made. My hon. Friend from Cuddapah was saying that there was no necessity for Chapter VI, and this especially goes against the policy the Government wish to adopt. So far as Cuddapah and Ceded districts are concerned, this chapter does not apply at all, unless they are prepared to pay a higher rate in cases where the Government finds it possible to provide for new schemes. As a matter of fact, Cuddapah and other Ceded districts stand apart. As a matter of famine policy, Government will have to undertake protective works. The provisions of this chapter do not apply to protective works, and we have made it quite clear by an amendment which has been accepted just now by the Government. So, I do not think that there is any fear that Ceded districts like Cuddapah will suffer either by this chapter or by this amendment, because, Sir, these schemes are going to be financed by borrowings. If the Government are able to finance any scheme separately, that will not in any way interfere with these projects, such as are going to be constructed out of borrowed money. So, it seems to me, Sir, that the fears of our friends from the Ceded districts are quite groundless, and they are not in any way going to be affected by the provisions of this chapter or the provisions of this amendment. Now that I have explained the reason for this amendment, I hope my hon. Friends would accept it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In view, Sir, of some apprehensions which have been expressed during the discussion of this matter, I rise merely to put forward one or two considerations. I do not propose, and my hon. Friend from Cuddapah will not deem me discourteous if I do not propose, to follow him through what may be called the general liability of the Government for not putting forward an irrigation policy, not destined solely for the purpose of a few tracts, but also designed to alleviate the lot of

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the suffering portions of the country. So far as this amendment is concerned, I shall deal with it alone. The question is one of very simple incidence. Supposing there is a small locality where a project is desired by the people of that locality, the Council as a whole may not consider it as important enough or it may consider that it should be included in a bigger scheme which is initiated by the State year after year. But those persons belonging to the locality may be keen about it and may be anxious to begin work at once. It is for meeting such cases that the amendment is brought forward."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"May I take it that Government accept this, so that no further discussion may be necessary?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Subject to certain verbal amendments, I am willing, but there are others who are not satisfied."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"May we know the change of wording?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The exact wording has not been settled. Practically the point is instead of saying 'that agreement shall be binding. . .', it must be 'such an agreement shall constitute a covenant binding on the land'."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"We have to examine what the effect of introducing a section of this sort may be on the chapter. According to the scheme of this chapter, if two-thirds of the people agree, it becomes a covenant. It was said that the rates may be very high if irrigation is intended for raising wet crops. There is nothing in the Act which says that an irrigation work cannot be confined only to the raising of dry crops. The difference between this chapter and the previous chapter is that in one case the existing rates ought to be the rates levied and it is to be examined whether the scheme is remunerative and in the other case special higher rates ought to be agreed to. That is the only difference between the two. In order to make the special rate to be agreed to, a provision is introduced. Now, if this section is to stand here, it only means even when two-thirds of the people should not be willing, it shall be given effect to. If less than two-thirds of the people are willing, Government will be enabled to enter into an agreement with such of them as agree for the special rate and they are only to levy a cess regarding the rest if they are benefited by the project. How far will that be practicable in a vast area? If less than two-thirds of the population interested consent to have this rate and agree to enter into a covenant and more than one-third do not consent, then Government may mature such scheme and give water only to the people willing to take water at the higher rate, and the remaining area, I presume, will be settled by patches here and there. The better course, I think, will be to introduce a separate Bill having regard to the peculiar conditions and circumstances of such a scheme. Now, as it is, I believe, in all cases where two-thirds of the people interested in the area do agree for the higher rate they come under this. There is nothing peculiar. The only case I contemplate is a case where less than two-thirds do consent and more than one-third do not. It is for the engineer to examine whether such a scheme can be allowed as a project."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"May I just explain the thing? It is quite possible that one-third of the people, more than one-third who are affected by the scheme or by the whole project may not be

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willing to accept it. In particular blocks it may be possible that instead of having wet crops, people may care to have dry crops. They may not form two-thirds of the whole. In particular blocks it is possible instead of 80,000 acres we can have 240,000 acres."

Mr. P. PEDDIRAJU :—" There is no objection to include these things. Already it is not confined to wet cultivation."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" The area benefited is not only for raising wet crops but also for dry crops."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I am afraid, Sir, we are going unnecessarily into that question. Mr. Narasimha Raju has told us that if there is any necessity another Bill will be brought, as if the time and trouble spent over this is not sufficient. It may be there is a little difference between ordinary wet and dry cultivation, and we have specifically before us particular cases where the circumstance is that water that is sufficient for 80,000 acres of wet cultivation may be utilized for 240,000 acres of dry cultivation. It may be when we are dealing with dry cultivation, the people may consider that there is not much use or necessity for them to make use of this water from a particular channel or stream. Therefore, if we go into the question of having exactly two-thirds of the whole population that own lands, there may be a difficulty because some of them may not care to enter into an agreement, because they have got wells of their own. All that we say is if a particular section of the population, whether the number is two-thirds or four-fifths or five-sixths or less than two-thirds, if they are able to find the money sufficient to cover the cost of this irrigation work and enter into agreement with the Government, such a contingency should be met by this. In this particular area, there may be 500,000 acres. The people of two-thirds of this area may not be willing to enter into an agreement and even if they enter there may not be water sufficient for them. Therefore if we take the particular section, as it is worded, it would take two-thirds of the people within that area: it may be that the water is not sufficient for the two-thirds or it may be that sufficient number is not willing, because they do not find it necessary or they have got wells and other things. If both the people and the Government come to an understanding, there will not be any necessity for the Government to come again to this House with a Bill. There is a case already on hand where this particular section may not apply. The number of people there that agree to this may not be two-thirds and the number who may consider this necessary may not be two-thirds, but if the other people are prepared to pay for the necessary expenses and the Government think that this is very useful, there is an end of the matter."

" Mr. Legh said the wording might be changed. We never fight over the words. We are quite amenable to any wording if such a contingency is met and is made applicable not only to Coimbatore district to-day and Cuddapah district to-morrow, but to all. Then only we shall have an enabling section to meet the circumstances which have already arisen in regard to one district. It is only in that sense the wording must be understood. It is only applicable to special circumstances in special localities."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I regret I am unable to agree with my hon. Friend from Coimbatore in the view which he has put forward in pressing this amendment. The first point for consideration is

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whether this amendment is necessary. In view of the fact that we have passed the chapter regarding construction and improvement of works on special terms, and having once laid down the principles in pursuance of which we ought to allow construction of works and improvement of works on special terms, is it necessary that we should follow a different course and make a provision for the consideration of new projects for dry irrigation and for dry and wet mixed? If my hon. Friends have satisfied this House that Chapter VI does not cover cases of this description or does not include cases like this, I can understand the provision. We have not been satisfied about any reasons given by them regarding the special circumstances."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I have explained the matter. Whether I have satisfied my friend is another matter."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I would submit that this House will not be satisfied by a provision like this."

" May I point out that if this provision is embodied in the statute, it would affect all districts? It does not deal with the particular conditions of the Coimbatore district only to which attention has been drawn. When once we enunciate a new principle and allow the taking up of projects and entering into agreements even when two-thirds of the persons affected by the scheme do not consent to it, there would be further difficulties. Therefore so long as no necessity has been made out for this clause, I would request this House to reject it. One of my hon. Friends from Coimbatore stated: 'This is an enabling provision and therefore let us pass it.' That is the chief point to which I wish to draw attention. I do not wish to take the House through the various Acts passed by us as well as by the Government of India wherein enabling provisions have found a place. Enabling provisions are sometimes the most dangerous ones. Simply because it comes before us as an enabling provision, we should not treat it lightly. We should test it and criticize it in the same manner as we test other provisions. We cannot now anticipate what difficulties may not turn up later on if we accept this clause. We cannot look so far ahead into the future as to be in a position to say that there would be no danger if this clause is passed for this particular purpose. Therefore I would suggest that whatever modifications are found to be necessary for the particular circumstances of Coimbatore or any other district may more properly be brought in under Chapter VI rather than by a special section as intended at present. If the circumstances to which our attention has been drawn by the Members from Coimbatore are such that that chapter needs modification, we will modify it. It seems to be better that we should do so rather than embark on a new policy as the Leader of the Opposition put it. I think that no purpose will be served by pressing this amendment."

Mr. J. A. SALDANHA :—" I should like to rise to a point of order. I think there is an amendment which is being circulated. If that is read out, some of the objections can be met."

The hon. the PRESIDENT :—" I have not heard anything as yet."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am trying to consult hon. Members informally whether they would agree to a draft amendment. I have not moved it. I do not wish to commit myself now."

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Mr. P. ANJANEYULU :—"Sir, with an amount of diligence I tried to follow the reasons given for this amendment, but I have not been able to do so. Perhaps it is because the amendment is so worded that the real object of it cannot be understood by me. I therefore conclude that Coimbatore district alone is interested in it."

Mr. P. HAWKINS :—"There appears to be some misunderstanding as to the effect of this amendment. Possibly references which have been made to certain irrigation schemes in Coimbatore may have created the impression that these schemes only will be affected. In supporting the amendment, with such verbal alterations as may be necessary. I have in view the fact that the power to make a binding agreement will go far to removing the difficulties which at present exist in connexion with certain projects not only in Coimbatore, but also in the Ceded districts and some other parts of the Presidency."

Mr. P. ANJANEYULU :—"I never intended to insinuate that any Member here intended that it should benefit Coimbatore only. It was far from my intention. What I say is that so far as I was able to gather from the speeches of the hon. Members from Coimbatore I took it that there was something at the back of their mind that it was Coimbatore, alone which was the immediate cause of this amendment. If I am right, I would respectfully submit to this House that a special Bill enabling them to enter into a legal contract with the Government may be brought forward. As the law stands at present, it is not possible for the Government to enter into such legal contracts. Such being the case, if we had gone with the Bill instead of discussing this clause we could have rushed through many more sections. Further, I doubt very much whether this clause will not work, in its actual practice, some hardship on other districts. The clause reads :

'When Government undertakes new projects for dry irrigation or dry and wet mixed, it shall be lawful for Government to take agreements from the existing holders of lands.'

"Of course, always we want funds. Whenever it is possible for us to get funds, we can force the hands of the ryots to enter into contractual relationship with the Government under this provision. The common trend of events may also appeal to the ryots. To my mind, it seems that the real rights of the ryots may be prejudicially affected by this amendment. The district officials with a few influential individuals in the district may influence people to enter into contracts for certain schemes of theirs which will bind the hands not only of the ryots present, but of their heirs and assignees. For these reasons and for the reasons advanced by the hon. the Leader of the Opposition, I request the Mover to withdraw his motion. In the alternative, I oppose it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, I think there has been sufficient discussion of the ideas underlying this particular amendment. If I may do so, I would summarize the two currents of discussion. It is this: it may be that you may not in certain localities get two-thirds of all the people who are served by a project to consent to a particular scheme. Nevertheless, there may be some who may say 'if you bring water to our lands we are willing to enter into an agreement.' I do not wish to dogmatize on the effect of this chapter. This chapter merely means this: that if two-thirds of the people of the area sought to be commanded by a project do not come together and consent, it is no good. This is for a

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special class of cases where although two-thirds of the number of people of a locality might not consent, yet there might be some people who are willing to pay special rates on account of the urgency of their own cases and their own special benefit. In such cases, it empowers the Government to embark on a project for their benefit. The question is whether the House would consider that a proper scheme to embark upon. The predominating argument would be this. Would it be justifiable for the House to make it lawful for the Government to enter into an agreement with a few persons for constructing a project which would benefit only a few persons while there are more comprehensive projects? The whole thing centres round that one point."

Mr. V. C. VELLINGIRI GOUNDER :—"I have only to say a few words. I was told that there would be difficulty for the ryots if the Government initiates schemes. But in this case it is the ryot himself who goes and voluntarily requests the Government to undertake a scheme. As I said, the Government are bound to help and encourage such people. We knew what amount of difficulties are experienced in certain localities where the ryots are prepared to pay a much higher price for water. Yet the Government would not move forward saying that such schemes in their opinion would not be remunerative; but from the ryots' point of view the position would be otherwise. It is seen from the Government records themselves that Coimbatore has been having very intensive cultivation and has developed agriculture considerably, the only drawback being failure of rains. That being the case the ryots should be free to press upon the Government to execute this work or that work. That is why we have brought forward this amendment. We do not want any priority right. We want only encouragement for our ryots."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"With your permission, Sir, I shall read the amendment as finally drafted. I hope it will take away the objections to the amendment now before the House. It is this:

"In connexion with any new project of irrigation it shall be lawful for the Government to take agreements from the owners of lands commanded by the project to pay water-cess at a specified rate or rates on lands irrigated therefrom and the rates so agreed shall be leviable as a cess", i.e., as between the parties to the contract, 'under this chapter subject to the revision as provided in clause 55 (2)'. If my hon. Friend withdraws his amendment, I shall formally move this."

Mr. J. D. SAMUEL :—"I think the amendment just read out would satisfy the House. It is absolutely necessary that there should be a provision of that kind."

Mr. V. C. VELLINGIRI GOUNDER :—"I beg to withdraw my amendment."

The amendment was by leave withdrawn.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I beg to move that the following be inserted as a new clause after clause 56:

'57. In connexion with any new project of irrigation it shall be lawful for the Government to take agreements from the owners of lands commanded by the project to pay water-cess at a specified rate or rates

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on lands irrigated therefrom and the rates so agreed shall be leviable as a cess under this chapter subject to revision as provided in section 55, clause (2) '."

Mr. E. W. LEGH :—"I second it."

The motion was put and carried, and the insertion of a new clause after clause 56 was agreed to.

At this stage 1-30 p.m. the House rose for lunch.

After Lunch (2-30 p.m.)

VI

DURATION OF THE PRESENT SITTING OF THE COUNCIL AND THE PROBABLE DATE OF THE DECEMBER MEETING.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, may I with your leave try to ascertain the wishes of this House on one matter? I hope I shall not appear to be too optimistic when I say that in all probability, if we maintain the rate at which we now proceed, we may be able to finish the Bill to-morrow. I understand that there are certain reasons which would necessitate the absence of a large number of Members of this House from the 21st onwards."

Many voices :—"From the 20th."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In any case after the evening of the 19th they won't be available. Now Government would require some little time, not more than four or five days, to look into all the amendments which have been carried, put them in their proper places, print them and have them ready for the third reading. It seems to me that we shall be ready for the third reading in a week or certainly in the first week of December. Will it be convenient for the hon. Members after return from their other engagements to do just this work and some non-official business also if any outstanding? So far as we are concerned we do not want more than four or five days for that."

Bao Bahadur C. V. S. NARASIMHA RAJU :—"I consulted some of the Members on this side of the House and any day about the first or second of December will suit us."

Mr. P. SIVA RAO :—"The arrangement is quite agreeable to all of us with one reservation, viz., that some of us are very keen about having one non-official day this session for discussing the resolution regarding resettlement."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If we finish the Bill to-morrow, then we have the 19th which we can devote for non-official business. Tentatively may I take it that the third reading will come up in the first week of December? You can then fix up the dates."

Mr. A. RANGANATHA MUDALIYAR :—"May I suggest, Sir, that the meeting in December be so held as to obviate the necessity for a fresh ballot?"

Mr. B. SRINIVASA AYYANGAR :—"The last ballot was held only on the 10th."

Bao Bahadur C. V. S. NARASIMHA RAJU :—"On the 5th."

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Mr. P. ANJANEYULU :—"I presume all this is on the assumption that we finish the Bill to-morrow and have the day after for the transaction of non-official business."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"May we then say about the 3rd or the 4th of December?"

V. THE MADRAS IRRIGATION BILL - cont.

Clause 57 was then put to the House, passed and added to the Bill.

Clause 58 was then put, passed and added to the Bill.

Clause 59.

Mr. R. SRINIVASA AYYANGAR :—"I beg leave of the House to allow me to move the amendment standing in the name of Mr. S. Muttayya Mudaliyar."

The House signified its assent.

Mr. R. SRINIVASA AYYANGAR :—"I beg to move :

'That in clause 59 after the words "an annual rate" the words "to be fixed by an Act of the Local Legislature" be inserted.'

"The House may remember that in clause 45 we have provided that the rate at which the cess is to be levied is to be determined by an Act of the Local Legislature. There is no reason why the same thing should not also be done with regard to the fixation of the annual rate. I do not want to leave it to the executive; it must be brought before the Council for sanction."

Mr. P. ANJANEYULU :—"I second it. This refers to drainage. As in all other matters, here also the Council should be the body to determine the rates."

Mr. E. W. LEGH :—"May I point out, Sir, that this amendment ought to have come in under section 45 itself? What really ought to have been done is this: Clause 45 (3) as it stands runs thus: 'The rates at which cess shall be levied under this section shall from time to time be fixed by an Act of the Local Legislature. . .'. But really the words 'and section 59 below' must have been inserted after the words 'under this section'. I thought we might put them in the third reading. But I am told by the hon. the Law Member that we can't bring it in then. The present amendment may therefore be passed."

The amendment was then put to the House and carried.

Mr. T. R. VENKATARAMA SASTRIYAR :—"I beg to move:

that in paragraph 3 for all the words beginning with the words 'a proportionate share', the words 'such share of the cost of the drainage works as may be required for the remedy of the said defect shall be borne by the Government or the person as the case may be' be substituted.

"This is merely a verbal amendment."

Mr. S. VARADA ACHARIYAR :—"I beg to second it."

The amendment was put to the House and passed.

Clause 59 as amended was then put, passed and added to the Bill.

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Clause 60.

Mr. A. RAMASWAMI MUDALIYAR:—"In the absence of Mr. Ankinedu Prasad I beg leave of the House to move the amendment standing in his name."

Leave was granted.

Mr. A. RAMASWAMI MUDALIYAR:—"I beg to move that

'in the proviso to sub-clause (1) of clause 60 the words "in cases falling under clauses (b) to (d) of section 8" be omitted.'

"Hon. Members will see that under this clause the Local Government claims the right to determine the extent of land, etc., that is entitled to water free of cess provided that in cases falling under clauses (b) to (d) of section 8, such determination shall be directed only on the execution of any scheme or project involving substantial alteration in the physical conditions of the irrigation work or in the supply of water thereto. It obviously limits very relevant cases to which attention has been drawn in the various dissenting minutes attached to the report of the Select Committee. At page 25 of the report of the Select Committee Mr. Narasimha Raju in his dissenting minute says:

'As for determination to be effected in future there is no reason why Government should have the power to determine the area in cases when it falls under sub-clause (a) of clause 8. As regards the provisions for the determinations to be effected in future, it may be noted that substantial rights will be curtailed thereby.'

"Mr. Ankinedu Prasad himself in his minute says (page 45 of the report):

'Clause 60.—This is one of the most objectionable provisions of the Act and one which would press most harshly upon landholders. It cannot be suggested with any plausibility that there will not be enough certainty in regard to a landholder's right to take water for purposes of irrigation if regard is had to section 19 and to the minute and elaborate procedure laid down for the preparation of a record of rights in sections 10 to 13. When the landholder's right is measured with reference to the quantity of water he can by economic user or by adopting improved or scientific methods of irrigations or if and when the conditions of the weather permit utilize the same quantity of water for irrigating a larger area. But none of these things would be open to him if the Government proceeds to determine the extent of land to be irrigated. The confiscatory nature of this provision would be most obvious in the case of a common work which to start with is owned by the landholder and the Government but of which the Government assumes sole control under section 9 which is followed by determination proceedings restricting the landholder's rights of irrigation to a particular acreage.'

"He wanted the whole clause to be deleted. I do not want such a radical remedy; but I suggest that this phrase, 'in cases falling under clauses (b) to (d) to section 8' be omitted. Section 19 (3) refers to the case of an irrigation work whose water is enjoyed by the Government and any other person in definite shares, where the latter shall be deemed to have appropriated the share that he is entitled to. Both these cases and similar cases also must be brought within the purview of this proviso."

Mr. ABBAS ALI:—"I beg to second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I should like to know whether the object of the hon. Member is to make provision for notified works alone or also for Government works. If it is the former, it is a reasonable amendment which we have no objection to accept."

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Mr. E. W. LEGH:—"As worded, the amendment would leave the provision thus: provided that such determination shall be directed in all such cases including cases of determination of areas irrigated by purely Government works not coming under section 8 at all. I do not know whether the hon. Member means this; if he does he would be going farther than the Government would be prepared to follow him."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The amendment covers both notified and Government works. I may be permitted, Mr. President, to raise one question in this connexion. The Government have conceded in clause 20 that the landholder is entitled to appropriate a certain quantity of water. Now they want to commute it into acreage. Whether they can do it according to the existing language of this Act is a doubtful question. Even supposing they have got the power to fix the area, what is it that they are going to do with the quantity of water that he is entitled to under section 20? When you have conceded to him the right to a particular quantity of water under section 20, why should you not give him the full liberty to use without the limitation as to area? As long as he uses it in his estate and as long as he is not exceeding the volume the limit of which you have prescribed, why should this limitation be laid? All that is said in the proviso is that they can do it whenever a channel is to be obliterated. When we have conceded whenever necessary that the Government should have the power to commute the volume of water into area and in all other cases, he shall be at liberty to utilize the volume of water that he is entitled to, why should an area limit be fixed? What is the object that the Government have in mind? I can understand that it may be necessary in cases where zamindari channels are to be obliterated or absorbed in the Government project in which case the zamindar may use more quantity and for a larger area. As long as that is not the case I do not see any reason why the Government should unnecessarily create discontentment and create the suspicion that the Government is going to prevent something which may possibly be done?"

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I think that the distinction between 8 (a) and 8 (b), (c) and (d), which this section makes, is correct. I shall suggest the considerations which show that cases falling under clauses (b), (c) and (d) of clause 8 should be treated differently.

"I do not know whether the object of the Mover is to prevent a determination except in cases in which substantially the project changes, in the language of the proviso, the physical conditions of the irrigation work or the supply of water thereto. I am mentioning considerations which would affect not only the amendment proposed by the hon. Mover but also the similar amendments notice of which has been given which come lower down in the printed list of amendments. I am taking at present a case falling under what may be called controlled or notified works under section 8. In the first place I submit that it ought to be confined to cases of control being assumed under sections 8 and 9 and there is no reason for requiring the conditions imposed in this clause for other than controlled works. It is on that footing that we proceed when we say 'in cases falling under clauses (b), (c) and (d)'. Not merely is there to be a project to justify resort to this section regarding determination, but also as the section requires the scheme or the project, in addition, must involve a substantial alteration in the physical conditions of the irrigation work or the supply of water thereto. Such a

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condition is intelligible only in cases of irrigation works falling under (b), (c) and (d) of clause 8 and not under (a) of the clause. Sub-clauses (b), (c) and (d) are cases of works wholly within a zamindari or partly held for the benefit of the estate. In such cases, if the work is so altered that the quantitative test is impossible with reference to the change in the physical conditions, we provide that determination shall be made and not otherwise. The irrigation works that fall under 8 (a) are rivers which about an estate, or pass through an estate. It is not right to insist that except in cases in which we change the river the physical conditions of the river, we ought not to resort to determination. It may be that we are not changing the physical conditions at all; it may be that some other work elsewhere is undertaken as a result of which more water flows into the river but the river is in exactly the same condition as before. The result of it may be that the additional water that is carried through the river may give the channels that enter the estate more water than it had before, more water than the landholder is entitled to under the terms of clause 19, now clause 20. In such cases, you have not got the change in the physical conditions which is insisted on by this proviso as a condition for determination but nevertheless it is a case in which determination is necessary because the water that will thereafter enter and irrigate the land in the estate will be different from the quantity to which the landholder was entitled. While therefore in the case of irrigation works falling under clause 8 (b), (c) and (d), which are either wholly or partially works belonging to the landholder, it is only in cases in which we are changing the physical conditions altogether and make it impossible to use the quantitative test with reference to the new condition of the channel that we take power to determine under the terms of this section. In cases where more water is put in the same river by reason of the work undertaken elsewhere without changing the river at all, you need to determine notwithstanding the condition imposed by this clause is not satisfied that the scheme or project should involve a substantial alteration in the physical condition of the irrigation work. I therefore submit for the consideration of the House that the clause as it stands is correct, that it is only in cases of works falling under 8 (b), (c) and (d) that determination should be properly subject to the stringent conditions imposed by the proviso. In cases under section 8 (a) where more water flows into the river and might flow into the channel and it is necessary to determine under the terms of this section, you must allow such determination without imposing the conditions contained in the proviso."

Mr. S. VARADA ACHARIYAR :—" I only wish to add one or two other considerations to those already mentioned by the hon. the Advocate-General. The hon. House will look at the result of the amendment and compare the proposal with the provisions in the Bill as already passed. The House will find that leaving out (b) to (d), which already exist in the clause as drafted the possible cases are those falling under 8 (a) and those not falling under section 8 but regular Government works under section 4. If the House will now turn to the appropriation section as it has been passed, it will find that the rights of the landholder in such cases will fall either under section 20 (e) or under section 20 (f). Taking the other cases the Government have the provisions relating to (b) to (d) already in the Bill. If the House will take the cases falling under (c) and (f) of clause 20, the House will immediately see that the process of determination as in the Bill is far more convenient either

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from the landholders' point of view or from the Government's. If the House will just look at the language of clause (f), this is what it says :

"In cases not falling under any of the foregoing provisions, the extent appropriated shall be fixed with reference to the quantity of water required for the cultivation in the accustomed manner of the largest area irrigated free of water cess from such irrigation work in any one year prior to the commencement of this Act."

"Taking the case falling under that provision, hon. Members will see that the determination of the extent has nothing whatever to do with the shape of the irrigation work or the supply of water to it or the way in which it is altered. The way in which the extent of the landlord's right is fixed will be more conveniently worked if at the earliest opportunity the area is fixed by reference to the settlement accounts or by reference to the later accounts of the last thirty years and not if the extent of the land is left undetermined. Therefore speaking for myself, I appeal to my hon. Friends who take a different view to consider whether in cases falling under (f) it is more convenient that the extent should be determined at the earliest stage or should be left undetermined."

"Next, hon. Members will kindly turn to cases falling under (c). The sub-clause says that the right of the landholder is to be measured by the state of the channel as it exists on the date of the notification, the channel there referred to being not an irrigation work which has to be taken control of by the Government, but zamindari channels taking off from that irrigation work. Hon. Members will try to see for a moment how the amendment, if carried, will bear upon that. Suppose a work is taken control of, say a river passing through an estate, a case falling under 8 (a), and the Government do not propose to make any structural alteration in the river itself. According to the amendment as now proposed the result will be, till the Government make up their mind to propose any further alteration, the area will never be fixed in terms of acreage but will be left in the form in which it is defined in (c). I ask the House to take the case in which the landholder himself wants to make changes in his channel, not in the irrigation work under the control of the Government, but in the channel that takes off therefrom or in the sluices or in the several distributary channels. If he is going to make changes in these channels, they will certainly not come within the language of the amendment because they will not be changes in the irrigation work itself. But to say that even in these cases whenever the question should arise people should be asked to go back notionally as it were to the state of things which existed at the date of the notification though they have now changed by any act of the landholder, is not so convenient and it will be much more convenient to say that the right of determination shall not be conditioned by any alteration in the physical configuration of the river. That is why while making provision for (b) to (d) in terms of protection here put in it was considered proper to omit 8 (a)."

Mr. E. W. LEIGH :—" Mr. President, I should like to point out that there is one difficulty here and that is this. Supposing this clause is modified as suggested so that determination shall be made in all cases or a large number of cases, there is a possible difficulty. Supposing that the zamindar modifies or alters a channel, he might so alter it as to take in a much larger supply of water, and the Government would not be able in such a case to determine the area. Surely it is necessary to give

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Government the power to safeguard themselves against losses due to alteration in the conditions, and there must be a limit and a method of defining what the rights of the zamindar were."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Under section 18 Government have got sufficient power to prevent any zamindar from altering the capacity of his channels. I may be permitted to point out that in the case of a notification they can do so only up to the date of the notification. According to the amendments carried in section 20, the zamindar has got the right of appropriating the volume of water which is there up to the date of the notification except in the cases coming under sub-clause (f) of section 18 or so. He has thus got a right to the volume of water appropriated by him up to the date of the notification and therefore he has got the right to widen his channels up to that date. If we are anxious to carry an amendment like this, it is only to preserve a right which we have given to him under section 20."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I am not sure about that. The sluices would be under the control of the Government between the first notification under section 8 and the second notification under section 9, and no interference with the works would be allowed."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" In regard to that, I may be permitted to say that in all those cases you have got power under the record of rights provisions to note down the capacity of the channels, their width and all that. What is the object of the preparation of the record of rights? Between the date of the notification under section 8 and that of the notification under section 9 you prepare a record of rights, and that record may be the guiding thing between the party and the Government."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I take it that it is to be a guide for determination."

The amendment was put and carried. Mr. E. W. Legh demanded a poll a little later, but the hon. the President said that it was too late.

Mr. T. R. VENKATARAMA SASTRIYAR :—" I move, Sir, that in the proviso to sub-clause (1) the words 'in view to' may be substituted for the word 'on', in order to avoid the possible implication that it is only after the execution of the scheme that the determination has to be done. It is to make it clear that it may be done even before it and in view to the execution of a scheme in future."

Mr. S. Varada Achariyar seconded the motion.

The amendment was put and carried.

Mr. K. CHAVADI SUBRAHMANYA PILLAI :—" Sir, I beg to move the following amendment:

'In sub-clause (1) for the words occurring in the proviso after the words "or project involving", substitute the following words:

"substantial increase in the physical capacity of the irrigation work resulting in the increase of supply of water thereto, such increase being not less than twice the original supply of water".'

"My reasons for this amendment are as follows. This amendment is necessary for the sake of clearness at least. Alteration may mean diminution and substantial reduction by the Government itself in the supply of water or conversion of a tank-bed into a narrow channel would, as the clause stands,

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entitle the Government to take action under the clause and to impose a cess. The amendment merely brings out the intention of the Government to tax only real improvements made by the Government. It may be stated that it may sometimes be necessary to destroy or demolish an irrigation work or to narrow it down and that then it would be necessary to localize the fields irrigated thereby. To this my answer is, if such extensive alteration becomes necessary then the Government should acquire the works and the lands according to the Land Acquisition Act. To impose disabilities and difficulties of localization for a reduction of physical capacity of a water-work seems like taking advantage of one's own wrong. If alteration means enlargement of physical capacity, then the addition of a few ounces of water should not empower the Government to impose on the landholders the disabilities of localization. The whole scheme of the Act seems to have been conceived only with an eye to impose difficulties on the landholders. We do not find such clauses in the other Acts; for instance, section 73 of the Bombay Act contemplates the taking over of private water-works like tanks and private channels only with the consent of their owners called in the Act as irrigators. Seeing the Bill gives no such latitude to the landholders, I submit that unless the physical capacity of irrigation is increased and so increased as to supply twice the original quantity of water, localization should not be ordered. I request therefore that my amendment may be passed by the House."

Mr. J. D. Samuel seconded the amendment.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" It is impossible for me to accept the amendment which seeks to limit substantial alteration to twice the supply of water."

Mr. S. VARADA ACHARIYAR :—" I should like to point out to the hon. Member the one reason which occurs to me to justify us in opposing the amendment. The object of the main provision is merely an arithmetical process so to say and has nothing to do with the rights of the parties. What it says is that when a time comes when it will no longer be possible to give exact information or to come to an exact conclusion as to the physical conditions of a work, this test should be adopted. Whether the work is going to receive twice the supply of water or half the supply or something else, the question of the quantity of supply has importance only as bearing on the rights of the parties. The only object of putting forward this process is that if and when the time comes when we cannot say what the conditions of the work were at the time of the notification, then this process should be adopted. It has nothing to do with the nature or extent of the supply available in the channel."

The amendment was put and lost.

Sub-clause (3).

Mr. K. SITARAMA REDDI :—" Sir, I beg to move that sub-clause (3) be omitted. The sub-clause (3) runs thus:

'Any determination made prior to the 1st May 1917 shall be final subject to the result of suits, if any, instituted before the 1st January 1923.'

"This determination has invariably been done in most of the estates even without consulting the landholders concerned. What has been done in most

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of the cases is this. A survey seems to have been ordered by the Government to which the landholder concerned was not a party and they have in most of these cases fixed certain acreage as mamul wet determining the extent liable to be irrigated free of assessment. Such a determination is purely unilateral and I do not see why the consent of the concerned landholder was not taken, and why he should be deprived of an opportunity to challenge the decision arrived at even without consulting him in a civil court of law. Such a unilateral decision should not bind the landholder concerned, and I should like to give such landholders an opportunity to question the authority or effect of such determination in any civil court. With these words, I beg to move that this sub-clause be omitted."

Mr. K. Sarvarayudu seconded the amendment.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, the 1st May 1917 is the date of the decision of the Privy Council in the Utlam case, and prior to that many persons might have acquiesced. Many more might never have dreamt of disputing the determinations effected, and if my hon. Friend's amendment is carried, it would only be giving a premium to suits being instituted in all cases in which there might have been acquiescence for a number of years. With these remarks I very strongly oppose this amendment."

The amendment was put to the House and lost

Rao Bahadur C. V. S. Narasimha Raju then moved the following amendment :

'For sub-clause (3) substitute the following :

"(3) Any determination made previous to the passing of this Act with the express or implied consent of a landholder shall be final."

In doing so, he said :—"Mr. President, the hon. the Law Member, while opposing the amendment of Mr. Sitarama Reddi, said that, if this clause is deleted, all cases in which the parties have acquiesced may go before the courts, and the persons concerned may try to defeat the existing tax on."

Mr. P. PEDDIRAJU :—"On a point of order, Sir, is this amendment to be allowed? The previous amendment was lost, and this amendment covers the same ground, and relates to the same matter."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am really indebted to my hon. Friend opposite, but now that the speech has been made, I would rather like to oppose it."

Mr. P. PEDDIRAJU :—"But I raise a point of order."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Regarding the point of order, I may be permitted to point out that the amendment of Mr. Sitarama Reddi was to omit the sub-clause, but my amendment is to replace that sub-clause by another one. The House has not voted for the retention of the clause, and if it has done so, I would certainly be out of order. But the clause is there for the consideration of the House, after the amendment of Mr. Sitarama Reddi has been defeated. I am perfectly in order, I submit, in suggesting amendment or substitution of some other words. In that view, I submit, I am in order."

The hon. the PRESIDENT :—"I think that in the way in which we ordinarily put these amendments, the hon. the Leader of the Opposition is

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[The President]

in order. There is another way of putting an amendment by which a vote is first taken, on the question, 'that the clause do stand as it is', that would be different. But for the present he is in order."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Thanks, Sir. My point is this. We do not know what determination is. We do not understand what determination is. The Collector sitting in his office on the recommendations made by the subordinates states that so much is the area entitled to free irrigation and the landholder shall pay water cess in the case of the excess area. It is true that some of the landholders have gone to courts to get the determination of the Collector upset. Are we justified in saying that the person who gets the determination of the Collector upset has to enjoy liberty whereas the person who expects justice to be done by the executive itself and waits for the decision of the pending cases and hopes that the executive will move in the right direction should suffer? Is it the intention of the House that such persons should be asked to pay? I can understand the case where parties agree either by express or implied contracts. But where it is a case of compulsion by the Collector and where there has not been an acquiescence by the landholder, why should it be a binding contract on the parties and why should it be said that there has been an implied consent? In this connection I wish to bring to the notice of the House that I have put an interpellation to the Government as to what are the estates in which these determinations are made. Government said that they had not the full information. I asked them to give us at least the available information. They have not yet condescended to do so. At least if the available information had been given the House would have been in a position to judge as to what extent this would affect the landholders. With these words I move my amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In regard to what has fallen from my hon. Friend from Cuddalore on his amendment the House has given a decision on the merits. Now what the Leader of the Opposition wants to embark upon is the meaning of the words 'implied consent'. So that there will be a number of suits hereafter that the consent was not express, that the consent ought not to be taken to be implied because such and such things happened or because such and such things did not happen. Instead of raising questions of determination we will have a number of suits all over the Presidency for the purpose of saying that the consent was not an implied one. I submit these facts will entitle the House to vote against the amendment."

Mr. T. R. VENKATARAMA SASTRIYAR :—"Before the Privy Council pronounced on the rights of parties there was some excuse for people not knowing their exact rights. In the case of people who have acquiesced in the previous determination even after the decision of the Privy Council giving practically what may be said to be an invitation to question the determination, I should certainly suppose that they may be taken to be cases in which the parties have tacitly agreed to abide by the previous determination. A clause of this kind will really be, as has been suggested by the hon. the Law Member, an invitation to the people to litigate as to what is meant by implied consent; whether he can wriggle out of that phrase from this or that circumstance existing in particular cases."

The amendment was put and negatived.

Clause 60, as amended, was put and carried and added to the Bill.

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Clause 61.

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I beg to move :

'Omit in sub-clause (i) the words 'if the District Collector after enquiry reports that such localization is necessary in the interests of the ryots concerned or''.'

"The clause as it stands contemplates the Collector ordering localization of his own accord or when the majority of the ryots under the ayacut require it. If my amendment is carried the effect will be that localization will be effected only when the ryots want it and not at the discretion of the Collector. The necessity for localization arises only when there is dispute between the landholder and the ryot. When ryots do not want it and the Collector orders localization it may give room to much dispute between the ryot and the zamindar. The object of this amendment is to avoid such friction. If the ryots want it, do it; if they do not want it, don't do it at the instance of the Collector."

Mr. P. PEDDIRAJU :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I submit that the hon. the Leader of the Opposition has not sufficiently taken advantage of the position of the ryots. It may be that he may not be able to ascertain the majority of the ryots or it may be that the majority of the ryots may not complain. There may be many considerations. It may be that the real interest may make them apply but due to the fear of the zamindar they may not apply. Therefore such a provision ought to be retained."

The amendment was put and negatived.

Mr. P. PEDDIRAJU :—" I beg to move :

'Add the following proviso to sub-clause (i) :

"Provided that such localization shall in no way affect the supply of water to all the lands that were under wet cultivation previous to localization".'

"My whole difficulty is this, Sir. I have been objecting to localization in general; but with the safeguards provided in the section I have agreed. But my complaint is that as soon as Government localizes they always take care to cut off supply of water to the lands that are not mamul wet. Finally they levy water cess on lands which are not included in mamul wet but which have been under wet cultivation for over half a century or more. This year two instances have been brought to my notice in two estates where the ryots applied and the Government refused. That is why I want to include this proviso in this clause as it will deprive the Government of its arbitrary power over these lands which have been taking water for a long time."

Mr. P. ANJANEYULU :—" I second it. In doing so I wish to add that the ryots should be assured that they would get supply that they have been getting as heretofore."

Mr. E. W. LEGH :—" May I point out, Sir, two things? In the first place if the fear of the hon. Member is that water would be unnecessarily cut off in case of localization, I think he is already protected by the provisions of section 20 and the compensation clause. But if he means to say

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that in any case water should be supplied to lands which were supplied prior to the date of creating new work, then I must point out this. Localization only applies in cases where there is to be alteration. That alteration may be by an entirely new channel and may cut off lands already under irrigation. If anybody is deprived in that way, I do not see how we can guarantee water. If the ryot loses water, he is entitled to compensation by Mr. Vellingiri Gounder's amendment. But as the amendment stands, it lays down what may be a physical impossibility."

Mr. P. PEDDIRAJU :—" Mr. Vellingiri Gounder's amendment for twenty years does not matter very much to me. In my district there have been cases where water-supply was provided for fifty years and more and I should have the right of appropriation now. Again the difficulty is this. A man will have to bring a suit within one year. In regard to the two estates that I referred to localization took place two years ago. Government kept quiet in the first year and levied cess the next year. If justice is done in this case, I am not going to press the amendment. I want an assurance from the hon. the Law Member that he would examine this question."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I cannot accept this amendment. If any case is brought to my notice under the existing law, I shall see what can be done."

The amendment was by leave withdrawn.

Clause 61 was put and carried and added to the Bill.

Clause 62.

Mr. K. PRABHAKARAN TAMPAN :—" Sir, I move :

3-30 p.m.

'In proviso (1) for the words "one year" substitute the words "three years".'

"Sir, the general law of limitation in such cases ought to be three years. It is very hard to limit it to one year. I therefore move that my amendment may be considered favourably and accepted by the House."

Mr. K. SARYARAYUDU :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Now, hon. Members will have to see that whereas originally it was from the date of the infringement now it is from the date of the accrual of the damage. I therefore submit that three years is too much."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" It may be two years then if the Government will accept it. One year is far too short a time."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I have considered that point, and if the House will accept the next amendment, standing in the name of Mr. Legh, I have no objection to this suggestion."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Between the first accrual and the last, it may be that the two years might have elapsed and there might be no time left at all."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I formally move that 'three years' be altered into 'two years'."

Mr. P. PEDDIRAJU :—" I second it."

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Mr. K. PRABHAKARAN TAMPAN:—"I accept it. Surely two years is distinctly better than one year."

Mr. E. W. LEGH:—"Sir, I beg to point out that the object of the Government is to give the ryot an opportunity of a suit at the earliest possible moment. In most of the cases, in fact in many cases, the facts concern the physical conditions which change especially with water channels. It would be exceedingly difficult if suits are not brought at the earliest possible opportunity. I think it is to the interest of everybody concerned to come to the court on the very first day and that is why in the next amendment I am moving for the insertion of the word 'first'. It might also lead to all possible traces being removed in the meantime and there might be no evidence available to determine the extent of damage. For this reason I would press for the earliest possible bringing into court of any such cases."

Mr. P. PEDDIRAJU:—"I would like to say one or two words, Sir. The hon. the Revenue Secretary referred to the fact that the conditions would be changed and that it would be difficult to arrive at the quantity of damages. I would invite the attention of the Revenue Secretary to section 63 where all these cases of compensation have to be decided then and there, and it is only when the question of going to the court comes up that this matter as to whether it should be two years or one year crops up. There is therefore no difficulty whatever for the two years being accepted."

As further amended by Mr. A. S. Krishna Rao the amendment was put to the House and carried.

Mr. E. W. LEGH:—"Then, Sir, I must move my amendment:

'Before the word "accrual" in proviso (1) insert the word "first".'

"I have already given my reasons, and it is really not in anybody's interest to postpone bringing the suit. The person may come up after a very long period of time after the first accrual of the damage, and still say he wants the damage. We must see that in all these cases the suits are brought at the earliest possible opportunity. I really cannot see why hon. Members in any part of the House should think that litigation should be postponed to the last possible date."

Mr. T. R. VENKATARAMA SASTRIYAR:—"I second it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I very strongly oppose this amendment for this reason especially, viz., that between the first and the last accrual of damage there might elapse two years and the person concerned might lose his right altogether. Secondly, at the time of the first accrual, it may be that the landlord does not consider that the damage is such that he should trouble himself with a suit about. But afterwards, he may come to realize that a great damage has been caused for which he is entitled to compensation. In that case by the period being limited he will be barred from getting his due. Also, there is a third reason to be considered in this connexion. In cases where the owners of the land happen to be absentees it might take some time to get copies from the Revenue department, and this time is very long; at times it takes several months to get copies. In view of all these difficulties the proposed amendment is likely to do much harm."

Mr. P. ANJANEYULU:—"To the reasons adduced by the previous speaker, I wish to add one or two. Generally, the claim for damages may not be by

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persons who are on the spot. It will take some time for them to get to know about it; then they should know the extent of the damages they should claim; it might also be that they want certain important records on which they can rely, and it is common knowledge in the mufassal that it takes much time to procure them from the offices concerned. After all this it is that the person that is interested comes to the court. We have absolutely no intention to encourage delay; but at the same time we should see that we make sufficient provision for the time that is absolutely necessary."

Mr. T. R. VENKATARAMA SASTRIYAR:—"With your permission, Sir, I wish to point out one fact for the consideration of the House. There are many cases in which this right to compensation accrues. The most important is the case of deprivation of water in which damage recurs year after year. If water is taken away from a particular land he loses the next year and the year after and for all time. But all the same the cause of action arose only once, and you cannot have a cause of action recurring every time in such cases. That arises on an entry by the irrigation officer. But you are actually suing for compensation for that year. You are not thereby prevented from claiming compensation for an entry next year. In other cases a person must claim damage once for all and the first accrual of damage is the starting point of the cause of action for him. I therefore submit that the first accrual is the correct phrase to use."

The amendment was then put to the House and negatived. A poll was taken with the following result:—

Ayes 18.

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| 1. The hon. Sir Arthur Knapp | 10. Mr. G. F. Paddison. |
| 2. " Mr. C. P. Ramaswami Ayyar. | 11. " Abdulla Ghatala Sahib. |
| 3. " Rao Bahadur Sir A. P. Patil | 12. " S. Arpudaswami Udayar. |
| 4. " Diwan Bahadur T. N. Sivaganesam Pillai. | 13. Rao Sahib T. C. Tangavelu Pillai. |
| 5. Mr. R. W. Davies. | 14. Mr. P. K. S. A. Arunaga Nadar. |
| 6. " P. Hawkins. | 15. Honorary Lieutenant Madurai |
| 7. " E. W. Legh. | 16. Mr. R. Srinivasan. |
| 8. " P. L. Moore. | 17. " P. V. S. Sundaramurti. |
| 9. " T. R. Venkatarama Sastriyar. | 18. " R. Veerian. |

Noes 42.

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| 1. Mr. H. B. Ari Gowder. | 22. Mr. K. Koti Reddi. |
| 2. Rao Bahadur Cruz Fernandez. | 23. " C. Maruthavanam Pillai. |
| 3. " K. Krishnaswami Nayudu. | 24. " P. Peddiraju. |
| 4. Mr. P. N. Marthandan Pillai. | 25. " G. Rameswara Rao. |
| 5. " C. Muttayya Mudaliyar. | 26. " M. R. Seturatnam Ayyar. |
| 6. " K. Prabhakaran Tampam. | 27. " P. Siva Rao. |
| 7. " P. T. Rajan. | 28. " K. Chavadi Subrahmanya Pillai. |
| 8. " B. Ramachandra Reddi. | 29. Diwan Bahadur M. Krishnan Nayar. |
| 9. " A. Ramaswami Mudaliyar. | 30. Mr. K. Venkatachala Padayachi. |
| 10. " P. Sagaram. | 31. Rao Bahadur C. Venkataranga Reddi. |
| 11. " J. D. Samuel. | 32. Rai Bahadur F. M. Narasimhaachari. |
| 12. " K. Sarabha Reddi. | 33. Mr. T. M. Narayanaswami Pillai. |
| 13. " K. Sarvarayudu. | 34. " Abbas Ali Khan. |
| 14. Rao Bahadur C. V. S. Narasimha Raju. | 35. " Muhammad Ghouse Mian Sahib. |
| 15. " A. S. Krishna Rao Pantulu. | 36. " T. M. Moidu Sahib. |
| 16. " T. A. Ramalinga Chettiyyar. | 37. " R. Srinivasa Ayyangar. |
| 17. Mr. K. Uppi Sahib. | 38. " V. C. Vellingiri Gounder. |
| 18. " A. Ranganatha Mudaliyar. | 39. " Sami Venkatachalam Chettiyyar. |
| 19. " P. Anjaneyulu. | 40. " P. C. Venkatapati Raju. |
| 20. " A. Chidambara Nadar. | 41. " C. V. Venkataramana Ayyangar. |
| 21. " M. Gangarasu. | 42. " B. Venkataratnam. |

18 voted for and 42 against.

The motion was lost.

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Proviso (2)

Mr. K. KOTI REDDI :—" Mr. President, Sir, I move :

8.45 p.m. *' In proviso 2, item (a), omit the word " ryotwari " . '*

" In moving this amendment, I only want some information. I want to know why the word ' ryotwari ' ought to be introduced in this clause. Because, so far as the zamindari land is concerned, I suppose it comes under the general provision. I do not see the necessity for having this word here."

Mr. P. ANJANEYULU :—" I second the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I accept it."

The amendment was put and carried.

Mr. T. R. VENKATARAMA SASTRIYAR : -" I beg to move :

' In item (a) of proviso 2 for " been " substitute " remained " . '

" It is merely a verbal amendment."

Mr. S. VARADA ACHARIYAR :—" I second it."

The amendment was put and carried.

Mr. K. KOTI REDDI :—" Sir, I beg to move :

' For the words " a continuous period of ten years " substitute the words " five years during the period of ten years " . '

" Much as I am anxious to safeguard the rights of the ryotwari holders, I think we have to consider also the amount of burden that such a provision has not used the water for a period of five years out of ten years he can have no legitimate right for compensation if water is cut off. I can understand that if a ryot is continuously getting water it will be really unjust to cut off his water. Under section 19, if a ryot has been getting water continuously for ten years, he gets a right over water and the Government cannot deny him the water. But so long as there is water available, if he does not use the water for five years out of ten years, I really do not see any reason why such a man ought to be given the benefit of compensation in case water is cut off. As it is, if he uses the water for one year during the ten years, he gets the compensation. My amendment is to the effect that if for five years within ten years he does not take the water, he will not be entitled for compensation in case the supply is cut off. It is more to limit the burden of the State that I move this amendment and that too under conditions, as I have already explained, which would not be unfair so far as the ryot is concerned. Under section 19, as I have already pointed out, he has a right to use the water and so compensation would be given. The only question is when Government are giving him water, if he does not use it for more than five years, whether he should be given compensation. In these circumstances, I think, it is not really unjust to deny him compensation. No doubt we are all anxious to safeguard the rights of the ryots. But in our anxiety to safeguard his interests, we have also to consider the interests of the majority of the people who may not come under these provisions. For the sake of a few ryots the whole country should not be made to suffer. I think it is not fair to the general tax-payer to leave the section as it is."

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Mr. A. CHIDAMBARA NADAR :—" I second the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I think it is necessary for me to explain the attitude of the Government in this matter. *Prima facie* this amendment is in favour of the general taxpayer. But in this particular matter, I think it is as well that I should leave the House to vote on this matter, and I do not propose to take any further part in the discussion and I shall accept the decision of the House."

Mr. P. PEDDIRAJU :—" Sir, I have to oppose this amendment of my hon. Friend, Mr. Koti Reddi. The amendment as it stands is, first of all, objectionable; because the interpretation given by my hon. Friend is not quite correct. He says that if for any five years out of ten years the land is not irrigated, that is, if in alternate years on account of bad supply he does not irrigate the land, the ryot is to suffer and he is to be given no compensation. He wants to omit the word ' continuous ' and substitute five years for ten years. Another point is, it is very hard to conceive that if water is available a ryot will not utilize it for irrigation purposes. As it is if the man is not able to get the water continuously for a period of ten years, he will not be entitled to compensation. That is only to exempt Government whenever the Government are not able to supply water on account of seasonal or other difficulties. The clause as it stood in the original draft contained the words ' for a period of five years. ' But the clause as it now stands was introduced by the Select Committee. Under these circumstances, I oppose the amendment."

Mr. J. D. SAMUEL :—" I also think that this amendment ought not to be accepted. There are a number of cases where the ryot is not able to use the water for five years and in such cases he should not be made to suffer."

The amendment was put and lost.

Mr. E. W. LEGH :—" Sir, I beg to move :

' At the end of item (b) add the words " or due to omission to repair or render effective any drainage or irrigation works " . '

" In view of the fact that there is an apprehension in the minds of certain hon. Members that even with the omission of the first clause of section 22 it is still possible that Government may be laid open to suits for damages, I think it is better to have this provision as suggested by the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second the amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I think this amendment ought not to be accepted by this House, because in view of the various difficulties that have been pointed out, we have left the matter to the general law and when we came to section 22, those provisions were taken out. The Government ought not to be in possession of this specific power."

Mr. P. ANJANEYULU :—" Already we have been suffering so much and if this power also is given our difficulties will be very great."

The amendment was put and lost.

Mr. K. PRABHAKARAN TAMPAN :—"

4 p.m. *' In item (h) of proviso 2 omit the words " or of the means of floating timber " . '*

[Mr. K. Prabbakaran Tampan] [17th November 1924]

"Sir, I beg to move the amendment standing in my name. (Cries of "No, no" from the Opposition Bench). I hear cries of "No, no" from my hon. Friends opposite but I can't oblige them as the matter is so important to us. Sir, in Malabar, all forests are private and belong to landholders, and if timber growing there is not allowed to be floated down the river, the forests become absolutely useless to them, and it would be better if the Government acquire the whole forests and be done with them once for all. It may be said that if an anicut is put up in a river, it will be impossible to float the timbers. All I say is there must be some sort of arrangement by which the excess water has to be allowed to go out, either through a flood-gate or through a sluice. That device must be so made as to allow the timber to be floated down. With these words I commend my amendment to the House."

Mr. K. UPPI SAHIB :—"I second the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Greatly as I respect the sentiments of those who want to float timbers down the rivers in Malabar, this will come into operation only when the powers come to be exercised under this Act. What I say is when you do notify and start an irrigation work, then you can construct dams, and anicuts to float down timber. If the power in the Act is enforced then such a thing can be done."

Mr. K. PRABHAKARAN TAMPAN :—"There are two points raised here. In the first place, rivers and streams in the unsurveyed parts of Malabar do not come under the category of those irrigation works which become so only after notification. As the Bill now stands, all these things have become Government property. Therefore, unless there is a distinct provision in the Act to the effect that timbers shall be floated down, we shall be prevented from doing it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Nobody wants to prevent you."

Mr. K. PRABHAKARAN TAMPAN :—"Such pious assurances won't do. Then why this proviso in the Bill?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, there is some confusion. Apparently nobody wants to prevent floating of timber. All I say is that when in the exercise of the powers vested in this Act, we do a work and then if the timber floated does not float as heretofore, we have to pay compensation."

Mr. K. PRABHAKARAN TAMPAN :—"Suppose an irrigation officer, out of mischief, prevents it. Such things are not unheard of in the Province. He can do so as long as this proviso exists. That is why I want to delete it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"There are many opportunities for mischief. We cannot legislate for all such opportunities."

Mr. J. A. SALDANHA :—"I would strongly oppose this amendment. The hon. Member from Malabar only the other day told us that jannais used to erect anicuts and bunds across rivers and that they should be allowed to exercise such powers. We opposed it and the amendment was not carried on that occasion. On the other hand, in Kanara, a large number of embankments will be erected in the future, in addition to those already existing."

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Mr. K. PRABHAKARAN TAMPAN :—"I am sorry I am not properly understood. There seems to be much difference between South Kanara and Malabar and my hon. friend is only familiar with the former district."

Mr. J. A. SALDANHA :—"These embankments have been erected from time immemorial, and if timber is to be floated down, I think the owner should make arrangements to tranship the timber over across the bunds. Irrigation rights are more important than the rights of floating timber. These points are duly considered by the irrigation officer or the Collector, and every consideration will be paid to the necessities of navigation. Subject to these restrictions, embankments may be allowed."

The amendment was put and negatived.

Mr. K. PRABHAKARAN TAMPAN :—"Sir, I beg to move:

'In item (h) insert the word "temporary" before the word "stoppage".'

"Sir, I can understand Government blocking up a river during the months in which there is no rain and there is a shortage of water; but in times of flood, at least the timber may be allowed to be floated down. Some arrangement can be made, either a flood-gate or a sluice must be provided. I have myself made such arrangements for floating down timber belonging to me. It is not impossible and if my hon. Friend, the Chief Engineer, Mr. Hawkins, were here, he would say it is possible."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"How can there be navigation for anicuts?"

Mr. K. PRABHAKARAN TAMPAN :—"I am only speaking about the floating of timbers and not about navigation. Some arrangement must be made and it is possible to make it. Therefore, I am anxious that my amendment should be accepted."

Mr. B. RAMACHANDRA REDDI :—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I oppose it, Sir."

The amendment was put and negatived.

Proviso (3).

Mr. V. C. VELLINGIRI GOUNDER :—"Sir, I beg to move:

'(i) Insert the words "or water for communal purposes" after the word "water" in line 3.'

'(ii) Insert the words "for both" after the word "available" in line 4.'

'(iii) Insert the words "or water for communal purposes" after the word "water" in line 6.'

"Sir, provision is here made only for drinking purposes. In the rural parts, water is required for cattle, for raising seedlings, for washing cattle, for the washing of clothes and other purposes. Water for cattle is very important. In some localities it is very difficult to get water for cattle. So I wanted to insert the words 'water for communal purposes'. The rural people depend on the channels and ponds connected with them for all their purposes. So these facilities should not be interfered with."

"One of my hon. Friends suggests that communal is too big a word. I have no objection to the insertion of whatever word is suitable to carry out the object I have in view."

Mr. B. Venkataratnam seconded the amendment in a Telugu speech.

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"It does not mean water for human consumption only. Provided you do not wash cattle or make it insanitary, it will come within the clause."

Mr. B. Venkataratnam replied in Telugu.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"So far as the considerations adverted to by my hon. Friend, namely, the question of cattle and human consumption, is concerned, my hon. Colleague, the Chief Minister, will look after it in his department. As it is, the words 'communal purposes' carry us nowhere and have no definite legal acceptation. I say drinking water includes drinking water not only for human beings but also animals. I think my hon. Friend must be content with that."

The amendment was by leave withdrawn.

Clause 62 as amended was put, passed and added to the Bill.

Clause 63.

Mr. P. ANJANEYULU :—"With the permission of the House, I beg to move amendment No. 303 on the paper standing in the name of Mr. Natesa Mudaliyar :

'In the last paragraph for the words "District Collector" substitute the words "Civil Courts".'"

The hon. the PRESIDENT :—"The hon. Member had better move his own amendment (No. 303-A on the agenda paper)."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In these small matters, courts ought not to be appealed to."

Mr. P. ANJANEYULU :—"Then I move my own amendment :

'In paragraph 3 for the words "District Collector" substitute the words "District Judge".'"

Mr. B. VENKATARATNAM :—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"This is even worse than the previous one. I must oppose it."

The amendment was put and negatived.

Clause 63 was put, passed and added to the Bill.

Clause 64 was put, passed and added to the Bill.

Clause 65 was put, passed and added to the Bill.

Clause 66 was put, passed and added to the Bill.

Clause 67 was put, passed and added to the Bill.

Clause 68 was put, passed and added to the Bill.

Clause 69.

Sub-clause (1).

Mr. S. VARADA ACHARIYAR :—"I beg leave to move the following amendment which stands in the name of the hon. Member, Mr. T. R. Venkatarama Sastriyar :—

'In item (b) omit the following last four words "from such irrigation work".'

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(Leave having been given), "Sir, this amendment is only to provide that the supply of water which can be given by way of special arrangement need not necessarily be from that particular work. Therefore it is suggested to omit the words 'from such irrigation work'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and carried and the omission was made.

New sub-clause after sub-clause (2).

4-15 p.m. Mr. K. CHAVADI SUBRAHMANYA PILLAI :—"I beg to move that to clause 69 the following sub-clause be added after sub-clause (2) :—

'(3) The provisions of the Land Acquisition Act, 1894, shall apply to the determination of compensation to be paid under section 19.'

"The Council may remember that a new clause numbered 19 was added on an amendment proposed by the Raja of Ramnad which was amplified by a further amendment of Mr. Ramaswami Mudaliyar. As there is no procedure prescribed for the determination of the compensation to be paid under that new clause, I have proposed this amendment. There may be an idea that this provision is unnecessary as the Bill contains provisions (clauses 62 to 69) for compensation. I submit that these compensation clauses are vague and cannot by any stretch of interpretation be held to embrace cases contemplated by the newly put in clause or section 19. Besides, is it not better not to leave anything to the mercy of interpretation? My amendment merely invokes the provisions of the Land Acquisition Act, the only natural procedure in such cases. There is no objection to the Collector or Irrigation Officer doing anything under this section; no dilatory procedure is interposed and immediate action under the section is not hampered in any way by the amendment. I trust the hon. the Law Member and the House will see it fit to accept and pass the amendment."

Mr. J. D. SAMUEL :—"I second the amendment."

Mr. P. PEDDIRAJU :—"May I point out that all these things are contained in clause 67 already passed? Further, there is the Land Acquisition Act under which the Collector has got power to decide such cases. I therefore think that this amendment is unnecessary."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I oppose the amendment."

The amendment was put and lost.

Clause 69 as amended was put and carried and added to the Bill.

Clause 70.

Mr. S. VARADA ACHARIYAR :—"With the permission of the House, Sir, I would move the amendment standing in the name of the hon. the Advocate-General. I move, for the omission of the words 'Under section 62'. I move this in order to cover cases not covered by section 62. It is not necessary to confine its operation to damages mentioned in section 62. There may be other cases also"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and carried.

Clause 70 as amended was put and carried and added to the Bill.

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New clause after clause 70

Mr. P. PEDDIRAJU:—"I do not wish to move 70-A or 70-B on the agenda. I wish to move only 70-C. It runs thus:

'Add the following as sub-clause (c).

"When the amount payable as compensation under this Act in respect of the damage done to any land has been finally determined, the Collector shall,

(a) if the land affected be ryotwari land classified and assessed to the public revenue as wet land, make such alteration in the classification or assessment, or both as may be suitable with due regard to the alteration in the supply thereto, of water for irrigation;

(b) if the land affected be other than ryotwari land, make such alteration in the peshkash, quit-rent, jodi, water-rate or other similar payment due to Government in respect of the estate wherein the land is situate or of the land itself as may be suitable with due regard to the manner in which such peshkash, quit-rent, jodi, water-rate or other similar payment was originally fixed;

(c) if the land affected be land in an estate (other than landholder's private land) held by a ryot at a money rent, make such reduction in the rent as may be fair and equitable with due regard to the alteration in the supply thereto of water for irrigation.

"Such alteration in the classification or assessment, peshkash, quit-rent, jodi, water-rate or rent shall take effect from the date of the alteration in the supply of water."

"I wanted to have an amendment like this passed in the Select Committee itself, but the Government Member said that the necessary modifications might be made in the rules. I thought over the matter and have come to the conclusion that it is better to have a statutory provision to this effect. My idea is that if water is stopped and damage caused to any land registered as wet and assessed at the wet rates, an alternative will have to be found. So far as that is concerned it can be done under the Land Settlement Rules. In the case of ryotwari lands some statutory rules are necessary. Again, in the case of lands within an estate held by a ryot at a money rent, there must be some means by which the rate should be fixed. There is no provision in the rules to that end. I think it is necessary to effect this especially when we are framing a statute which deals with all classes of cases."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I second it."

Mr. E. W. LEGH:—"The point raised by the hon. Mover is worth considering seeing that the Bombay Act has some provision similar to this. But I would like to say that the wording of the proposal requires some change. It is, however, necessary to consider whether it is a proper thing to have in an irrigation. I do not know if there is any very strong objection to have some provision of this sort, and if the House desires generally this, it may be adopted with some change in the wording."

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"If this particular amendment is permitted to lie over till to-morrow morning, we shall bring in a slightly altered amendment in its place."

The consideration of the amendment was held over till the morning of the next day.

Clause 71.

Mr. R. SRINIVASA AYYANGAR:—"With the permission of the House I beg to move:

"After the words 'authorized by him' insert the words 'in writing'."

"It is purely a verbal amendment. I think it is better that the authorization should be in writing instead of being left to inference."

Mr. M. R. SETURATNAM AYYAR:—"I second it."

Mr. E. W. LEGH:—"Sir, I may point out the difficulty in accepting this amendment. Supposing there is a real emergency of the kind contemplated in this section and the irrigation officers are trying to stop a breach, it would be necessary for them, before they attempt to stop the breach, to find ink and pen to give a written authorization. I think that in cases of emergency written authorization should not be the rule."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"There is further the trouble that a telegram also may not be an authorization in writing."

Mr. R. SRINIVASA AYYANGAR:—"I doubt very much whether it will not be possible even in cases of extreme emergency to get a small sheet of paper whereon to write an authorization."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"What about a telephone message?"

Mr. C. V. VENKATARAMANA AYYANGAR:—"Telephone messages and telegrams very often prove dangerous."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"But an emergency may be more dangerous."

The motion was put and lost.

Mr. K. KOTI REDDI:—"Sir, before you put the whole clause I just want to have some information from the hon. the Law Member. The purport of the whole chapter is to supply materials for works in emergencies. But I find that that purpose would not be served by the section as it is worded. The corresponding section in the old Act of 1858 gives power to the irrigation officer to entrust his power in his absence to somebody else. Take, for instance, a tank which is about to be breached in the absence of the irrigation officer. If he is not authorized to entrust his power to somebody else, the section would serve no purpose."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think nothing here precludes a general authorization of the people of the locality and that is enough for the purpose."

Mr. K. KOTI REDDI:—"In the old Act there is an express provision enabling the irrigation officer to authorize the headman of the village in his absence."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"What would probably happen is that a list of persons of the locality would be drawn up and a general authorization would be given."

Clauses 71, 72 and 73 were then put and carried and added to the Bill.

Clause 74.

Mr. K. CHAYADI SUBRAHMANYA PILLAI :—"Mr. President, Sir, I beg to move :

'In clause 74 the words in the last line, viz., "whose decision shall be final" be omitted and the words "from whose decision an appeal shall lie to the Court of the district judge having jurisdiction over the local area of such removal and a second appeal shall lie to the High Court from the decision of the district judge" be substituted for them.'

"Sir, my reasons for this amendment are these. The damages and price of material cut or removed may be very large and it is unsafe to vest the Collector with power to decide finally about them. Without disrespect to the executive officers and Collectors, I think I may safely say, and I think that it is the experience of most people, that Collectors and executive officers always make a very low estimate of the price to be paid by the Government for lands acquired and I do not believe they will be more liberal or just when movables like stones and timber are seized."

"Besides, the Collectors are virtually the real parties as they stand for the Government. To make their decision final in such matters is like making the defendant the judge of the cause. As stated by me previously in connexion with clause 69, no dilatory procedure is interposed and the immediate action by the irrigation officer under the section is not hampered by my amendment. I trust, Sir, the hon. the Law Member and the House will see the danger to the landowner of making the decision of the Collector final. I request, Sir, that the House will accept my amendment."

Rao Bahadur CRUZ FERNANDEZ :—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The only cases in which the jurisdiction of the courts has been taken and the discretion of the Collector or the irrigation officer retained are those where the other procedure will be dilatory or where the value of the materials under dispute is small or where the matter is technical. Here is a case of emergency, and Government have taken certain materials. If in regard to the value of the materials you are going to have a suit, an appeal and then a second appeal, I do not think it is acceptable."

Mr. R. SRINIVASA AYYANGAR :—"Sir, clause 72 says that such materials shall be paid at the highest market rate by the irrigation officer. Assuming for the sake of argument that the irrigation officer does not do so, is it worth while taking the matter before the court and spending large sums of money?"

The amendment was put to the House and negatived.

Clause 74 was put to the House and passed and added to the Bill.

CHAPTER X.

Mr. K. KOTI REDDI :—"Sir I beg to move that :

'Chapter X be omitted and the remaining chapters be renumbered.'

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[Mr. K. Koti Reddi]

"Sir, I am afraid I have acquired a reputation for sending amendments to omit whole chapters altogether. This is really one of the objectionable chapters, though not so objectionable as the other chapter which I desired to omit. The policy of the Government throughout this Bill has been one of 'Heads, I win; tails, you lose,' in spite of professions to the contrary. I should have had no objection to this chapter if customary labour is to be paid. But it is not the case; it is to be unpaid."

"The materials that have been collected by Government hitherto with regard to the question of kudimaramat do not really give us a consistent idea of the policy of Government in regard to this matter. Government officials lay stress on the point that they want to exact work under this chapter because we have been used to get work free. If that is the reason I can understand the position. Again, one of the reasons urged for this kudimaramat is that constant supervision which is necessary cannot be done by the Government officials and can only be effectively carried out by the villagers themselves. If that is the sole reason even that I can understand. But to combine both and say that labour should be given free whenever it suits the Government seems to me to be an untenable position. If the Government really believe that in the interests of minor irrigation works the supervision must be given to the villagers themselves, let them say so and give the necessary powers to the villagers to whom this supervision can be entrusted. But on the other hand if the Government do not care so much for the supervision as for the outlay of money that would be required if the work is to be paid, then it would be a very unjust position to make the ryots work without wages simply because they have been accustomed to give free labour. It is not the thing to be done in a country which we claim to be so civilized. The other day I gave an account of the amount of labour that is necessary in order to get water from the spring channels. If we compute it into money it would be nearly 30 or 40 rupees per acre."

"The Irrigation Commission of 1901—1903 laid some stress on this kudimaramat work. But the policy of the Government has not really been consistent in regard to this matter. One of the reasons for not introducing definite legislation with regard to this kudimaramat was that the Government of Madras had got enough money from the Government of India so as to obviate the necessity of exacting labour from the ryots for the purpose of this kudimaramat work. The Irrigation Commission thought that the necessity for the kudimaramat work is not so much the need for money as the need for efficient supervision which can be done only by the villagers themselves. But the provisions in this section really show that the real reason for this kudimaramat work is not so much the necessity for efficient supervision by the villagers themselves as the need for money. There are certain provisions by which a person who is unwilling to give kudimaramat work can compute his share in terms of money. These show the false position in which the Government are labouring. If as they say the real reason for this kudimaramat is efficient supervision only, where is the necessity for making such a provision in the Act? If it is on the other hand financial necessity, let them say so. Then let there be justice between man and man, class and class, and ryot and ryot. In cases where any new work will not pay the Government they won't undertake it; but in cases where they have been getting customary labour free they would insist on getting it. The policy of the Government is just as I said one of 'Heads, I win; tails, you lose'."

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"In olden times the ryots in the villages got certain privileges; they got the leaf manure free from the river beds. Now Government sell such things. Again, the replies received from the various Collectors show that in many districts the system is not now existing; and in many others it is not properly worked. Now to try to revive such a system would be really unjust."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In such cases it does not apply."

Mr. K. KOTI REDDI :—"The hon. the Law Member says that in such cases it does not apply. But I am sure if the administration of this system is left to the local officials they would by some means or other prove that the system still exists and that kudimaramat work must be given free."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"All that I wanted to say was that if in a locality customary labour was not exacted before the fact can be established by a suit in a court of law."

Mr. K. KOTI REDDI :—"Very few people will file suits against the Government."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Our hon. Friend proceeds to say that very few people file suits against Government. But that is not my experience."

Mr. K. KOTI REDDI :—"If it is a question of one man, then that man will file a suit against the Government; but when it is a question affecting the interests of so many men, then none of these will come forward with a suit against the Government. Every one will be thinking that it is the other man's business. I can claim to have more experience."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Certainly myself."

Mr. K. KOTI REDDI :—"Then look at the amount of labour that is required free. If it is small petty labour I can understand. Look at section 76, which details such works as removal of prickly-pear, etc., which involve a large amount of work which must not be exacted free. I don't see the difficulty of Government in accepting my proposition. Is there any reason that we should perpetuate an unjust system simply because it has been customary? So many things in this world are customary; and on that score do the Government accept all those things?"

"With regard to the river channels, as I have already said the ryots have to bestow a large amount of labour which would cost thirty or forty rupees per acre. In olden days the magnificent tanks that we see in our Presidency were constructed by our rajas and they did not care whether they would be remunerative or not; because those rajas did not care for money so far as the saving of human lives was concerned."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We are yet to know whether the provincial contributions were on the same scale." (Laughter)

Mr. K. KOTI REDDI :—"There was no necessity for provincial contributions." (Laughter.)

"The whole thing here has been based on a wrong policy. I shall repeat again that Government will not construct any work if they do not get something out of it; on the other hand they will enforce customary labour simply

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because it has been given free till now. Even in India it is not too much to say that the ryots need more freedom. I sincerely believe that it would be much better if the whole chapter is omitted."

Mr. R. SRINIVASAN :—"Under the old system of customary labour, the members of the depressed classes generally did all the work; whenever any thing was to be done in respect of any channel or work of irrigation in a village, the people have only to go to the cheri and extract the requisite labour out of them without any payment in return. That was the old custom and the system of work that was maintained. At present however provisions are made to avoid the hard conditions relating to personal service."

Mr. A. CHIDAMBARA NADAR :—"I rise to second the amendment of my hon. Friend, Mr. Koti Reddi. The provision under Chapter X cannot be found in any civilized country and I think the chapter must be deleted."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, unlike my hon. Friend, Mr. Koti Reddi, and the hon. the Seconder of his motion I think the provisions of this chapter are far from being liable to any adverse criticism, provisions which have to be encouraged because the communal spirit of the old system of working together for a common benefit is sought to be preserved by these provisions. Hon. Members will notice that care has been taken to alter the provisions of the Customary Labour Act so as to take away all the galling restrictions as to personal service and as to certain classes of people directed to render personal service. All that has been omitted and it will be found moreover that this chapter is to be applied only after a careful enquiry if the practice is in vogue in a particular place. There is also a right of suit given. Why should we obliterate a practice which has much of the old communal spirit of fellow-feeling and conjoint work for a common good purpose, and why should you take into account considerations which do not really appertain to it or considerations derived from a contemplation of the continuance of personal service which has now been taken away? After all, this is only in cases of labour necessary in small localities where the people have been doing it and will be content to do it. So far as supervision of these works is concerned, the local authorities are the best people to supervise. It may be that the boards or the panchayats which have to be created will have this matter within their jurisdiction. Moreover, Sir, it was asserted that all the old perquisites had gone away. I think hon. Members who have more experience of the district administration than I have will tell the House that the perquisites have not gone away in many districts. All that I can say is that this is a practice in essence which is good and salutary and is productive of advantage to the community and it ought not to be discouraged."

Mr. E. W. LEGH :—"Mr. President, Sir, one would think from the speech of the hon. Member that the Government have invented some new method of getting work from people not accustomed to the liability. The fact is quite different. As the House is of course aware, it is not a question of instituting a new system but of abolishing a custom where it exists. I would remind the House that taxes at present levied, especially the land-cess, are levied in most cases on the basis that certain work is done by the ryot and the whole burden does not fall upon the Government. It would immediately become a question if the whole of the work that is now done by the ryots in the

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village is to be thrown upon the public revenues; it would then become a question as to whether there would not be any necessity for levying some tax to meet the charge. For if the work that is now done by the ryot is to be done from the general revenues, is it right to tax anybody else than the village or villages concerned for the work. Would it not be right to tax them specially? If it is the desire of the hon. Member that a tax should be levied in place of the work, I will mention that section 83 provides for it. There is nothing to prevent the course laid down in that section being taken. But if the idea is to abolish altogether this work, two things have to be considered. First is the question of the cost. When a large number of small works has to be carried out the cost will not be small. It will mean an additional staff, a department will have to be maintained and will have to be paid for. Secondly, we are asked now frequently to transfer some work to the panchayats. We are asked to relieve as far as possible the village administration from the supervision of Government officials, to get rid of the Government official who does so much harm when he goes to the village by making petty exactions. It seems to me that it is a retrograde step to ask that work till now done by arrangement among the villagers themselves should now be handed over to a Government department. As regards the perquisites, the hon. Member suggests that certain perquisites have been abolished. I know that in the district of Trichinopoly the old privilege of grazing on the bunds of channels, grazing ducks which is a very favourite occupation in Trichinopoly and is a good source of revenue to the village panchayats still continues. So that it is not a case where all the privileges existed as a consequence of the customary labour having been abolished. For these reasons I would suggest to the House that we have to go very carefully before we change a factor in our scheme of village administration. It is perfectly clearly provided here that no exaction should be made; there is to be an enquiry beforehand and there is a right of suit provided for. With all these safeguards, I do not think there can be any hardship caused by carrying on the existing system."

Mr. J. A. SALDANHA :—"Sir, after careful consideration, I am inclined to support the amendment. I am afraid by this chapter we shall only be perpetuating slavery or serfdom where it had existed in former times. As of old, it is the depressed classes that shall have to do this manual labour for which they will not be paid. There is a section in the Act which enables people not able to render this service to commute it. It would go very hard upon certain classes of people who have been impoverished now. There was a time when the cultivating classes were well-to-do but now on account of much indebtedness, they have become impoverished. If the members of the depressed classes and these people were asked to pay an equivalent or double the equivalent of the value of their service, it will be found to be a great hardship. I do not see any reason why this serfdom which was prevalent as a custom in certain villages should be perpetuated by means of this chapter. The conditions referred to by the hon. Members on the other side are not at all sufficient to prevent persecution of some classes of people who will be pressed to do service like the serfs of former times. For these reasons, in the interests of humanity, I think that this chapter should be omitted from the Bill for the present. If necessary, we shall introduce the chapter later on with the necessary restrictions."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am sorry, Sir, that in spite of all that has been said I have to oppose this amendment. The

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amendment is for omitting this chapter. Speeches have been made that the Government should be made to do all the repairs. If this chapter is removed, the result will be that the kudimaramat system will remain there but unregulated as it is at present. Many of the people who are interested in such kudimaramat know the difficulties attending it. In such cases the Government do not do the repairs; the villagers do not combine and the channels are going to ruins and the people who have to get water from these channels have to suffer. One other difficulty that may be experienced in many districts is that the Government begins to say that everything comes under kudimaramat and refuses to do any repair, legitimately or otherwise thrust as a burden on the people. In our district especially we had to file a suit and get a declaration in this matter. It is to avoid both these difficulties that I think some enactment is necessary. People who do not contribute towards the usual kudimaramat are hereby compelled to do it so that all works now done by kudimaramat may be done regularly. Next, there is ample provision to prevent the Government from introducing new systems into this kudimaramat. I do of course say that the provision as it is framed is not quite satisfactory. Probably we will have to move some amendments. But to omit the whole chapter without a provision that the Government shall do hereafter all that was done by kudimaramat is not the right thing to do. Even if the liability is cast upon the Government there will be a very legitimate grievance that the general tax-payer should pay for the work that has been done till now by a particular class of people. The amendment seems to be a dangerous one for these reasons and I therefore oppose it."

Mr. B. VENKATARATNAM (in Telugu) :—"Have the Government satisfied themselves that the kudimaramat system exists in any village?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Yes, in many places."

The amendment was put and lost.

Clause 75 was put, passed and added to the Bill.

Clause 76.

Rai Bahadur T. M. NARASIMHACHARLU :—"I move the following amendment :—

'In item (b) after the word "removing" insert the words "small growth of".'

"Sir, in the Select Committee I brought to the notice of the Government that the present practice is that the prickly-pear is generally removed at the cost of the Government. I think it was promised, but I do not exactly remember, that the matter would be looked into. I do not find that the section has been altered. I want that the present practice of the Government removing these should continue and hence this amendment. It will not be possible for people who reside in towns to realize the inconvenience that the villagers feel on account of this growth of prickly-pear which grows whether there is rain, or no rain and I submit that the Government should not place the burden upon the shoulders of the ryots."

Mr. R. SRINIVASA AYYANGAR :—"I second it."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It is not only because of the difficulty of the definition of ‘small growth’ that I oppose this amendment, but because once you say ‘removing small growth of prickly-pear’ and impose an obligation on the Government to remove large growths, then there is no incentive for the people to remove the small growths of prickly-pear which after all is the one that exists generally in the channels, etc. If this amendment is allowed, the people would not remove the small growth at all but they would wait until it becomes big and then the Government will have to deal with the matter. Secondly, the difficulty that was expressed was that in certain places large prickly-pear is also removed by kudimaramat. It all depends on the custom existing in each locality.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As for incentive, I do not know if there is now sufficient incentive for Government to remove the prickly-pear. Some Collectors may not care for it, and it will grow. Some may see that it is removed; and some are called prickly-pear Collectors. Others do not care and some large growths go on increasing and no notice is issued to the villagers to remove them at all. This state of things goes on until some Collector would think that plague or other thing is due to this prickly-pear, and then the ryots are compelled under the penalty of prosecution to remove all prickly-pear, and it may cost them hundreds and even thousands. If there is a statutory obligation, the tahsildars or deputy tahsildars and others will ask the villagers to remove prickly-pear. Whether the words of the amendment are vague or not, the difficulty is there, and the hon. the Law Member may modify the amendment if he wants.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I said that the idea was vague but not the wording.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ All that I say is that there is generally the growth of prickly-pear for so many years. It may be that ten years ago there was kudimaramat rule to remove all prickly-pear, but now things are going on differently, and we see prickly-pear extending over acres after acres together and to compel the ryots to remove all that is a big burden. . . .”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Then it would not be customary, if it is going on only for a short time.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ In some places the ryots are asked to remove prickly-pear between their own lands and adjacent roads. That is customary. In some places the roads are overgrown with prickly-pear, and sometime afterwards we will be asked by the taluk board or district board overseer or some other official to remove them.”

Mr. E. W. LEGH :—“ May I point out, Sir, that we are not dealing with prickly-pear on the roads, but that on tanks, channels, irrigation and drainage works?”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ If there is a channel running parallel to a road, this section will come in. (Laughter.) The difficulties are existing, and there is no use of sitting here under the fan and saying that difficulties will not come. There are difficulties, and when they are brought to the notice of the Government, there is no use of saying that these may not

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happen and all that. I hope that the hon. the Law Member would see that something is done to avoid these difficulties. Otherwise, the amendment will have to be passed.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Sir, there is at present a Board's Standing Order under which the Government very well understand the distinction between small and big prickly-pear. I am surprised to see that the hon. the Law Member is not able to perceive the difference between ‘small’ and ‘big’. (Laughter.) And I cannot give any credit to the officers who cannot or will not understand the difference between small growth of prickly-pear and big growth in villages. If they cannot distinguish like that, they are not worth the salt. . . .”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Apart from the interesting question as to whether myself or the officers are worth their salt or not, the point is if we insert the words ‘small growth of prickly-pear’, there will be no incentive to remove the small growth, and there will be a temptation to allow it to grow until the Government comes in and removes it.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ But there is the watchful Government and its officers to see that this small growth is removed. If you look to the section, it says, ‘after inquiry in the prescribed manner, etc.’. The officers are to make an inquiry. Will they not be vigilant and see that the small growths are removed? Therefore, the difficulty that the hon. the Law Member is labouring under is not at all real. So, I say, Sir, that if we once allow the clause to be in such general terms like this, then the Government will come to the conclusion that every growth of prickly-pear must be removed by customary labour, and in the case of large growths, it will of course be out of the power of the poor people to do. Therefore, I submit, that if the hon. the Law Member insists on the incentive, I also insist on the same incentive on the part of the Revenue authorities. I would therefore appeal to the hon. the Law Member to accept this amendment, because it is the custom that the Government removes all big growths of prickly-pear.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Then, that custom will be continued.”

The amendment was put and declared carried. The hon. Mr. C. P. Ramaswami Ayyar demanded a poll, which was accordingly taken and the House divided as follows :—

Ayes 40.

- | | |
|--|---|
| 1. Diwan Bahadur Sir P. Tyagaraya Chettiyar. | 21. Mr. C. Maruthavanam Pillai. |
| 2. Mr. M. Devendrudu. | 22. „ G. Rameswara Rao. |
| 3. Diwan Bahadur P. C. Ethirajulu Nayudu. | 23. „ M. R. Seturatnam Ayyar. |
| 4. Rao Bahadur Cruz Fernandez | 24. „ P. Siva Rao. |
| 5. „ K. Krishnaswami Nayudu. | 25. „ K. Sitarama Reddi. |
| 6. Mr. T. Mallesappa | 26. „ R. Srinivasan. |
| 7. „ B. Muniswami Nayudu. | 27. „ K. Chavadi Subrahmanya Pillai. |
| 8. „ C. Muttayya Mudaliyar. | 28. „ M. Ratnaswami. |
| 9. „ B. Obulesappa. | 29. „ K. Venkatachala Padayachi. |
| 10. „ P. T. Rajan. | 30. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 11. „ B. Ramachandra Reddi. | 31. Rai Bahadur T. M. Narasimhaacharlu. |
| 12. „ A. Ramaswami Mudaliyar. | 32. Mr. T. M. Narayanaswami Pillai. |
| 13. „ K. Sarvarayudu. | 33. „ Abbas Ali Khan. |
| 14. „ K. Sarabha Reddi. | 34. „ R. Srinivasa Ayyangar. |
| 15. Rao Bahadur A. S. Krishna Rao Pantulu. | 35. „ V. C. Vellingiri Gounder. |
| 16. „ T. A. Ramalinga Chettiyar. | 36. „ Sami Venkatachalam Chettiyar. |
| 17. Mr. J. A. Saldanhu. | 37. „ P. C. Venkatapatiraju. |
| 18. „ P. Anjaneyulu. | 38. „ C. V. Venkataramana Ayyangar. |
| 19. „ A. Chidambara Nadar. | 39. „ B. Venkataratnam. |
| 20. „ K. Koti Reddi. | 40. Rao Bahadur C. Venkataranga Reddi. |

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Noes 18.

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|---|---------------------------------------|
| 1. The hon. Sir Arthur Knapp. | 10. Mr. G. F. Paddison. |
| 2. " Mr. C. P. Ramaswami Ayyar. | 11. " Abdulla Ghatala Sahib. |
| 3. " the Raja of Panagal. | 12. Rao Sahib T. C. Tangavelu Pillai. |
| 4. " Rao Bahadur Sir A. P. Patro. | 13. Mr. P. K. S. A. Arumuga Nadar. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 14. Rao Sahib P. V. Gopalan. |
| 6. Mr. R. W. Davies. | 15. Hony.-Lieut. Madurai. |
| 7. " P. Hawkins. | 16. Rao Bahadur P. Raman. |
| 8. " E. W. Legh. | 17. Diwan Bahadur P. Kesava Pillai. |
| 9. " P. L. Moore. | 18. Mr. P. V. S. Sundaramurti. |

40 hon. Members voted for the amendment, and 18 against. The amendment was carried.

In the absence of Rao Bahadur C. Natesa Mudaliyar who gave notice of amendment No. 310, on the agenda, Mr. K. Koti Reddi asked permission to move it, and the House accordingly permitted him to do so.

Mr. K. KOTI REDDI:—"Sir, I beg to move that *item (g) be omitted*. To be consistent with my ideas on this chapter, I ought not to have voted for Mr. Narasimhachari's amendment, and probably also not to have moved this amendment. But acting on the principle of 'something is better than nothing', I have risen to move this amendment. With all the investigations which the Government have been able to make for the last century and a half, they have not been able to enumerate the various items of kudimaramat except those mentioned in clauses (a) to (e). If after such laborious enquiries and investigations which the Government have made in this respect, they have not been able to find out any other item of kudimaramat work that has been in existence for some time, I really do not see why any liberty should be given to the Government officials to get some other work done by customary labour which is likely if this sub-clause is left as it is. There have been various items of kudimaramat already mentioned in the section, and I think to allow any more items even if they are in existence may not be desirable. I am afraid they could not have been in existence, because I believe the local officials are really careful, and they have made a very careful research, and in the answers sent to the Government by the Collectors, various items of kudimaramat have been mentioned, and I do not think it is necessary to entrust any more power to the Government and add one more to the list of items already given. With these words, I beg to move this amendment."

Mr. J. A. SALDANHA:—"I second it. Sir, I consider this clause a most pernicious one. For, here it is not only the Government but every owner or occupier of land will be exacting labour from his tenants and other classes who have been doing servile work."

5-15 p.m. Unfortunately in this House there is no one who represents the labouring masses."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"All of us are."

Mr. J. A. SALDANHA:—"One who knows the conditions in the villages will realise the difficulties this section will create. The term 'any other work' is most indefinite. If there is prickly-pear, the landlord will ask one of the tenants or one of the poor men of the village to remove it. The village officers will join the landlord and enforce the Act and exact labour without paying the least attention to the difficulties of the poorer classes. After all, a poor man cannot be expected to go to Court for exemption from the operation of this clause. It all depends upon the spirit in which the clause is enforced. If you realise what is going on in the villages, you will know that this clause will surrender a large number of the

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depressed classes and the poorer class of people into the hands of the landlord class and they will have to work without any remuneration. For this reason I appeal to the House to omit this sub-clause altogether."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not wish to take very much time of the House, Sir. The considerations advanced by my hon. Friend are considerations in respect of the chapter as a whole; because clause 76 does not give anything more than what is really the underlying principle of the chapter. The clause says 'every owner or occupier of land'. So it is not in favour of the landlords alone. Every owner or occupier of land who in a locality is doing customary labour is asked to continue that work. That is all that is required. The words 'any other work' are introduced so as to include particular work which may be customary to a locality and which may escape mention now. There will be no difficulty in this matter if clause 77 is borne in mind. If anything goes wrong the ryot concerned has a right of suit."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Mr. President, Sir, just a word in support of the amendment. I think (g) is a misprint for (f). We have supported many of the amendments of Mr. Legh moved on behalf of the Government side. Resourceful as he has been along with Advocate-General, even he has not been able to add one single work that will come under this sub-clause after ransacking the whole records. I think so far as Government is concerned, it is not possible for them to find out anything more. But there may be much nuisance and much difficulty to the ryots by the presence of 'any other work.' A resourceful revenue officer or a resourceful irrigation officer may say that a particular work comes under 'any other work'. I may say that I am against suits when they can be avoided. This chapter may be applicable to poor people and for them to go to the court, pay the vakils, go to town, attend cinemas are all too much. So far Government have not been able to find any work that can be included. If they find anything more they can move an amendment even in the third reading. We have no objection. I appeal to the hon. Member . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In the third reading only verbal amendments may be brought forward."

Mr. C. V. VENKATARAMANA AYYANGAR:—"But we are not going to finish the whole thing now."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not know why it is that the hon. Member is saying that we are not going to finish the whole thing."

Mr. C. V. VENKATARAMANA AYYANGAR:—"There is a good deal in it. We know of course the possibilities of this clause. I simply say that Government will not be able to find out any new work, because after all this hard work they have not been able to find one. He may take the assurance from me that there will be nothing more. The retention of 'any other work' is dangerous. I appeal to the hon. Member to see if it is not desirable to yield to such things especially when we express a fear."

Mr. J. A. SALDANHA:—"It may be any other work that may be prescribed."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"They are already prescribed."

Mr. R. SRINIVASA AYYANGAR:—"As one of the speakers said the words 'any other work' are delightfully vague. When we come to the specification of details in clauses (a) to (e) which are sufficiently exhaustive, it is obvious that it must have entailed considerable amount of time and labour

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on the part of the officers of the Crown. The hon. the Law Member said that there might be other kinds of work, other than those covered by clauses (x) to (e)."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Any other work must be declared by notification."

Mr. R. SRINIVASA AYYANGAR :—" What other work can there be? To me it is impossible to conceive anything more. I think clauses (a) to (e) are sufficiently wide to cover any other work also. Instead of leaving that at this uncertain state I think it is much better to omit it and prevent the clause from being misconstrued and misused."

The amendment was put and carried.

Clause 76 as amended was put and carried and added to the Bill.

Clause 77 was put and carried and added to the Bill.

At this stage (5-27 p.m.) the House adjourned to meet again at 11 a.m. the next day.

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

APPENDIX I.

[Vide answer to question No. 1216 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 17th November 1924, page 281 supra.]

Extract from the Chief Conservator of Forests' Proceedings, No. 40, dated the 22nd September 1922.

(iv) *North Arcot*.—The forests in this district are at present completely closed for removal of manure leaves.

The present Collector and the Conservator, Third Circle, state that total closure has given rise to serious discontent and has resulted in large illicit removals and they recommend therefore the opening of the reserve for removal at the rate of Rs. 2 per cart-load. The Acting Chief Conservator is not prepared to change the policy which was adopted after full consideration and which Government have already declined to alter.

APPENDIX II.

[Vide item IV at page 295 supra.]

Amendments passed in Standing Order No. 3.

The following shall be inserted as paragraph (1) of Standing Order No. 3 and the existing paragraphs shall be renumbered :—

- (1) (i). The election of the first elected President of the Council shall take place by secret ballot at a meeting of the Council convened for the purpose and presided over by the outgoing President or by any other person authorized to preside at meetings of the Council.
- (ii) The person presiding at the meeting shall submit the name of the person elected to the Governor for approval.
- (iii) No person who is a candidate for election as President shall preside at such meeting.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 18th November 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, 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 the 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.

Village monigar of Kamalapuram and the depressed classes passing through the Agraharam.

1230 Q.—MR. R. VEERIAN: Will the hon. the Member for Revenue and the hon. the Home Member be pleased—

(a) to place the whole correspondence that took place between the Government and the village monigar of Kamalapuram, Salem district, regarding the prevention of the members of the depressed classes from passing through the Agraharam to transact business in the post office and to go to the public school in the village since 9th April 1924;

(b) to name all the places where the members of the depressed classes held mass meetings and submitted resolutions to the Government and the Collector of Salem condemning the attitude of the village monigar and requesting the Government to take necessary steps against the village monigar for his behaviour and conduct at the time of the incident, i.e., on the 9th April 1924;

(c) to state whether the members of the depressed classes did not give evidence before the District Collector, Salem, on the 9th April 1924 to the effect that the village monigar actively prevented every member of the depressed classes from passing through the Agraharam on business; and

(d) to state, if the Government have no information with reference to questions (b) and (c), whether they will be pleased to call for the information?

A.—(a) No correspondence took place between the Government and the village monigar.

(b) Resolutions were received from the Malabar Adi-Dravida Association, Calicut, the Godavari Adi-Andhra Mahajana Sabha, Rajahmundry, the South Indian Depressed Classes Society, Madura, and the Adi-Dravida Mahajana Sabha, Suramangalam.

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- (c) The Collector's report does not justify such a conclusion.
 (d) Such information as is available is given in clauses (b) and (c).
 The Government do not propose to call for further information.

Mr. R. VEERIAN :—" With reference to clause (a), are the Government aware of any correspondence that took place between the District Collector of Salem and the village monigar of Kamalapuram either through their subordinate officials or directly ? "

The hon. Sir ARTHUR KNAPP :—" I am not in a position to say whether there was anything that might be called correspondence. There was an investigation made by the Collector."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask whether Adi-Dravidas are now allowed to pass through the street in the village of Kamalapuram ? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I must ask for notice."

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. Member be pleased to take this as notice ? "

The hon. Sir ARTHUR KNAPP :—" Yes, I shall consider the point."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (c) of this question, may I ask what is the conclusion that the Collector's report justifies, if it justifies any conclusion at all ? "

The hon. Sir ARTHUR KNAPP :—" May I ask on what point the hon. Member would like to have the conclusion ? "

Mr. S. SATYAMURTI :—" The question is 'whether the village monigar actively prevented every member of the depressed classes from passing through the Agraharam on business.' That question has been asked and the answer is 'The Collector's report does not justify such a conclusion'. It may probably justify the conclusion that he did not *actively* prevent them but that he might have done so passively by simply looking at the event. I want to know whether the report justifies any such conclusion."

The hon. Sir ARTHUR KNAPP :—" The answer is that it is not likely that the monigar has actively prevented any member of the depressed classes from passing through the street. He has shown himself well disposed towards the depressed classes and he has actually spent money on the education of the depressed classes."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know if the hon. Member does not believe the statement of the hon. Member contained in his question ? "

The hon. Sir ARTHUR KNAPP :—" May I point out, Sir, that he has only asked a question and not made a statement. If my hon. Friend says that every question put must be taken to be a statement for which the Member is responsible, that is a different matter."

Mr. R. VEERIAN :—" May I know what necessitated the village monigar to give up his appointment and make his son the village monigar ? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I have no information. I must ask for notice."

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Mr. S. SATYAMURTI :—" With reference to (d) of this question, may I ask the reasons why the Government do not propose to call for further information? This Council having passed a definite resolution on the subject, we are anxious to know what the Government have done exactly in the matter."

The hon. Sir ARTHUR KNAPP :—" The reason is that Government regard this particular incident as closed."

Mr. S. SATYAMURTI :—" How closed ? "

The hon. Sir ARTHUR KNAPP :—" I must leave the hon. Member to put any interpretation he likes on my statement."

Mr. S. SATYAMURTI :—" May I ask whether it is now settled so far as the Government are concerned, or whether the Government have given any instructions to see that Adi-Dravidas are given full access ? "

The hon. Sir ARTHUR KNAPP :—" No, Sir. Government have issued orders which will remove the particular grievances complained of in this instance. They have not issued any general orders."

Mr. S. SATYAMURTI :—" May I know if this street is closed to them ? "

The hon. Sir ARTHUR KNAPP :—" That is a point on which I must have notice."

Famine.

Famine work spots in Anantapur district.

1231 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

- the various famine work spots in Anantapur district in 1924;
- when each of them was closed;
- when each of them was visited by the Collector of the district or the Special Famine Officer before it was closed;
- whether any communications were sent to the Collector requesting the continuance of the works for some time longer; and
- whether any local enquiries were made in the light of the representations?

A.—(a) & (b)—

Gooty taluk.

Works.		Date of closure.	
(1) Abbedoddi	...	8th June	1924.
(2) Patakottacheruvu...	...	30th August	"
(3) Jakkalacheruvu	...	13th September	"
(4) Chikkalagurki	...	4th October	"
(5) Uravakonda	...	15th "	"

Madakasira taluk.

(1) Sivaram	...	14th June	1924.
(2) Nidraghatta	...	20th August	"
(3) Muthukkur	...	6th October	"
(4) Madakasira	...	9th "	"
(5) Agali	...	9th "	"

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Penukonda taluk.

Works.	Date of closure.
(1) Kothacheruvu	} 30th September 1924.
(2) Nagalore	

Dharmavaram taluk.

Apparasacheruvu 16th October 1924.

Hindupur taluk.

Lepakshi 9th October 1924.

- (c) The Collector inspected on 30th September 1924 and at the beginning of October 1924 some of the works before closure. The Government have no information whether the Collector or the Special Famine Officer inspected all the works before they were closed.
- (d) The Government have no information beyond that contained in the hon. Member's letter, dated 6th October 1924, addressed to the hon. the Revenue Member.
- (e) The Government have no information.

Mr. S. SATYAMURTI :—" With reference to clause (c) of this question, as to whether the Collector or the Special Famine Officer inspected all the works before they were closed, may I ask the hon. Member whether before the famine works are actually closed some responsible officer has not got to go and see and report first as to the conditions that justify the closing ? "

Mr. E. W. LEGH :—" A report is submitted to Government by either of these officers stating the general conditions. But I do not think it is always the rule that the Collector should inspect before the report is sent. "

Mr. S. SATYAMURTI :—" May I know, then, if neither the Collector nor the Famine Officer does inspect, who inspects the locality ? "

Mr. E. W. LEGH :—" I cannot say that. In one or two cases the Collector went and inspected. But I do not know who did so in the other cases. "

Mr. S. SATYAMURTI :—" I am not asking the names of the persons who do inspect. I only want to know the grade of officer who does that generally. Because, it is important to know that some fairly responsible officer goes there and reports that a particular famine work might be closed. "

Mr. E. W. LEGH :—" I cannot answer that, Sir. "

Mr. S. SATYAMURTI :—" May I ask, Sir, what are the conditions, generally speaking, under which the Government order closing of these schemes ? "

Mr. E. W. LEGH :—" The state of the season, the number of persons attending them at the time and so forth. "

Mr. S. SATYAMURTI :—" With reference to clauses (d) and (e) of this question, may I ask whether the Government will find out whether the Collector examined the recommendations made in the letter of the hon. Member of this House or whether he caused any enquiries to be made in the matter, and if not why not ? "

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Mr. E. W. LEGH :—" I will place the matter before the hon. the Revenue Member. "

The hon. the PRESIDENT :—" I have to inform the House that the hon. the Revenue Member has sent word that he is not well. "

Mr. S. SATYAMURTI :—" So I understood from the hon. the Law Member. "

Recommendation of the last Famine Committee.

1232 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state why the unanimous recommendation of the last Famine Committee laying down ordinarily that a famine work should not be expected to serve people living beyond a radius of five miles from the work-spot was ignored recently in the Bellary district ?

A.—The Famine Code Revision Committee's recommendation was not ignored recently in the Bellary district and it was taken as a working guide as laid down in paragraph 12 of G.O. No. 978, Revenue, dated the 22nd June 1923, when the relief work at Kolar was opened.

Mr. A. RANGANATHA MUDALIYAR :—" The Government say that the recommendation was not ignored. The recommendation was that a famine work should not be expected to serve people living beyond a radius of five miles from the work-spot. The area is about 500 miles. At that rate I contend that the famine work may not be useful. That is why I ask if that rule has not been ignored. "

Mr. E. W. LEGH :—" As regards the rule, may I draw the attention of the hon. Member to the exact wording of it :

" As regards the Committee's second proposal, the Government see no objection to the limit suggested as a working guide, but they think it undesirable to lay down a hard and fast rule, one effect of which might be to convert village works into public works and consequently to lead to a great increase in the cost of administration and to difficulties in finding the necessary staff. "

" That is the exact wording. As regards the particular case, there is only one work, I believe, that has been started in Bellary. It was started in an area covered by eleven villages. Of these eleven villages only three were beyond the five-mile limit. One is at a distance of six miles, another seven miles and the third six miles. The limit was treated as a working guide and not as an absolute rule. "

Mr. A. RANGANATHA MUDALIYAR :—" My objection is this, Sir. In the case of the one work that has been started people who live within five miles can come. There is no provision for the relief of distress in villages beyond five miles. So I say, according to the principles that have been accepted by the Government, as a working guide, they should have started more works elsewhere so that there might be relief to more men. "

Mr. E. W. LEGH :—" If the hon. Member is raising the question why more works have not been started, I am afraid that was not the interpretation put upon the question. Then I must ask for notice. "

Mr. A. RANGANATHA MUDALIYAR :—" I had asked a series of questions and this was one of them. If this question had been taken up for being answered along with the rest my intention would have been quite obvious. "

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Floods.*Lands rendered uncultivable in Malabar owing to flood.*

1233 Q.—Rao Bahadur O. M. NARAYANAN NAMBUDEPPAD: Will the hon. the Member for Revenue be pleased to state—

(a) whether he has received any reports from the Collector regarding lands rendered uncultivable in Malabar owing to land-slips and silting by flood;

(b) whether the Government propose to give any financial help to the owners concerned for reclamation of such lands; and

(c) whether any orders have been issued in the matter of remission of taxes in respect of these lands?

A.—(a) In his preliminary report, the Collector reported that an extent of 1,097 acres of wet land and 6½ acres of dry land was rendered unfit for cultivation in the Walavanad taluk owing to land-slips and promised to send a further report on the extent of land rendered unfit for cultivation on account of silting, land-slips or other causes as soon as he could get complete and reliable figures. The further report is awaited.

(b) The Member of the Legislative Council is referred to the orders in G.O. No. 1599, dated 15th October 1924.

(c) The Member of the Legislative Council is referred to Press Communiqué, dated 13th September 1924, published on page 1081 of Part I of the *Fort St. George Gazette*, dated 16th September 1924.

Mr. K. PRABHAKARAN TAMPAN:—“With reference to (a), may I know when the preliminary report was sent by the Collector?”

Mr. E. W. LEGH:—“I think it was on the 21st August.”

Mr. K. PRABHAKARAN TAMPAN:—“Am I to understand that from 21st August till this day no further report has been received by the Government?”

Mr. E. W. LEGH:—“We have a further report but it is not final report. The Collector says he is unable to give anything like a final information till the crops are grown.”

Mr. K. PRABHAKARAN TAMPAN:—“It is only with reference to Walavanad that the information is given. May I know if the Government have any information about Ernad, Pollachi and other taluks?”

Mr. E. W. LEGH:—“No complete information.”

Mr. K. PRABHAKARAN TAMPAN:—“With reference to clauses (b) and (c), may I know, in virtue of the orders referred to, whether any money has been given for the removal of the silt?”

Mr. E. W. LEGH:—“I am afraid I cannot say whether any money has been given.”

Mr. K. PRABHAKARAN TAMPAN:—“May I know if any applications have been received from the ryots and if so, their number?”

Mr. E. W. LEGH:—“They do not come to the Government.”

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Depressed Classes.*Obstruction of the castemen of Pinalur to the use of public streets by the depressed classes.*

1234 Q.—Mr. R. SRINIVASAN: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the members of the depressed classes are prevented from walking through public streets inhabited by caste Hindus by the castemen of the village of Pinalur in Chidambaram taluk; and

(b) whether a collection of 4 annas was made by caste Hindus for every cart taken by a member of the depressed classes through the streets of Pinalur?

A.—(a) No. There have been difficulties about funeral processions of Adi-Dravidas passing through the streets inhabited by caste Hindus. Steps are being taken to settle the matter amicably.

(b) No. A fee of 4 annas is levied from the owners of carts coming in from other villages to buy manure, straw, etc., irrespective of their caste.

Mr. A. RANGANATHA MUDALIYAR:—“Sir, with reference to clause (b) of this question, I wish to know by whom is this fee of 4 annas levied?”

The hon. Sir ARTHUR KNAPP:—“By the castemen of the village and the fee is levied from every one including castemen.”

Mr. A. RANGANATHA MUDALIYAR:—“May I know on what authority they are doing it?”

The hon. Sir ARTHUR KNAPP:—“I have no idea.”

Mr. S. SATYAMURTI:—“With reference to clause (a) of this question, may I ask the hon. the Home Member to state the nature of the difficulties experienced about funeral processions of Adi-Dravidas passing through the streets inhabited by castemen?”

The hon. Sir ARTHUR KNAPP:—“I understand they have been prevented in the past from taking funeral processions through these streets. But I also understand that steps are now being taken to settle the matter amicably between the Adi-Dravidas and the others.”

Mr. S. SATYAMURTI:—“May I ask whether these streets are public streets, i.e., streets maintained from public funds either provincial or local board?”

The hon. Sir ARTHUR KNAPP:—“I am afraid if the hon. Member wants details, I want notice.”

Mr. S. SATYAMURTI:—“May I know if the street is a public street maintained by the local board or any private body?”

The hon. Sir ARTHUR KNAPP:—“That is a detail, Sir.”

Mr. S. SATYAMURTI:—“I am afraid the hon. the Home Member has not read through the question. The question is ‘whether it is a fact that the members of the depressed classes are prevented from walking through public streets inhabited, etc.’ I am asking whether with reference to the answer ‘through the streets inhabited by caste Hindus’, in that particular village, the streets referred to are public streets maintained by public funds?”

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The hon. Sir ARTHUR KNAPP :—"The answer is contained in the question itself. I am not prepared offhand to say whether the street is a public one maintained by the local board or union or otherwise."

Mr. S. SATYAMURTI :—"You will see, Sir, that in the answer the word 'public' is carefully omitted, whereas the question refers to public streets. I want to know whether that is due to a clerical error or whether Government have any doubt in the matter?"

The hon. Sir ARTHUR KNAPP :—"The omission has no particular meaning. The answer proceeds on the hypothesis that the streets are public."

Mr. S. SATYAMURTI :—"May I know what are the steps now being taken to settle the matter amicably?"

The hon. Sir ARTHUR KNAPP :—"I am afraid, Sir, I have not got details."

Mr. S. SATYAMURTI :—"With reference to the answer to clause (b), may I know, Sir, where all this money goes to?"

The hon. Sir ARTHUR KNAPP :—"That is a matter on which I have no information."

Mr. C. V. VENKATARAMANA AYYANGAR :—"With reference to clause (a), may I know whether the Government can tell us whether these funeral processions have been started newly or whether they have been going on for a long time?"

The hon. Sir ARTHUR KNAPP :—"That again is a matter, Sir, on which I have no information. I may perhaps supplement the previous answer by saying that I now learn that the attempt to settle the matter amicably is proceeding on the lines that the Adi-Dravidas will have access by a separate route."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"May I have your permission, Sir, to put a supplementary question which has a very important bearing on the questions regarding public streets? It is this: Whether the attention of the Government has been drawn to a circular or an order issued by the Magistrate in Palghat in connexion with a recent procession of certain villagers belonging to the Thiyya community passing through a certain Agraharam—Kalpathi Agraharam?"

The hon. Sir ARTHUR KNAPP :—"My attention has been drawn to the matter. But I am not able to say anything more as my hon. Friend himself admits that his supplementary question hardly arises out of this question."

Mr. R. SRINIVASA AYYANGAR :—"Is it not a fact that the Adi-Dravidas are trying to make an innovation in the attempt to take this funeral procession?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"May I know, Sir, whether the order referred to had the sanction of the Government?"

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

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Will the Government be pleased to inquire into the circumstances under which the order was passed?"

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The hon. Sir ARTHUR KNAPP :—"Yes; I am enquiring into the circumstances under which the order was passed."

Mr. R. SRINIVASA AYYANGAR :—"May I know, Sir, whether this attempt in Pinalur is not an innovation?"

The hon. Sir ARTHUR KNAPP :—"On that point I have no information. Again, perhaps I may supplement a previous answer by saying that I now find that the levy of 4 annas goes to the temple."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Assuming that the attempt is an innovation, is it the idea that it should not be done?"

Mr. M. RATNASWAMI :—"Is it a reactionary or a reform innovation?" (Laughter.)

Mr. T. ADINARAYANA CHETTIYAR :—"Sir, the answer to question (a) is 'Steps are being taken'. May I know who is taking the steps?"

The hon. Sir ARTHUR KNAPP :—"The Labour Commissioner."

Mr. A. RANGANATHA MUDALIYAR :—"Whatever be the institution to which the proceeds go, it seems to be quite an irregular thing. Did the Government take legal opinion on the matter, i.e., as to whether it is not an unauthorized or illegal collection?"

Mr. R. VEERIAN :—"With reference to clause (a), may I know whether the Government will be pleased to publish in vernaculars in the Agraharam that there is no objection for any class of people passing through public pathways or public roads?"

The hon. the PRESIDENT :—"The main question is about funeral processions."

Mr. A. RANGANATHA MUDALIYAR :—"Will the hon. the Home Member be pleased to answer my question if he cares to do so?"

The hon. Sir ARTHUR KNAPP :—"The hon. Member says that we should take legal opinion. I do not think there is any particular reason to do so. I am quite prepared to consider the point if it is definitely brought up. But I do not think that the question arises in connexion with the funeral processions."

Mr. R. SRINIVASA AYYANGAR :—"Is the hon. Member aware that there are particular routes for taking the corpses of even Caste Hindus?"

The hon. Sir ARTHUR KNAPP :—"I have heard of that."

Mr. S. SATYAMURTI :—"Do I understand the hon. the Home Member to say that the Government come to know of a collection of four annas from a particular class of His Majesty's subjects for which they see no legal authority and yet they want some further information before they take legal opinion in the matter?"

The hon. Sir ARTHUR KNAPP :—"The hon. Member, following his usual habit, has distorted my answer."

Mr. S. SATYAMURTI :—"On a point of order, Sir. Is the hon. the Home Member right in saying that I am in the habit of distorting the answers of Members of the Treasury Bench? Is he in order, Sir, in saying so?"

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The hon. Sir ARTHUR KNAPP :—" I am afraid, Sir, that I must adhere to my position unless you rule me out of order. In this case my hon. Friend speaks of a levy made on a particular class of His Majesty's subjects, but what I have stated is that the levy was general and was irrespective of caste. If my hon. Friend raises the issue whether the Government will enquire into the legality of such a levy from all classes of persons, that is a different matter."

Mr. A. RANGANATHA MUDALIYAR :—" That is exactly the question I wanted him to consider."

The hon. Sir ARTHUR KNAPP :—" I have said that it will be considered separately. It does not arise out of this question of the grievances of the depressed classes."

Mr. R. VEERIAN :—" With reference to clause (a), may I know whether the Government are going to follow the G.O. No. 2660 passed very recently on the recommendation of this Council? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I want notice."

Mr. S. SATYAMURTI :—" I ask for a definite ruling on the point that I have raised; because we are slowly building up these traditions and with regard to this point, whether Members of the Treasury Bench can characterise the Members of any side of the House that they are in the habit of distorting the answers of the Treasury Bench, I want your definite ruling, Sir."

The hon. the PRESIDENT :—" The hon. Member complained that what he had said had been distorted and I do not know whether such an allegation in the course of debate is itself a proper subject of complaint. It may be unpleasant, but such things are of constant occurrence and I hardly think it is a matter for a ruling. It is not an expression that would be branded as unparliamentary."

Mr. S. SATYAMURTI :—" I perfectly agree, if I may say so, if he had said that in this particular case. Then I would have had no reason to complain and I could return the compliment. But the hon. Member went beyond that and said that I was in the habit of distorting. That is a point on which I ask your ruling. I perfectly grant that in this particular matter it may be a display of dialectics which, I think, I can emulate. But whether he is entitled to characterise a man's character or his usual behaviour as being in a particular direction—a habit of distortion."

The hon. the PRESIDENT :—" If the hon. Member seriously wants me to consider the matter, all I can say now is that I have to look into it. Because I have a recollection that the hon. the Home Member made a similar complaint on a previous occasion. I shall have to satisfy myself whether that is the case. Therefore I have to look into the matter and give a ruling."

Mr. S. SATYAMURTI :—" Was it a complaint about me, Sir? "

The hon. the PRESIDENT :—" Yes."

Mr. S. SATYAMURTI :—" About distortion? "

The hon. the PRESIDENT :—" A similar thing."

Mr. S. SATYAMURTI :—" And you think whatever the hon. Member says is right? "

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The hon. the PRESIDENT :—" My recollection is that he made a similar complaint on a former occasion. I have to find out what exactly happened at that time. Then I will consider what ruling is to be given."

Mr. S. SATYAMURTI :—" Will you give it, Sir, at your earliest convenience? "

Mr. P. ANJANEYULU :—" May I just add, Sir, that when the ruling is given, you may consider also the point whether it is the privilege given to the Treasury Bench alone or to any other Member of the House? "

Mr. K. PRABHAKARAN TAMPAN :—" With reference to the supplementary question put by Sir K. Venkatarreddi Nayudu regarding Kalpathi agharam, may I know, Sir, whether the agharam is a private street or a public street? "

The hon. the PRESIDENT :—" I think we are travelling beyond the particular question before us."

" I may add that since the hon. Member for the University is particular to have a ruling, I should like to have the point of order set out in writing."

Mr. K. PRABHAKARAN TAMPAN :—" May I have an answer to my question, Sir? "

The hon. the PRESIDENT :—" It does not arise out of this question."

Emigration.

Emigration of agricultural labourers to Straits Settlements from the flooded areas.

1235 Q.—Mr. A. CHIDAMBARA NADAR : Will the hon. the Home Member be pleased to state—

(a) the number of agricultural labourers who have left the flooded areas for Straits Settlements;

(b) whether the Government are aware of the large demand for agricultural labour in other districts; and

(c) whether the Government have taken any steps through the Agricultural department to procure employment for them in other districts?

A.—(a) 3,029.

(b) The Government have no reason to think that there is any large demand for agricultural labourers in other districts.

(c) Does not arise.

Mr. A. CHIDAMBARA NADAR :—" May I know whether the Government have made inquiries as to the demand for labour in districts other than the flooded areas? "

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

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is it not a fact that such complaints have been received from Planters that they feel want of labour within the Presidency? "

The hon. Sir ARTHUR KNAPP :—" I am not aware of that. Does my hon. Friend suggest that labour should be diverted to the Planters? "

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Mr. C. V. VENKATARAMANA AYYANGAR :—"That is the point here. I specifically ask—probably the Labour Commissioner will be able to give us the information—whether it is not a fact that the Planters, especially those in the Anamalais, have been saying that they feel a great want of labour."

The hon. Sir ARTHUR KNAPP :—"No, Sir, I have no information to that effect."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know, Sir, whether the Government plantations in the Nilgiris and other places have never felt any want of labour?"

The hon. Sir ARTHUR KNAPP :—"It is not a question of their never having felt the want of labour. It is a question of the present conditions."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The question is that the labour felt or wanted by these Government plantations in the Nilgiris, etc., is also agricultural labour. Thus there is demand for agricultural labour in this Presidency."

The hon. Sir ARTHUR KNAPP :—"So far as the Government plantations are concerned, we have not felt any special scarcity of labour."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The question is not one of special scarcity. Is there any scarcity at all for labour?"

The hon. Sir ARTHUR KNAPP :—"The question is whether there is any 'large demand', i.e., great scarcity."

Mr. A. RANGANATHA MUDALIYAR :—"It seems to be highly objectionable that families should be broken up in this way. May I know how many, out of these 3,029 labourers, are males and how many females?"

The hon. Sir ARTHUR KNAPP :—"I have no information."

Mr. C. GOPALA MENON :—"May I know, Sir, whether the Government have information on this point—that on account of emigration of so many labourers as 3,000 and odd from the flood area, the cost of labour has gone up and that any labour available at these places is all engaged by Government in repairing breaches, etc., and that consequently private bodies are put to great difficulty in obtaining labour?"

The hon. Sir ARTHUR KNAPP :—"No, Sir. We have no specific information to that effect; and I may add that even if we had, we have no power to stop this immigration."

Forests.

Agreement between the Forest Department and the panchayatdars at Naikankatte.

1236 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Home Member be pleased to state—

(a) whether the Government are aware that a public meeting of the villagers of Kalthodu, Heranjal, Khambadkone and other places was held at Naikankatte on the 15th August 1924 to consider the provisions of the agreement proposed to be entered into by the Forest Department with the Panchayatdars and that a copy of the proceedings of the said meeting was also forwarded to the Collector of the district;

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(b) whether the Government are aware that at the meeting of the villagers aforesaid various alterations were suggested to the deed prepared by Government;

(c) whether the altered draft agreement has been approved by Government yet; if not, what orders have been passed by the Government on the subject; and

(d) if the Government have no information on these points, whether they will be pleased to call for and furnish it?

A.—(a) Yes.

(b) Yes.

(c) Draft agreements are not submitted to Government. The Government understand that the panchayats were asked to enter into fresh agreements providing for the concessions recently granted (vide answer to question No. 479 at the meeting of the Council on 22nd August 1924) and that all panchayats except the Karsegudde panchayat have done so.

(d) The Government do not consider it necessary to call for any further information.

Mr. B. MAHABALA HEGDE :—"With reference to answer to clause (c), may I know whether the concessions referred to therein are not granted in respect of all the reserved forests?"

The hon. Sir ARTHUR KNAPP :—"I am afraid I must ask for notice."

Jails.

Equal treatment to all classes of prisoners.

1237 Q.—Mr. R. VEERIAN: With reference to question 730, dated the 13th October 1924, will the hon. the Home Member be pleased to state the reason why the Government do not consider the question of giving equal treatment to all classes of prisoners in jails—vide section 387 of the Jail Manual?

A.—In deciding on the work to be allotted to prisoners, allowance is made, among other factors, to their previous occupation before incarceration, and their caste or other prejudices. The employment of a paid agency to perform work which can be done by convict labour is against the principles of prison management.

Mr. R. VEERIAN :—"Is it a fact, Sir, that the Jail Manual, section 387, 11-30 a.m. provides that when scavenging class is available among the convicts, the other members of the depressed classes who do not do the scavenging work are compelled to do this work?"

The hon. Sir ARTHUR KNAPP :—"If my hon. Friend asks me to quote him the contents of section 387, I am afraid I cannot do so. But if he is asking whether it is a fact that persons of the depressed classes are required to do that work, I can answer."

Mr. R. VEERIAN :—"I have read the section very well. May I ask whether he will be pleased to revise the section?"

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The hon. Sir ARTHUR KNAPP:—"If my hon. Friend is asking me to revise it so as to provide a paid agency, the answer is already given: 'The employment of a paid agency to perform work which can be done by convict labour is against the principles of prison management.'"

Mr. M. RATNASWAMI:—"May I ask whether persons who do not belong to the depressed classes are also made to do the work or is it only the depressed classes?"

The hon. Sir ARTHUR KNAPP:—"I do not know in what sense my hon. Friend is using the words 'depressed classes'. If my hon. Friend puts the question more specifically, I will try to answer."

Mr. M. RATNASWAMI:—"I want to know whether the scavenging work is done only by depressed classes or by persons of other classes also."

The hon. Sir ARTHUR KNAPP:—"That is a matter of which I want notice. I should have to go through the records to see exactly the class to which these persons belong."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Are the Government aware of any jail having any other system of scavenging, as for example, the flushing system?"

The hon. Sir ARTHUR KNAPP:—"I am afraid financial considerations would stand in the way of the general introduction of the flushing system."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Has any attempt been made by Government to see whether water is available?"

The hon. Sir ARTHUR KNAPP:—"We are just investigating cases in which it is possible to provide the flushing system."

Diwan Bahadur P. KESAVA PILLAI:—"May I ask whether the scavenging work is done by any of the scavengers employed for the purpose?"

The hon. Sir ARTHUR KNAPP:—"As already explained, if the scavenging class is not available it is done by members of the other classes. Perhaps I may add in this connexion that as soon as this question came up, I have been making inquiries and find that in the case of municipalities the scavengers are by no means confined to the scavenging classes."

Diwan Bahadur P. KESAVA PILLAI:—"As far as I know, the scavenging work in municipalities and local boards is done by the scavenging classes alone, not even by the sweepers. May I know, considering that the object of the prison is to elevate the prisoners, socially and morally, whether it is not necessary on the part of the Government to engage some people whose legitimate work is scavenging?"

The hon. Sir ARTHUR KNAPP:—"If my hon. Friend challenges the correctness of my statement, I may say I have obtained it on the direct authority of the chairman of a large municipality, namely, Trichinopoly, who has given it after looking into the records."

Mr. K. KOTI REDDI:—"Is there a class called scavenging class or community?"

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The hon. Sir ARTHUR KNAPP:—"I refer to what is known as the totti class."

Mr. R. VEERIAN:—"May I know whether the Government are not going to respect the sentiments of the depressed classes and see that no convict is allowed to do scavenging work?"

Mr. S. SATYAMURTI:—"In jails where—I use the words the hon. Member used—scavenging classes are not available, may I know whether the criteria are applied in the choice of other convicts of other castes or whether the work is distributed among all of them or whether the caste of a particular class is the main or one of the main considerations for calling upon them to do this kind of work?"

The hon. Sir ARTHUR KNAPP:—"Cases in which the Superintendent has to fall back on prisoners other than the members of the scavenging classes are so few that I cannot give a general answer. If an occasion did arise when no scavengers were available the Superintendent would have to make the best arrangements possible."

Mr. S. SATYAMURTI:—"With reference to the printed answer 'allowance is made, among other factors, to their previous occupation before incarceration', may I ask the hon. the Home Member what are the 'other factors' and also may I add another question at the same time, what are the 'other prejudices' besides caste prejudices, which are taken into account in deciding on the work to be allotted to prisoners?"

The hon. Sir ARTHUR KNAPP:—"As to other factors, I cannot give an exhaustive statement. They include health, education, natural aptitude etc. As regards other prejudices, I take it that they are class or racial prejudices which do not come exactly under the category of caste prejudices."

Mr. S. SATYAMURTI:—"May I know, so far as Indian jails are managed, whether there is any text-book embodying the principles of prison management, such as the one now given, viz., that they cannot employ paid agency for scavenging work? I am asking this because I am one of those who believe that imprisonment should be a means to reform the criminal."

The hon. Sir ARTHUR KNAPP:—"To give an answer to my hon. Friend's question, I should have to range over a great deal of the Jail Manual and a great deal of the Report of the Jail Commission and the resolutions of the Government of India."

Mr. P. SIVA RAO:—"May I know whether this scavenging work is entrusted only to those who have been accustomed to such work by their occupation before they have been incarcerated or to other persons also?"

The hon. Sir ARTHUR KNAPP:—"That question has already been answered on a previous occasion. It is ordinarily given only to persons whose regular occupation is such. If there do not happen to be any such people, the Superintendent has then to entrust the work to other persons, to those persons whom he thinks it can with the least objection be given."

Mr. P. SIVA RAO:—"Whether they are willing or not, whether they were consulted or not?"

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

Mr. M. RATNASWAMI :—"What other castes of people are given this work when none of the scavenger caste are available?"

The hon. Sir ARTHUR KNAPP :—"That, I am afraid, is a hypothetical question. I have already explained that the cases in which this difficulty has arisen are so few that it is impossible to give a general answer."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Has there been any attempt made to transfer prisoners of the scavenging class from one jail to another, if in the latter there are no prisoners of that class?"

The hon. Sir ARTHUR KNAPP :—"I should have no objection to considering that proposal."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Has it been tried in any case?"

The hon. Sir ARTHUR KNAPP :—"No, Sir, nor am I aware of any direct complaint that persons who have been put on to such work have objected. We have had a great deal of discussion and several meetings on this point. No reference has been made to any particular case which has happened and which has given rise to these discussions. It is merely a matter of theoretical discussion."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Can a man refuse to do scavenging work?"

The hon. Sir ARTHUR KNAPP :—"He can complain to the official visitor when he comes round."

Mr. M. RATNASWAMI :—"Can even members of the depressed classes object to work of that sort being given to them?"

The hon. Sir ARTHUR KNAPP :—"Any one can complain to the official visitors."

Mr. K. KOTI REDDI :—"Will Government please see that such persons whose occupation was not scavenging are prevented from taking up that work?"

The hon. Sir ARTHUR KNAPP :—"The whole discussion on this matter, so far as I can see, is purely theoretical, and if I have some tangible cases of complaint, I can then consider whether any change in the rules is called for."

Mr. P. ANJANEYULU :—"Suppose in a jail that work cannot be done for the scruples that are mentioned, and for want of that class of prisoners called scavenging class, will Government be then prepared to employ a paid agency?"

The hon. Sir ARTHUR KNAPP :—"If objection is raised by the prisoners to doing the work and if we consider that objection reasonable, we should be prepared to make special arrangements."

Mr. R. VEERIAN :—"Are the Government aware that in the Salem jail, members of the depressed classes who do not belong to scavenging class, are compelled to do the work according to the Jail Manual, section 387?"

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The hon. Sir ARTHUR KNAPP :—"I am not aware of what took place in that particular place. But I am prepared to make enquiries."

Civil Justice.

Civil suits disposed of by the district court of North Arcot, etc., during the years 1917 to 1924.

1238 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state the number of original suits and appeals and other civil cases, if any, respectively disposed of during each of the years 1917 to 1924 by the district court of (1) North Arcot, (2) Chittoor and (3) Nellore?

A.—The Member is referred to the special statement No. F. 4 appended to the annual statistics of civil courts which are placed on the Editors' Table. The statistics of civil courts for 1923 have just been received from the High Court and will be placed on the Editors' Table in due course. The Government are not in possession of the figures for 1924. Separate district courts for North Arcot and Chittoor were sanctioned from the 1st September 1920.

Report of Mr. K. S. Ramaswami Sastri about the work in the court at Chittoor.

1239 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state whether Mr. K. S. Ramaswami Sastri, when he was sub-judge at Chittoor, reported to the High Court that he had no work in his court, even after he had practically relieved Mr. Sykes, the District Judge, of his civil work and whether a number of suits and appeals had then to be transferred to his file from the North Arcot district?

A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR :—"It seems to be an important question connected with retrenchment, and Government say 'they have no information.' Will they be pleased to call for it?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Yes."

Criminal Justice.

Orders as to inquiry into petty criminal cases.

1240 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that orders have been passed in the Salem district that no village magistrate should enquire into any petty criminal case if there is no village chavadi in the village and that the Police also are refusing to take cognizance of such cases;

(b) whether this rule is in force in other districts and if so, in what districts;

(c) whether the practice leads to an increase in the number of petty thefts, etc.; and

(d) whether the Government are taking any steps to remedy the defects?

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- A.—(a) & (b) In consequence of a ruling of the High Court, the Government have issued an order that village magistrates should be instructed not to resort to clause (1) of section 10 of Regulation XI of 1816 in villages where there are no choultries. It is a long standing rule that the Police should not take cognizance of petty thefts of property not exceeding one rupee in villages unless the theft is of a sheep or goat or the work of an old offender or professional criminal.
- (c) The Government have no information as to this.
- (d) The Government are considering the matter.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ It is said that the ‘ Government are considering the matter.’ If there has been any subsequent decision arrived at, I shall be glad to know. Otherwise, I would like to know what the Government has to say in the interim as to these petty offences which cannot be tried by any village magistrate and which are not taken cognizance of by the Police ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I do not know whether any case has arisen ; but I want notice.”

Village Courts Act.

Amendment to the Village Courts Act.

1241 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Law Member be pleased to state—

(a) whether the Government have concluded its deliberations regarding the amendment to the Village Courts Act with reference to the answer to the question No. 713, dated 22nd March 1924 ; and

(b) if the answer is in the affirmative, what is the result ?

A.—(a) & (b) The Government have not considered the question.

Mr. B. RAMACHANDRA REDDI :—“ Am I to understand, Sir, that the Government do not think it necessary to consider over the question ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ We have not said so.”

Mr. B. RAMACHANDRA REDDI :—“ In view of the fact that the consideration has been delayed so long, may I have some information whether it will be taken up soon ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ When we do consider it, we shall let the hon. Members of this House know.”

Secretariat.

Communal representation in the Secretariat.

1242 Q.—Rao Bahadur C. NATESA MUDALIYAR : Will the hon. the Member for Finance be pleased to state—

(a) the number of appointments, both temporary and permanent, that was made during the last quarter in the various Secretariats ;

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(b) how many among those appointed are Brahmans, how many Muhammadans, how many Indian Christians, how many non-Brahman Hindus and how many members of the depressed class ; and

(c) the number of Muhammadans employed in the Secretariat in the upper grade appointments and as superintendents ?

A.—(a) & (b) The hon. Member is referred to the answer given to question No. 754.

(c) The hon. Member is referred to the Establishment lists of the several departments of the Secretariat which are kept in the Council Library.

Rao Bahadur C. NATESA MUDALIYAR :—“ The answers to questions (a) and (b) are vague. I am referred to the answer to question No. 754. Now, the answer to question No. 754 refers to G.O. No. 563 of the 21st July 1923. We are allowed only one hour for questions ; I have asked for a copy of the Government Order and I have not yet got it. Now, Sir, am I to understand that in making these appointments, the communal G.O. No. 658 of 1922 is being observed ? Does not the staff existing now prove that the communal Government Order has been ignored ? ”

The hon. Sir ARTHUR KNAPP :—“ I do not think so, Sir.”

Local Boards and Municipal Councils.

The grievance of an Adi-Dravida member in the Watrap union.

1243 Q.—Mr. P. K. S. A. ARUMUGA NADAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Adi-Dravida member in the Watrap Union Board (Ramnad district) is not allowed to sit in the chair with his brother members but is forced to sit on the floor ;

(b) whether it is a fact that the Adi-Dravidas are not allowed to pass through the roads of the agrapharam maintained by the union board of Watrap ; and

(c) if the answers to (a) and (b) are in the affirmative, whether the grievances will be redressed ?

A.—The letter * of the President of the Watrap Union Board on the subject is laid on the table.

Mr. A. CHIDAMBARA NADAR :—“ With regard to this question a copy of the letter of the President of the Watrap Union Board is printed as appendix. It is stated therein ‘ There are four agrapharam streets in the abovesaid Union Board. The said streets are maintained from the Union funds. There is no habit to the Panchama castes to pass through the agrapharam streets. . . . ’ May I know, Sir, whether the resolution passed by this Council recently and embodied in a Government Order has been communicated to the President of the Union Board of this place ? ”

The hon. the RAJA OF PANAGAL :—“ It has been done, I think.”

* Printed as Appendix I on page 430 infra.

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" May I know whether habit is the final word in the matter ? "

The hon. the RAJA OF PANAGAL :—" Sir, what is meant is that it is so only as a matter of custom."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Is it the policy of the Government to do nothing to overrule this wonderful custom ? "

The hon. the RAJA OF PANAGAL :—" Government may try to do that, but as it is a matter of social usage, it will take time before it can have effect. There are similar social usages, for instance, Adi-Dravidas living in their own villages object to Brahmans entering their villages on the ground that their entry is inauspicious. We cannot do away with them by issuing Government Orders."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I wish to know, in accordance with the accepted canons of Government policy, in pursuance of which a Government Order has been issued, whether the Government rely upon habit or custom or are they going to insist upon the private rights of citizens to use all streets without opposition from any one class or community ? "

The hon. the RAJA OF PANAGAL :—" They are not prepared to follow these customs blindly."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" They need not follow blindly but how long will it take to do away with these customs ? "

The hon. the RAJA OF PANAGAL :—" I cannot say how soon we can do away with these customs, but they will disappear in the course of time."

Mr. R. VEERIAN :—" With reference to clause (a), may I know whether there is any other letter of an Adi-Dravida member declining to sit with other members, and sitting on the floor ? "

Mr. M. RATNASWAMI :—" May I ask whether the other members of the union are co-operating with the board ? "

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

Mr. P. SIVA RAO :—" Has the truth of this statement been verified ? "

The hon. the RAJA OF PANAGAL :—" There is the report and the Government have no reason to suppose that the report is a false one."

Mr. S. SATYAMURTI :—" In answer to this question a copy of a letter from the President, Watrap Union Board, is furnished. In a way, the exclusion of certain classes of people is admitted. That being the case, have the Government taken any steps or will they take any steps at least to bring to the notice of the union board the Government's strong desire to remedy this state of things ? "

The hon. the RAJA OF PANAGAL :—" The Government have no objection to bring to the notice of the union board their desire."

Mr. M. RATNASWAMI :—" It is seen from the letter of the Chairman of the Union Board that he has no particular objection to the Adi-Dravida Member taking his seat in a chair. It is quite possible that the other members might have some objection. Will the hon. the Minister kindly enquire ? "

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The hon. the RAJA OF PANAGAL :—" It may not serve any purpose to enquire into a matter like this. The Government do not think that it will be proper for them to force members to give up their social customs."

Mr. A. CHIDAMBARA NADAR :—" May I know what steps the Government have taken to do away with the immemorial custom of not allowing panchamas to pass through the aghrahams ? "

The hon. the RAJA OF PANAGAL :—" I have already stated that the matter will be brought to the notice of the union board concerned."

Mr. M. RATNASWAMI :—" Is there no remedy against disobedience of the orders of Government by the union board ? "

The hon. the RAJA OF PANAGAL :—" They cannot interfere with the conscience of a member when he objects to another member sitting with him. Government cannot force him to do so against his will."

Mr. M. RATNASWAMI :—" Are the personal scruples of a member to prevail against the interests of the administration ? "

The hon. the RAJA OF PANAGAL :—" I do not think in such matters the Government can interfere."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Do not the Government think that they can remove such a person from the membership on the board ? "

The hon. the RAJA OF PANAGAL :—" They cannot."

Mr. R. VEERIAN :—" May I know why the word 'panchama' is used in the letter by the President of the Union Board ? (Laughter.) There is a Government Order to the effect that that word should not be used. May I know why it has been ignored ? "

The hon. the RAJA OF PANAGAL :—" Because that word has been used for centuries together and I am afraid the hon. Member himself might sometimes use that word."

Mr. R. VEERIAN :—" Will the attention of the President, Union Board, be drawn to that Government Order ? "

Remissions under section 90 of the Local Boards Act, 1920.

1244 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Minister for Local Self-Government Department be pleased to state the year or years since 1906 in which remissions, under section 90 of the Local Boards Act of 1920, are allowed to zamindars in the permanently-settled estates of this Presidency ?

A.—The remission of land cess under section 90 of the Madras Local Boards Act, 1920, is allowed every year to proprietors of permanently-settled estates.

Damages in South Kanara on account of floods in 1923.

1245 Q.—Mr. B. MAHABALA HEGDE : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many bridges, both small and big, were totally or partially destroyed in the district of South Kanara by the floods of 1923 ;

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(b) whether it is a fact that portions of Mangalore-Karkal and Mangalore-Bantwal district board roads affected by last year's floods are not yet repaired and that cars, carts, and motor busses cannot run through and consequently traffic has suffered affecting the public seriously; and

(c) whether Government gave grants for repair of bridges and roads damaged by floods of 1923 in South Kanara, Tinnevely and Vizagapatam districts, and, if so, how much to each district?

A.—(a) & (b) The report * of the President, District Board, South Kanara, on the subject is placed on the table.

(c) The grants noted below have been given to the local bodies in the South Kanara, Tinnevely and Vizagapatam districts:—

Name of local body.	Purpose for which grant was given.	Amount.
1. South Kanara District Board.	Redocking of the Panemangalore bridge.	Rs. 30,000
2. Palamecottah Municipal Council.	Repairs to the trunk road ..	2,500
3. Eral Union Board (Tinnevely district).	Repair of the main road ..	2,000
4. Vizagapatam District Board.	Repair of approaches to the Chittavalasa bridge.	2,049
	Improvements to the same approaches.	3,020
5. Vizagapatam Municipal Council.	Repairs to other trunk roads ..	3,980
	Repair of roads and water works.	16,450
6. Bimlipatam Municipal Council.	Repair of trunk roads ..	1,050
	Repair of other roads, drains and buildings.	3,497

Muhammadan nomination for the presidentship of the district board, Vizagapatam.

1246 Q.—Munshi ABDUL WAHAB SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have received any mahazar from the Muhammadan community of the Vizagapatam district, praying for the nomination of one of its representatives for the presidentship of the district board, Vizagapatam; if so, whether the District Collector was consulted in the matter and was asked to propose any names from among the Muhammadan community?

A.—A mahazar was received. The Collector was asked whether he could recommend a Muhammadan, a Christian or a member of the depressed or backward classes.

Mr. R. SRINIVASA AYYANGAR:—“May I ask the hon. the Minister whether the presidentship of the Vizagapatam District Board has not since been thrown open for election?”

The hon. the RAJA OF PANAGAL:—“It has been thrown open for election.”

Mr. S. SATYAMURTI:—“May I know what was the answer of the Collector to the reference from the Government?”

The hon. the RAJA OF PANAGAL:—“It is confidential.”

* Printed as Appendix II on pages 431-432 infra.

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Mr. S. SATYAMURTI:—“The answer is: ‘The Collector was asked whether he could recommend a Muhammadan, a Christian or a member of the depressed or backward classes.’ I am asking whether the Collector recommended or said that he could not recommend.”

The hon. the RAJA OF PANAGAL:—“I do not wish to say whether he recommended or did not recommend. It is confidential.”

Election of its president by the Godavari District Board.

1247 Q.—Mr. C. RAMALINGA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Godavari District Board passed a resolution asking for power to elect its president and on what date;

(b) whether Government consulted the District Collector in the matter; and

(c) what views the Collector expressed and on what date?

A.—(a) The Godavari District Board passed resolutions in March 1921 and March 1923 praying for the grant of the privilege of electing its president.

(b) The answer is in the affirmative.

(c) The Collector's report is confidential and the Government are not prepared to disclose its contents.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—“May I know if the attention of the Government has been drawn to the fact that the roads in the Godavari district are in a very bad condition.”

The hon. the RAJA OF PANAGAL:—“Sir, that question does not arise from the answer given.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—“It arises in this way. The request of the district board to have an elected president was mainly based on the consideration that the present president in consequence of his old age is inefficient and unable to do his work. Is it a fact that the present president has been unable to spend even 10 per cent of the amount budgeted for the roads?”

Mr. A. RANGANATHA MUDALIYAR:—“The question is fairly clear. Is it open to any Member, Sir, to use this question as a peg and inflict a speech about the capacity or incapacity of a particular president?”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—“The question is based upon the request of the district board”

The hon. the PRESIDENT:—“A point of order has been raised and I must give a ruling. The hon. Member, Mr. Ranganatha Mudaliyar, is right and the Government themselves could have raised the point of order.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“May I know if the district board has passed any resolution about the nomination after the nomination was made?”

The hon. the RAJA OF PANAGAL:—“Sir, I do not think there has been any resolution of the board subsequent to the nomination of the present president.”

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Mr. C. V. VENKATARAMANA AYYANGAR :—"Does it mean that the Government nominated this president after the district board passed a resolution asking for an elected president?"

The hon. the RAJA OF PANAGAL :—"Yes, Sir."

Mr. K. KOTI REDDI :—"What was the reason for the refusal of the Government to allow the district board to have an elected president?"

The hon. the RAJA OF PANAGAL :—"Sir, the reason is that the Government thought that in spite of the resolution the president should be nominated."

The hon. the PRESIDENT :—"As regards Sir K. Venkatarreddi Nayudu's question I distinctly think that it does not arise out of the supplementary answer given. I have ruled many times that a supplementary question is in order only when it is intended to clear up a point in the answer that is not obvious. The hon. Member's question is not one of that kind. I think the Government were perfectly right in not answering it."

Mr. P. SIVA RAO :—"How long ago was this president of the district board nominated?"

The hon. the RAJA OF PANAGAL :—"I think it was in 1923."

Mr. P. SIVA RAO :—"Was the reason for not throwing open the presidentship for election published in the *Fort St. George Gazette*?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"May I know if the president of the district board spent any money for the maintenance of the roads?"

The hon. the RAJA OF PANAGAL :—"I think he spent money for the maintenance of roads."

Mr. B. VENKATARATNAM (in Telugu) :—"Was the resolution for throwing open the presidentship of the district board passed unanimously or by a majority?"

The hon. the RAJA OF PANAGAL :—"I cannot say that."

Board schools in the Presidency.

1248 Q.—Mr. K. SARABHA REDDI : Will the hon. the Minister for Local Self-Government be pleased to place on the table statistics to show the number of board schools each taluk board maintains in the Presidency, percentage of expenditure with reference to total receipts, and reasons for their disparity?

A.—A statement * showing the number of schools now maintained by each taluk board is given in the appendix.

The percentage of expenditure incurred on them in 1922-23 by the taluk boards in each district, out of general revenues to the receipts under that head is given below. Later figures are not available. Nor is it possible without considerable time and labour to compile figures for each taluk. If the hon. Member specifies any particular district the Government will furnish him the figures for the taluks in that district.

* Printed as Appendix III on pages 433-435 infra.

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The disparity is mainly due to the difference in the number of schools maintained and the respective financial condition of each taluk board. The presence of endowments is another factor which affects the percentage.

Agriculture.

Mr. Broadfoot, the Principal of the Agricultural College, Coimbatore.

1249 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(a) when Mr. Broadfoot was appointed Principal of the Agricultural College at Coimbatore;

(b) whether he has since done any teaching work in the College and, if so, in what subjects and for how many hours;

(c) whether, in or about 1920, he was offered any appointment in the Coimbatore College and, if so, what that appointment was and whether he expressed his unwillingness to take it up; and

(d) whether there is any express or implied rule that the office of Principal of the Agricultural College should not ordinarily be held by an Indian?

A.—(a) Mr. Broadfoot was appointed to act as Principal on 11th March 1924.

(b) No.

(c) The question of appointment of Professor of Agriculture at the College was considered in 1920. At that time it was thought that Mr. Broadfoot had not sufficient experience of agriculture in Madras. No definite offer of appointment was made to him.

(d) No.

Mr. S. SATYAMURTI :—"The answer to clause (b) is 'No.' May I know if the Principal does any teaching work and if not, what is the work he is now doing?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"He has no teaching work. He is a Cotton expert."

Mr. S. SATYAMURTI :—"May I know whether before he was appointed Principal, he ever taught anybody in the College and whether apart from his being a Cotton expert, he has got any work in the College, seeing that he has no teaching work?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"The duties of a Principal are of an administrative character."

Mr. S. SATYAMURTI :—"May I know why a man with no teaching experience was appointed Principal?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"As the duties of the Principal are more or less administrative in nature, no teaching experience was considered essential."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is there a Vice-Principal with a greater service than this gentleman?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"I think so."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" Were the claims of others, viz., that of the Professors or of the Vice-Principal, considered either at the time or before the appointment of this gentleman ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The hon. Member assumes that the Principal of a college has got also teaching work. The former Principal was also Professor of Agriculture in addition to being the Principal. Subsequently these functions were divided. Now there is a separate professor for teaching agriculture and a separate gentleman for administering the College. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" May I know the special qualifications of this gentleman ? "

Mr. A. RANGANATHA MUDALIYAR :—" In answer to clause (c) it is said that Mr. Broadfoot had not sufficient experience of agriculture in Madras in 1920. May I know how many years' service he had put in up to that time ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Two or three years. I must refer to the records to give a definite answer. "

Mr. A. RANGANATHA MUDALIYAR :—" There is no answer to the question whether in or about 1920 he was offered any appointment in the Coimbatore College and, if so, what that appointment was and whether he expressed his unwillingness to take it up. I want to know whether it is a fact that he gave it in writing that because he did not consider himself fit for it he did not want an appointment in the Agricultural College when he was offered one in 1920. "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is a fact. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if there are not Indians, like the Vice-Principal, senior to this gentleman with administrative experience also qualified for the post ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I am afraid the answer is in the negative. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" So, the qualifications of others were considered and they were found to be inferior to that of this gentleman ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes, the Government always consider those points. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" May I have an answer to my question about the special qualifications of this gentleman ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" For the principalship of the College he has the necessary administrative experience. "

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" What is the administrative work in which he showed exceptional abilities ? "

Mr. K. KOTI REDDI :—" Do not his duties as Cotton expert take him away from the College and prevent him from discharging his duties as principal properly ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The answer is in the negative. "

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Mr. P. ANJANEYULU :—" Before he was appointed, what administrative work was he doing ? "

Mr. A. RANGANATHA MUDALIYAR :—" Was not Mr. Broadfoot in service when Mr. Parnel was appointed ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Yes, he was. "

Mr. A. RANGANATHA MUDALIYAR :—" Why was he not then appointed ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" The hon. the Minister said 12 noon. that they considered this matter as they *always* do. I am not able to understand the meaning of the word 'always'. Do they always consider Indians to be inferior to Englishmen or do they always consider this man to be superior ? What is the real fact ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is only a question of efficiency. Efficiency is the test which guides the action of the Government always. "

Mr. M. R. SETURATNAM AYYAR :—" Is the incapacity of this gentleman to teach the sole qualification for his being the Principal ? "

Mr. A. RAMASWAMI MUDALIYAR :—" On a point of order, Mr. President. The hon. Member just asked whether the incapacity of the gentleman is the sole qualification for his being the Principal. I want to ask your ruling whether a question which is distinctly ironical can be asked in this House. Questions are allowed only if they seek for information. I can understand a question like this: what is the qualification of the gentleman who is appointed the principal of the college; or is the hon. the Minister aware that the gentleman is not qualified for the post which he holds. I do not think that the question now put is in order. It is perfectly legitimate as an interjection or an exclamation; but it certainly is not so as a question put to the hon. the Minister. "

The hon. the PRESIDENT :—" On the point of order, I must say that ironical questions ought not to be asked. "

Mr. A. RANGANATHA MUDALIYAR :—" Sir, the hon. the Minister made a statement that Mr. Broadfoot gave it in writing that he did not want the appointment. At the same time it is stated in the answer to clause (c) that no definite offer of appointment was made to him. How was it then that he gave it in writing that he did not want the appointment ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I want notice of the question. "

Mr. M. R. SETURATNAM AYYAR :—" The hon. the Minister said that the gentleman did not teach the classes and that his sole duty was to administer the College. I thought that the duties of a principal included teaching also. When this officer did not do so I thought he was quite incompetent to teach. I meant no harm; nor was I ironical. I was quite serious. "

The hon. the PRESIDENT :—" The hon. Member apparently wishes to justify his question. The question is capable of only one interpretation and that is the one put upon it by the hon. Member for Chingleput. I am sure the House also agrees with me. Ironical questions are unfortunately often asked in this House but when they are asked, there is no use denying the fact. "

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Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"What are the university qualifications of this gentleman?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"I want notice of the question."

Mr. S. SATYAMURTI :—"Between the date when he was offered the appointment and he thought that he was not quite fit for it and the date when he was actually appointed, what had happened to make him quite fit for the post?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"All these questions proceed on the assumption that the principal of the College should do also teaching work. I have definitely stated that teaching forms no part of the duties of the Principal of the Agricultural College. It is thoroughly administrative."

Mr. C. V. VENKATARAMANA AYYANGAR :—"If the Professor of Agriculture takes leave then it would be better if the principal also is capable of teaching. He might then take his classes. Did the Government contemplate this contingency when they made this appointment?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"The question will be considered when the contingency arises."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Was that considered at all in this case?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"Before the contingency arises there is no necessity to consider it."

Mr. K. KOTI REDDI :—"Is there any other instance where the Principal of the Agricultural College is a man who had no teaching experience at all?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"When Mr. Wood was in office he was doing both the duties. After him Mr. Parnel, the Cotton expert, was appointed. He was also doing teaching work. And now this officer is appointed."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Are there not men senior to Mr. Broadfoot in the College itself?"

Fisheries.

The Chingleput-Nellore Tanks Scheme.

1250 Q.—Mr. S. SATYAMURTI : With reference to G.O. No. 217, Revenue (Special), dated 3rd February 1920, sanctioning the Chingleput-Nellore Tanks Scheme, will the hon. the Minister for Development be pleased to state—

(a) the number of buildings that were newly constructed, the numbers repaired, the number of ponds or *konerus* newly dug and repaired together with the costs and the sanctioned amount in each case;

(b) whether the works of construction or repairs were carried out by the Public Works Department or departmentally; in the latter case who prepared the estimates and who supervised the works during the construction period; and

(c) whether the person who prepared the estimates and supervised the works is technically qualified and if not why were not the works handed over to the Public Works Department?

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4.—(a) A statement* is laid on the table.

(b) Departmentally; the estimates were prepared by an Assistant Inspector of Fisheries and the works were supervised by him and other Assistant Inspectors.

(c) The Assistant Inspector who prepared the estimates had adequate technical qualifications; as the works fall under the head of 'petty construction and repair' they did not require the professional supervision of the Public Works Department.

Conversion of the fishery building at Ennore into a fishery research institute.

1251 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that towards the end of 1920 and beginning of 1921, the fishery building at Ennore was converted into a Fishery Research Institute; if so, whether Government sanctioned the scheme;

(b) what was the total amount spent on this scheme: whether the Government will be pleased to give a clear classification of the charges;

(c) whether there was any allotment in the budget for this item of expenditure; if not, how was it met;

(d) what was the object in starting this institute and what was the work turned out there as a research institute till Mr. Hornell's retirement;

(e) whether it is a fact that a magic lantern was purchased for this institution and if so, at what cost and what use was made of it;

(f) whether it is a fact that large quantities of photographic materials were purchased for this institute, even though there was no camera; and

(g) what use was made of these materials?

4.—(a) & (d) The building was not converted into a Research Institute, but up to September 1921 was utilized for training newly-recruited Assistant Inspectors of Fisheries in fishery technique and other work relating to inland pisciculture. During this period some research work was undertaken by the Assistant Director (Inland) into the life history, growth, etc., of young mullets and the sterilization of oysters. No work was done in the building from September 1921 till April 1922 when the Zoological Supply section was moved into it. This section continued there till Mr. Hornell's retirement and still continues carrying on the work of supplying zoological specimens to educational institutions.

(b) It is not possible to say how much was spent on the Training Institute or to classify the charges incurred, as these were met from "Contingencies", the expenditure from which is not recorded in detail.

(c) There was no specific allotment. The extra expenditure involved was met by reappropriation.

(e) Yes; at a cost of Rs. 258-12-0. It was used in Natural History classes and in connexion with the delivery of lectures on socio-economic matters to the Assistant Inspectors.

* Printed as Appendix IV on page 435 infra.

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(f) A sum of Rs. 60 was spent on the purchase of photographic materials. Mr. Hornell's private camera was used.

(g) The materials were used for developing plates and printing copies.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (b), may I ask whether it is impossible for the Government to give me even the total expenditure? I can understand the inability of the Government to classify the charges."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" A sum of Rs. 2,000 was allotted for this purpose under contingencies. It is not possible to pick out the several items from the contingencies and say how much of it was spent unless some labour is bestowed upon it."

Mr. S. SATYAMURTI :—" With reference to clause (c), may I ask whether this reappropriation was made with the sanction of this Council?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It was made under departmental rules."

Rao Sahib P. V. GOPALAN :—" What is the difference in the nature of the research work which is being conducted at Ennore and that which is being conducted at Calicut?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The one that is carried on at Calicut is full research work while that carried on at Ennore partakes the nature of such work to a very small extent."

Rao Sahib P. V. GOPALAN :—" So both are research works and there is no difference of any kind?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I have nothing further to add to the last answer."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (g), may I know the number of plates developed and the copies printed?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" If the hon. Member wants an answer to his question, I should like to have notice of it."

Mr. S. SATYAMURTI :—" I put the question only in order that I may have an answer."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I shall make inquiries."

Conversion of the fishery building at Ennore into a fishery research institute.

1252 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that towards the end of 1920 and the beginning of 1921 the fishery building at Ennore has been converted into a fishery research institute; if so, whether Government sanctioned the scheme;

(b) what was the total amount spent on this scheme; whether Government will be pleased to give a clear classification of the charges;

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(c) whether there was any allotment in the budget for this item of expenditure; if not, how was it met;

(d) what was the object in starting this Institute and what was the work turned out there as a Research Institute till Mr. Hornell's retirement;

(e) whether it is a fact that a magic lantern was purchased for this Institute and, if so, at what cost and what use was made of it; and

(f) whether it is a fact that large quantities of photographic materials were purchased for this Institute, even though there was no camera; if so, what use was made of those materials?

4.—The hon. Member is referred to the answer to question No. 1251.

II

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE TO DISCUSS COMMUNAL DISTURBANCES IN PALGHAT.

Mr. R. VEERIAN :—" Sir, under Standing Order No. 20, I beg to move for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, viz., the communal disturbances in Palghat firka during the car-festival at Kalpathi village on the 13th instant in utter disregard of G.O. No. 2660, dated 25th September 1924, relating to the entry into public roads by the members of the lepressed classes. I now await the decision of this hon. House."

The hon. the PRESIDENT :—" I have no knowledge of the matter; has any hon. Member of the Government any?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, no official intimation of these facts has reached Government. The only information that Government have at present is the report in certain newspapers which say merely that inasmuch as certain members of specified communities insisted on dragging the Palghat car during the car-festival and took hold of the rope attached to that car and insisted upon dragging that car in exercise of their alleged right of public worship along with the other communities, there was disturbance and some persons were seriously wounded. On that the magistrate has passed an order which is presumably an order under section 144 (2), Criminal Procedure Code. It is an *ex parte* order. On that ground and on the basis that that information has been culled from newspapers, I raise the question that the motion is out of order inasmuch as the matter is under adjudication by a court of law having jurisdiction in that part of His Majesty's dominion. If we get more thorough information about the order and if the final order is passed and if we come to know that there is anything in it, of course this motion can be made."

Mr. S. SATYAMURTI :—" Sir, I find that my hon. Friend Mr. Veerian is offering from the converse disadvantage from which I suffered when I tried to move an adjournment of the business of the House on another matter. I made a mistake, I consider that now a mistake, in informing the hon. Member of my motion well in advance. It was taken advantage of to get my motion disallowed. Now my hon. Friend . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" This statement has been made in more than one quarter. The Government was not told a minute earlier than the hon. the President was told about the motion. The Government got it from the hon. the President."

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Mr. S. SATYAMURTI:—"I am sorry to contradict my hon. Friend. The other day when the hon. Member asked me whether I was going to move the adjournment motion I told him I was going to do so."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Informal talks of that kind are not to be confused with having a knowledge of the actual terms of the motion which was definitely submitted to the hon. the President and which the hon. the President communicated from the Chair to the House in his capacity as such."

The hon. the PRESIDENT:—"We need not complicate the issues by referring to the question further."

Mr. S. SATYAMURTI:—"If that is the point, I stand corrected. I submit, Sir, that neither point of order raised by my hon. Friend governs this motion. It was once ruled by you and once by your distinguished predecessor that because an order has been passed under section 144, Criminal Procedure Code, the matter cannot be said to be under adjudication by a court of law. It is only in cases where the order referred to has been appealed against or is pending for appeal or revision before any superior court or the *ex parte* order is sought to be set aside by the same magistrate who passed the order that it can be said to be under adjudication by a court of law. You may remember, Sir, that Mr. Yakub Hassan was prevented by an order of the Collector of Malabar from delivering certain speeches in Malabar. That matter was sought to be raised in this House. Then also the same objection that the matter was under adjudication by a court of law was raised. The hon. Member, Mr. Krishnan Nayar, was then asked whether the order was appealed against, and on his assurance that it was not, the adjournment was allowed. Again, Sir, when certain orders were passed in the Tanjore district against certain hon. Members of this House and others and when that matter also was sought to be raised in this House the same point was raised and over-ruled. I therefore submit that that point is not relevant at all. As regards the other point, the hon. the Law Member said that Government have not got accurate information of the events except the newspaper report. I do not understand or appreciate the objection of the hon. Member. The incidents occurred on the 13th and we are now on the 18th and Government could have, and if I may say respectfully, should have got accurate information between the 13th and the 18th."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"That was not my point of order."

Mr. S. SATYAMURTI:—"The point of order raised was that Government had no accurate information."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"No."

Mr. S. SATYAMURTI:—"I am saying that if that is one point of order then there is no point of order at all . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I said it was not a point of order."

Mr. S. SATYAMURTI:—"It was certainly referred to."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It was referred to in order to guard myself against taking those statements to be accurate."

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Mr. S. SATYAMURTI:—"If the hon. Member's point of order is that before we can ask the leave of the House to move an adjournment, we must be in a position to assure the Government that the information is accurate, it is a feat of which we are incapable. If the Government want to verify the information, I would submit that the Government have got ample means of doing so between now and 4 o'clock. They can very well send a 'clear the line' message to Palghat and get a message back. It seems to me to be quite unreasonable to say that when we want to discuss a matter of urgent public importance, we cannot adjourn the House unless Government are already in possession of all the facts."

The hon. the PRESIDENT:—"The magistrate's order has been passed. We do not know the facts; we do not know whether it has been appealed against or not. I wish to know from the hon. Member who gave notice of this motion how he proposes to apply rule 12 (v), viz., the motion must not deal with a matter on which a resolution cannot be moved."

12-15 p.m. "I generally ask for a resolution in such cases as a test of the admissibility of the motion."

Mr. R. VEERIAN:—"Sir, I have duly complied with Standing Order No. 20 and also 21."

The hon. the PRESIDENT:—"I am directing the hon. Member's attention to rule 12 (5) of the Legislative Council Rules."

Mr. K. PRABHAKARAN TAMPAN:—"May I point out, Sir, that the order under section 144 of the Criminal Procedure Code was only for three days? It was issued on the 13th and to-day we are on the 18th. It has ceased to exist and I do not know whether any earthly purpose will be served by raising a discussion of the matter now."

Mr. R. VEERIAN:—"Sir, I beg to move that this Council recommends to the Government that early steps be taken to prevent the occurrence of such disturbances in future."

The hon. the PRESIDENT:—"The resolution is that steps be taken by Government to enforce their particular order. Is it so?"

Mr. R. VEERIAN:—"Yes, Sir."

Mr. T. R. VENKATARAMA SASTRIYAR:—"The question will be whether it raises a matter of urgent public importance."

The hon. the PRESIDENT:—"I will come later to the point whether this is a question of urgent public importance."

Mr. M. RATNASWAMI:—"Mr. President, your question to the hon. Member, Mr. Veerian, was to frame a resolution to be moved on the subject. The hon. Member has framed a test resolution."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, I do not propose to take any point of order. It is open to my hon. Friend to move it. I only wish to say that we know nothing on the matter and could not reply to the motion."

The hon. the PRESIDENT:—"I must first consider the question whether any resolution could be moved so as to satisfy rule 12 (v). I do not see that the hon. Member could move a resolution except to say that the Government

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should enforce their order against the order of the Magistrate. That would be out of order, though I have not finally said so. But it is what occurs to me on a consideration of the resolution as it is proposed to me."

Mr. M. RATNASWAMI:—"Mr. President, the resolution does not recommend any specific action to the Government. It recommends that Government do take all steps that are necessary to prevent a recurrence of such disturbances in future."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In such case, it would not be an urgent matter."

Mr. S. SATYAMURTI:—"May I submit, Sir, that rule 12 (v) as I read it does not want that the matter should be in the form of a resolution satisfying all the requirements of a resolution? What I submit to you, Sir, is this, that the matter must be such a one on which a resolution can be admitted, that is to say, it must relate to a matter primarily within the concern of the Local Government and must not relate to relations between His Majesty's subjects and Native States and all those exceptions under which you ordinarily disallow a resolution. I do not think you can apply to this motion the form of a regular resolution. What you will have to satisfy yourself about is whether it is a matter on which a resolution can be moved. The particular form will vary of course, because we will have to make it urgent on this occasion. I submit that the prevention of disturbances in a particular locality under the Government of this Presidency is a matter on which a resolution can be moved. The particular form, of course, will vary."

The hon. the PRESIDENT:—"I wanted that hon. Members would give some assistance to the hon. Member who made this motion in framing a resolution which I could consider and admit. I have not found that any resolution could be framed without reference to the order of the Magistrate. Inasmuch as it is so, I do not think that the motion is admissible. I have not considered the question of urgency. But on this particular point I think the only resolution that could be moved in consonance with the motion for adjournment would be to enforce the Government Order against the order of the Magistrate. And I could not admit a resolution of that kind. I may add that if the resolution was to be as suggested by the hon. Member for Madras, Mr. Ratnaswami, that the Government should take all steps to enforce the particular order referred to, then it would hardly be a matter of urgency."

"I therefore rule the motion out of order."

III

DEMAND FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant XXVIII.

The hon. the RAJA OF PANAGAL:—"Mr. President, I beg to move:

"That the Government be granted an additional sum of Rs. 1,50,000 for advance grants to certain district boards for repair of damage to trunk roads caused by the floods."

"Sir, it is within the knowledge of this House that the recent floods have resulted in serious damage to communications in the districts of Trichinopoly, Nilgiris, Malabar and South Kanara. And the repair of the damage

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to the trunk roads alone has been tentatively estimated at Rs. 75,550 in the case of South Kanara, Rs. 2,84,500 in the case of Malabar, Rs. 53,900 in the case of Trichinopoly and Rs. 32,750 in the case of the Nilgiris. Sanctioned estimates are not, however, ready. Presidents of the district boards have been addressed to obtain the approval of the Superintending Engineers for the estimates and report to Government as early as possible the sanctioned estimates stating the amount they require over and above the usual trunk road grant. As to the second-class roads, the presidents have been requested to have sanctioned estimates of competent authorities and state the amount they require, at the same time arranging their works in the order of urgency. All this will take time. Meanwhile, funds are required for urgent works. So far as the trunk roads are concerned, the responsibility of maintenance is with the Government. It is proposed that the Government should give advance grants to these boards. The district board of Nilgiris has already been permitted to utilize Rs. 56,600 out of a grant, given to them in the previous year, of Rs. 49,900 in connexion with another work. It is considered that a sum of Rs. 80,000 may be advanced for Malabar, Rs. 40,000 for South Kanara and Rs. 30,000 for Trichinopoly. The boards will not be permitted to take the works in hand before the sanctioned estimates are ready. These advances will enable the boards to take up the works as soon as they are sanctioned without waiting for the decision of the Government as to what exact amount they are prepared to grant them. There has been no provision in the current year's budget. The proposal has been considered by the Finance Committee and has been accepted by them. I move the demand for the acceptance of the House."

The demand was put and carried and the grant was made.

IV

THE MADRAS IRRIGATION BILL.

Clause 20.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, I am afraid by overlook, the proviso to clause 20, which was held over until clause 62 was disposed of, has not been brought up. I now propose that the hon. the Advocate-General may with your permission move for the insertion of the proviso."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Before the proviso is considered, there is a matter that has been agreed to. After clause (e) of section 20, the following may be inserted—the exact wording seeks to carry out what was already agreed to—'provided that no land in an estate shall be deemed to have appropriated water under clause (e) unless the landholder or the holder of such land undertakes to pay a cess whether or not water is taken'. I do not know, Sir, whether it is necessary at this stage to offer any explanation. The amendment is intended to achieve this end: In the case of dry lands which become entitled to water by the user of the water for a period of ten years, the Government have the right to insist that the water should be taken by registering the land wet. That is the power that they have in the case of ryotwari areas. We insist upon the ryots within an estate to give an undertaking that they would take the water from year to year paying a cess. If they give that undertaking, they would be considered to have appropriated the quantity of water that is required for cultivating their land with wet crops. It is to achieve this object that this proviso is sought to be added."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it. This is only in order to provide for cases where the rights have accrued but nevertheless the cess may be denied unless there is some provision like this. You cannot give rights to a person and then not provide for cess to be paid on the basis of the rights. The amendment is intended to cover that class of cases where by user of the water in regard to dry lands for ten years certain rights accrue. We have given these rights but there is no corresponding provision for the levy of cess in such cases."

Mr. P. ANJANEYULU :—"Does it apply to estate landholders only or even to ryotwari areas?"

Mr. T. R. VENKATARAMA SASTRIYAR :—"I may explain it, Sir. The clause itself applies to lands within an estate as well as lands in ryotwari areas. In the case of lands within ryotwari areas, the Government can compel the ryot to take the water. In the case of estates, they may or may not. It is only when the ryots take the water that the Government can claim cess and we provide here that dry lands within an estate shall be entitled to claim water from year to year if the land-owners give an undertaking that they would pay cess whether they take the water or not. If they give the undertaking, they would be deemed to have appropriated the water."

12-30 p.m. Mr. P. ANJANEYULU :—"So I take it that it applies to inam lands, estates and ryotwari lands also."

Mr. B. MUNISWAMI NAYUDU :—"May I suggest, Sir, that this amendment may be taken up after lunch and meanwhile copies may be distributed to us?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We shall take it up after lunch, and meanwhile we can go on with the subsequent clauses."

The hon. the PRESIDENT :—"What about the final proviso?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That will also come up after lunch."

The consideration of the amendments under clause 20 was postponed till after lunch.

New clause after clause 70.

Mr. E. W. LEGH :—"Sir, it was agreed that we should endeavour to draw up an amendment which would cover the purpose for which clause 70 (c) contained in amendment No. 307 on the agenda was intended. We have tried to do so, Sir, but I should like to move the following amendment, and it is possible that the wording may require some alteration afterwards, as it is somewhat heavy :—

If compensation is awarded under section 62 on account of stoppage or diminution of the supply of water to any land recognized as wet at the time of the permanent or temporary settlement, inam settlement or ryotwari settlement, as the case may be, and the amount of revenue payable to Government in respect of such land or the estate in which such land is situate has been fixed with reference to the classification of such land as wet, the registered holder of such land or the landholder of the estate in which such land is situate, as the case may be, shall be entitled so long as such stoppage or diminution continues, to the abatement of revenue

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payable to Government in respect of such land or estate to such extent as may be determined by the Collector in accordance with the rules framed by the Local Government in this behalf.

"The amendment is somewhat long-winded, but it is not very easy to put the whole matter into a short space. I should like to move this subject, with the permission of the House, to further modification of the wording if necessary either at the third reading or otherwise."

Mr. P. ANJANEYULU :—"May I suggest, Sir, that this amendment may also be taken up after lunch?"

Mr. P. PEDDIRAJU :—"May I say, Sir, that this amendment does not provide for all cases mentioned in my amendment? The cases left out in the amendment now moved are more important."

Mr. E. W. LEGH :—"I see that, but is it possible within the limits of this Act to provide for all those cases? Can we now legislate on the rights between the ryots and zamindars? That is rather a doubtful point."

Mr. P. PEDDIRAJU :—"That was provided for in the Bill of 1908. The whole difficulty arises with respect to the dispute between the landholder and the ryots. Otherwise, if it is a case as between the ryots and Government, we can get relief from the Government."

The consideration of the amendment was postponed till after lunch.

Clause 78.

Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, I move that in section 78 after the words 'in this behalf', the words 'by the District Collector' be inserted. It is for the purpose of making clear who it is that is to appoint or authorize a person to perform the duties mentioned in the section."

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The amendment was put and carried.

Clause 78 as amended was put, passed and added to the Bill.

Clause 79 was put, passed and added to the Bill.

Clause 80.

Mr. T. R. VENKATARAMA SASTRIYAR :—"I move that

'In section 80, for the word "authorized" the words "appointed or authorized" be substituted.'

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The amendment was put and carried.

Clause 80 as amended was put, passed and added to the Bill.

Clause 81 was put, passed and added to the Bill.

Clause 82 was put, passed and added to the Bill.

Clause 83.

In the absence of Mr. T. Adinarayana Chettiyar, Mr. R. Srinivasa Ayyangar requested permission to move amendment No. 313 on the agenda. The permission was accordingly granted by the House.

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Mr. R. SRINIVASA AYYANGAR :—" Sir, I beg to move the following amendment :—

' For sub-clause (2) substitute the following :—

"(2) The Local Government shall abolish the imposition of the cesses whenever the owners of a major portion of the lands served by such works so desire; and on such abolition the liability to perform customary labour shall revive."

"The existing sub-clause (2) runs thus :

' The Local Government may at any time abolish the imposition of the cess; and on such abolition the liability to perform customary labour shall revive.'

"So, instead of leaving the clause in such a vague state, namely, empowering the Local Government to abolish the cess in certain classes of cases without specifying what such classes are, all that this amendment seeks is to bring into effect the object of the section. It is in conformity with the power taken by the Local Government under sub-clause (1) of this section, which enables them in certain classes of cases to levy an annual cess from the persons who are bound to contribute such labour whenever the owners of a major portion of the lands served by such work so desire. This amendment provides for the converse case, namely, whenever the majority of the owners desire to abolish the cess, it is incumbent on Government to abolish it."

Mr. K. Koti Reddi seconded the motion.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The point is this. How is it possible for us to ascertain the wishes of the owners of a major portion of the land? And supposing we abolish the imposition of the cess altogether and revive the liability to customary labour, it may be found afterwards that the majority of the persons concerned were not properly served with notices, and it may lead to all sorts of complications."

Mr. R. SRINIVASA AYYANGAR :—" But the same thing applies in the case of the levy of cess as laid down in clause (1) of section 83."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" The point is that customary labour should be revived on the abolition of cess. And, judging from the tenour of the remarks made yesterday on the matter, I pointed out the difficulties involved."

Mr. R. SRINIVASA AYYANGAR :—" As regards the revival of customary labour, the provision regarding that still continues, for sub-clause (2) says, as it stands now, that 'on such abolition the liability to perform customary labour shall revive.' The same thing is also brought in into this amendment which I have moved."

Mr. P. SIVA RAO :—" It is quite possible to ascertain the wishes of the owners of a major portion of the land covered by such work. According to the present clause (1) of section 83, the words are : 'whenever the owners of a major portion of the land served by such work so desire'. If they so desire, the Government would levy the annual cess. This implies and involves the ascertainment of their wishes. If their wishes can be ascertained easily in this case, they can be ascertained equally well in the case covered by the present amendment also. The principle of this amendment seems to be that while it is open to the Local Government to levy cess on the expression of such wish by the owners of a major portion of the land served by such a work, the cess should be abolished whenever such owners express a wish to

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that effect. The thing should depend only on the owners of this land, whether to have the cess or to have it abolished. So, I think the amendment is perfectly reasonable."

Mr. R. SRINIVASA AYYANGAR :—" Before the discussion proceeds further, I think I ought to make one point quite clear. In sub-clause (1) and sub-clause (2) of clause 83, I find the word 'may' is used. I think it will conduce to convenience and ward off a great deal of opposition if 'shall' is substituted for the word 'may'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I have no objection. I agree."

Mr. E. W. LEGH :—" May I ask the hon. Mover one question? Clause 83 (2) as worded now gives power to Government to abolish the imposition of the cess apart from the question of the wishes of the owners. The amendment as it is worded gives power to Government only on the application of the persons affected. I want to know from the hon. Member whether he wants by this amendment to abolish or delete the power given to the Local Government apart from the request of the owners."

Mr. R. SRINIVASA AYYANGAR :—" I should like to have both, giving power to Government as also abiding by the wishes of owners."

Mr. E. W. LEGH :—" Then, the amendment should be in some such form as this :

' The Local Government may abolish the imposition of the cess and they shall abolish it if the owners of a major portion, etc. '

Mr. R. SRINIVASA AYYANGAR :—" In view of the hon. the Revenue Secretary's amendment, I desire to withdraw mine, Sir."

The amendment was by leave withdrawn.

Mr. E. W. LEGH :—" Sir, I move

' That for sub-clause (2) of clause 83, the following be substituted :—

' The Local Government may abolish the imposition of the cess and shall abolish the same whenever the owners of a major portion of the land served by such work so desire, and on such abolition the liability to perform customary labour shall revive. '

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The amendment was put and carried.

Clause 83 as amended was put and carried and added to the Bill.

Clause 84.

Mr. S. SATYAMURTI :—" Mr. President, Sir, I beg leave to move the amendment which stands in my name to 'Omit clause 84' 12-45 p.m. which reads thus :

' Except as provided by section 77, no civil court shall take cognizance of any suit filed in respect of any matter dealt with in this chapter. '

"I may at once say, Sir, that section 77 does contemplate litigation in regard to two of the important matters. To that extent it is an improvement on the Bill which was originally introduced. Hon. Members will find that in clause 79 the irrigation officer may cause the work to be done by hired labour and recover the cost from such persons. The irrigation officer may also at the request of the owners of a major portion of the lands served by such irrigation or drainage work execute the work and recover the cost from

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the owners of the lands proportionately. Again, Sir, under section 80 the village headman or the person authorized may employ hired labourers for the performance of the labour which such person is bound to contribute. Section 81 determines the share of the customary labour to be contributed. Section 82 deals with the liability of persons refusing to contribute. All these are matters which affect the rights and liabilities of the subjects of the State. I submit these are matters which could well be litigated in courts of law. I do not see any reason why in enacting a chapter on customary labour—which whatever justification there may be is still liable to be abused by executive officers either owing to excess of zeal or to the wrongful use of the discretion—the action should not be tested in a court of law. The hon. Member, Mr. Muniswami Nayudu, has put the case for this amendment in a nutshell in his dissenting minute. He says:

‘The bar to jurisdiction of civil courts is couched in very wide terms. The provision contained in section 82 making the order of the Collector on appeal final read with section 99 is sufficient to protect the acts of the executive.’

“I do commend my amendment to every section of the House which believes that the judiciary can judge rightly between the State and the subject and that the executive ought not to be allowed to be sole masters in the exercise of these somewhat wide powers interfering with the rights of the subjects of the Crown in this Presidency.”

Mr. P. ANJANEYULU:—“I second the amendment for the following reasons. Section 82 and other sections where quick disposal was required on small matters and where the Collector’s decision may be final were accepted by this House. This section is either superfluous or dangerous. It will be superfluous because in all the other sections the court has been taken away and the executive orders have been made final. Now it covers a wide area of cases which are not specified and cases which might hereafter arise. For such cases, I hope the Government will agree with such of us as feel that the civil courts should have jurisdiction because there is no urgency. For these reasons, I hope the Government will accept the amendment.”

The hon. Mr. C. P. RAMASWAMI AYYAR:—“The intention of the House yesterday was fairly clear during the discussion. It was that as far as possible the rights of the kudimaramat jurisdiction should be utilized by the utilization of the panchayat system, that many of these matters are trifling in character and that in regard to these matters the court should not function. I think the introduction of an amendment such as the one moved by the hon. Member for the University will negative these intentions as it will introduce courts for the adjudication of matters of comparatively trifling character. The logical way of dealing with this matter would be to delegate these powers as far as possible to the panchayats and make them function in such matters. I oppose the amendment.”

Mr. E. W. LEGH:—“The liability of a particular class of work is first of all settled under this chapter by a notification after inquiry, and if that notification is disputed then by a suit under section 77. To begin with, it can be settled whether a particular community or class of land is liable to duty. Section 78 makes the village headman responsible for the due performance of kudimaramat work. Under 79 the irrigation officer only steps in at the request of the owners of a major portion of the lands. He does not come of his own accord but only at the request of the village people. Under section 80 the village headman takes action. I hope the House will agree

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that if the village headman is liable to suit for any action his position would be very difficult and it is unlikely that he will take action, as he should under the Act. It seems to me that he ought to be protected in some degree in the exercise of these duties which have been laid upon him. It is in the interests of the public and in the interests of the village headmen who have got to enforce particular provisions that the civil courts should not come in, once the liability is established in the civil courts.”

Mr. B. MUNISWAMI NAYUDU:—“As one who has given notice of a similar amendment I support the motion made by my hon. Friend. Sir, we find on analysing this chapter, sections 75, 76, 77 all go together; so that whatever suits can be filed in respect of matters in sections 75 and 76 such suits are under 77. From 77 to 81 you will find that the village headmen enjoy the right of having the kudimaramat works done. The village headman reports to the irrigation officer and under clause 2 of 82 the decision of the Collector shall be final, with the result that no suit can be filed. So that from 75 to 82, apart from 77, there is no right of suit. 83 would give rise to any action at the instance of the majority of the landowners. Then we come to clause 84 which says that the suit should not lie as against any officer. That the suit should not lie in respect of ‘any matter’ is a very wide rule. Is it that no complaint should ever breathe the word kudimaramat work? There are large powers given to the village officer. Again, the decision of the village officer cannot be tested in courts. The section, therefore, as it is worded is rather very wide and there is no necessity for this provision as it is likely to be misused.”

Mr. T. R. VENKATARAMA SASTRIYAR:—“May I know how it is liable to be misused?”

Mr. B. MUNISWAMI NAYUDU:—“It is understood that it is not necessary. If they tell us how it is necessary then we shall answer.”

Mr. T. R. VENKATARAMA SASTRIYAR:—“I understand the argument to be that the village headman must be subject to suits to prevent wrong, malicious and wilful reports.”

The amendment was put and carried, and the clause was omitted.

Clause 85.

Mr. E. W. LEGH:—“I beg to move:

‘(i) Omit clause 85.

‘(ii) Re-number the subsequent clauses.’

“Sir, it is rather a curious point that this section raises. At first sight the section as it stands seems to be quite in its place. But when one reads through the chapter one sees that it does not really apply. The section is:

‘The village headman or other person appointed for the purpose of this chapter shall keep an account of the moneys collected and expended by him and all unexpended balances in his hand shall be applied only for the purposes of kudimaramat work from time to time.’

“Under section 79, the irrigation officer recovers the cost of hired labour from persons bound to do kudimaramat work. Such work, I presume, is paid out of Government funds. I presume that money is not going to the village mansif but is credited to the head from which the cost of the work or wages is drawn. Again, under section 80 the village headman can employ hired

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labourers but nothing is said about recovering the cost. If he recovers he will have to recoup the cost of labour employed by him. Under section 82 the irrigation officer may levy twice the value of the labour which anyone fails to contribute. There is nothing to show that the village headman has anything to do with it. When we come to 85 it does not seem to me that there is any necessity for retaining this section. If the provision is kept as it is it serves no useful purpose and therefore it may be deleted."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

Mr. P. SIVA RAO :—"There is necessity for such a provision. Under section 83 the local Government may levy an annual cess."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That goes at once to Government."

Mr. P. SIVA RAO :—"I think, Sir, section 82 authorizes the irrigation officer to levy a sum not exceeding twice the value of the labour."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It is a fine that goes to the Government."

Mr. P. SIVA RAO :—"Then again, there is a provision that he can hire some labour and for that purpose he should have some funds. Section 80 says :

"If during the execution of kudimaramat work any person who is bound to contribute labour towards such work neglects or refuses to do so, the village headman or the person authorized may employ hired labourers for the performance of the labour which such person is bound to contribute."

"Then what funds should be utilized?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"What I mean to say is this. It may be that out of the contingencies he might pay small sums of money. But for that purpose this section is hardly necessary. An account is to be maintained so that there may not be any question of the sums being misappropriated."

Mr. P. ANJANEYULU :—"Will it not be more proper if some such provision is made in the chapter relating to panchayats, etc."

Mr. B. Venkataratnam then addressed in Telugu.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"No such funds have come into existence, as has been pointed out by Mr. Legh."

Mr. B. MUNISWAMI NAYUDU :—"Under sections 77 and 78, it is not merely to the headmen that the duty is entrusted of seeing that the kudimaramat has been properly performed; but also there is some other person who is so appointed; so that, the Panchayat may be entrusted with this duty and there must be some fund which the Panchayat should be able to administer. The main point is that under section 85 all savings ought to be invested towards kudimaramat and nothing else."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"May I say, Sir, that the object with which this clause was put in has not been attained most inadvertently, I should think. I do not want to give out any discussions that took place in the Select Committee; I will only refer to the object underlying the introduction of this clause. This provision was introduced in the Select Committee that there ought to be a separate fund created for the purpose of kudimaramat, that whatever is collected should be spent towards

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it. But, unfortunately, in the earlier sections we have not made provisions for that. All the collections have to be made by the Government and on behalf of them, and they are to go to the Government. So, unfortunately, this section which was introduced for kudimaramat work so that the money may not be utilised for any other purpose, is now meaningless. So, I take it, we shall have to make provision elsewhere for the object we have in view and as it is, the clause does not seem to have any meaning. The funds go into the coffers of the Government. How then can accounts be maintained by the village headmen? The object is there ought to be a separate account kept for kudimaramat work, and I will only appeal to Government to see that some other provision is introduced for the purpose."

Mr. T. R. VENKATARAMA SASTRIYAR :—"May I point out, Sir, the cess is to be collected under section 83, and it goes to the hands of the Government. Section 97, to which we shall come later on, provides for the funds going into the hands of the Panchayat that will be appointed. Then the Panchayat takes the place of the Government with regard to the funds. Every such amount should be proportionate to the labour that should be given and therefore there is no question of undischarged balances."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"From time to time collections have to be made and then out of the collections, expenses will have to be incurred. And there will be a balance from one year to another. The complaint was that the collections of one year not spent in the same year should be carried to the next year. To avoid expenditure on any other thing such a provision is to be made."

Mr. T. R. VENKATARAMA SASTRIYAR :—"As it is, there is no necessity for an anticipatory provision. Section 82 provides for collection of twice the amount due in case of persons who do not attend to kudimaramat work. The hired labour may not require twice the amount. What is to be done with the balance? As pointed out by Mr. Legh, that fund is not in the hands of the village headman but in the hands of the Irrigation Officer."

Mr. P. ANJANEYULU :—"I would like to ask for information whether the Government will be prepared to make suitable alteration when we come to section 94, which deals with an 'Irrigation Panchayat Fund'. This section is intended to achieve the object that has been set down there and any fund over and above that actually spent on kudimaramat work should not be spent on anything else."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"As a matter of fact, section 94 and section 97 actually achieve the purpose that the hon. Member has in mind. There is a reference to moneys realised by penalties. It says :

"All sums realised as penalties and all other receipts of a Panchayat including any contribution from the Local Government, shall constitute a fund called the 'Irrigation Panchayat Fund.'"

"There are objections to having two separate funds, one called the Kudimaramat Fund and another called the Irrigation Panchayat Fund."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I may just explain what is actually wanted. So far as the receipts by the Panchayats are concerned it is provided for in chapter 11. What is required in this chapter is that all collections under this chapter should be separately kept as a fund for kudimaramat work. And unspent balances should be applied for kudimaramat work from time to time. The mistake is it has been presumed

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that all these funds are to be in the hands of the village headman. What is wanted is all funds collected under this chapter will have to be kept as a separate kudimaramat fund and undisbursed balances should be carried over."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Under section 79, when the work is executed by the irrigation officer, there is no collection made before the work is undertaken."

Mr. E. W. LEGH:—"As regards cess, as a matter of practice each cess is kept entirely unconnected with the other. For instance, hon. Members who know the conditions of Trichinopoly may recollect that there are a large number of channel accounts kept and submitted every year to the Board and the money so collected is kept entirely separate. They are really very careful indeed and they are very strict."

Mr. C. V. VENKATARAMANA AYYANGAR:—"If section 85 is taken away, is it not likely that the money collected would go into the coffers of the Government or into the village headman's pocket? Now, reference has also been made to section 82 as to funds collected. Then there is section 80 as to hired labour. And attention has been invited to section 85 also. What I am not able to understand is where is the trouble for Government in having this section. Whatever may be the practice unless at the time when we legislate there is a specific provision as regards this, there is always the trouble of the money being included in the general revenues. The practice may be all right and the standing orders may be all right. All the same there will be difficulty if this is omitted."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I shorten the discussion? The real trouble is with the 'headman shall keep an account of the moneys received by him.' That is accepted by all. If any suitable amendment is suggested, . . ."

Mr. C. V. VENKATARAMANA AYYANGAR:—"If any amendment is suggested by the other side, we shall accept it. Instead of the headman some responsible officer may be appointed. The irrigation officer will have a head clerk or there may be so many other subordinates. We want that an account should be kept of the balances that have been left over and to see that that is not spent otherwise than specifically for this work."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I at once relieve the difficulty of the House by drawing their attention to section 83, second sentence? It says:

'The cess shall be determined and administered in the manner prescribed.'

"I take it that this is the only possibility of giving rise to the surplus which has to be divided for the purpose of kudimaramat and for purposes other than that. We can say there that the cess should be got as apart from the others and should be utilized for that purpose only. I think that will satisfy the requirements."

Mr. R. SRINIVASA AYYANGAR:—"There is a possible way of meeting all the objections raised by many Members. If the Government will give an assurance, as I am sure they would be inclined to give, if the Government will make a statement that in making the contribution under section 94 (1) this will also be taken into consideration, that will, I submit, be sufficient to answer all objections."

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Mr. J. A. SALDANHA:—"I am for the retention of the clause. As it has been put by the hon. the Law Member yesterday this chapter is introduced with a view to the organization of labour by the village community on a communal system, and the village community therefore as such has got an interest in the collection of the different contributions in lieu of service or otherwise. As I have pointed out, this chapter will lead to many abuses."

"The village community has got a particular interest in seeing that the contributions made by different groups are administered for the benefit of the village community. I am, therefore, strongly in favour of the retention of this clause."

Mr. K. KOTI REDDI:—"Apart from the contribution under clause 85, is there any rule or statute to the effect that the balance of the kudimaramat fund ought to be spent only on the kudimaramat works? We are all particular that the balance from the kudimaramat fund ought to be expended only on the kudimaramat works and ought not to go to the general revenues."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"May I move an amendment in these terms: 'A separate account of the cess and other amounts collected under this chapter and expenditure incurred on the works shall be maintained and the balance of each year shall be carried over for improving the kudimaramat works in future years?'"

Mr. E. W. LEGH:—"In the first place according to this proposal of my hon. Friend, separate accounts have to be kept. The section as it stands makes the headman responsible for keeping the accounts. But this present amendment gives a very great trouble in the matter of keeping accounts."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I think Government will do well to appoint some person for a number of villages interested in the matter."

Mr. T. R. VENKATARAMA SASTRIYAR:—"So far as clause 83 is concerned, the cess has to be collected by the Government and administered by the Government, unless they hand it over to the Village Panchayat under the terms of clause 97. In case the funds are in the hands of the Government, the Government shall maintain an account for each village. The funds will be set apart for that purpose and will be used for that purpose only."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In deference to what has been the general opinion of the House, I think Mr. Legh will withdraw his amendment to omit this clause and we shall see how the matter stands."

Mr. E. W. LEGH:—"I am quite willing to withdraw the amendment. But it is my duty to point out that the clause does not serve any useful purpose."

The amendment was by leave withdrawn.

Clause 85 was put and passed and added to the Bill.

Clause 86.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move:

'For all the words beginning with "where and in so far" substitute the words "in respect of such works".'

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Mr. E. W. LEGH :—" I accept it."

The amendment was put and passed.

Mr. E. W. LEGH :—" There is one further minor amendment of which I have given notice and that is to add 'and drainage' after the word 'irrigation'. I therefore move the amendment."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I second it."

The amendment was put and carried.

Clause 86 as amended was put and carried and added to the Bill.

Clause 87.

Paragraph 1

Mr. G. RAMESWARA RAO :—" Mr. President, I beg to move :

'Add at the end of paragraph 1 the following words :—

"provided that when there is a panchayat constituted under section 18 of the Madras Village Panchayat Act of 1920 it shall be deemed to be a Panchayat constituted under this Act."

"Chapter XI provides for the constitution of a set of irrigation panchayats and boards. My submission is that there is already a series of panchayats started under section 18 of the Village Panchayat Act of 1920 and these panchayats are doing precious little. As a matter of fact I have sent an interpellation asking which of the panchayats, if any, and how many are entrusted with irrigation works and the question is yet to be answered."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Has the hon. Member adverted to clause 97 ?"

Mr. G. RAMESWARA RAO :—" I was just going to say about clause 97 and point out that it does not serve my purpose at all. Because clause 97 refers to the transfer by local Government of certain powers to the panchayat already in existence. It is just to that that I was adverting. I want to know if any panchayat as now constituted has been entrusted with powers of maintenance, management, etc., of an irrigation work. I take it for granted that no such panchayat has been created and consequently clause 97 is simply a statutory enabling provision. It will be there only in name and it has absolutely no working effect at all. If the Government can satisfy us as regards the number of panchayats which have been entrusted with such work, then it is something. But in the absence of any such powers being given to the panchayats, section 97 will become absolutely useless. Moreover the panchayats to be constituted under that section are to be formulated by the District Collector and not by the usual Panchayat officer. As a matter of fact, I think in respect of these panchayats there must be a general co-ordination of the activities. We are unable to follow the policy of the Government in having a series of panchayats—the Village Court Panchayat, the Forest Panchayat, the Co-operative Panchayat, the Union Panchayat and so on and this new Irrigation Panchayat—existing only in name and not doing any work. So there must be general co-ordination among all these panchayats. The panchayat under the Act of 1920 must be made to exist in effect also and not merely in name. I, therefore, suggest that the existing panchayats must be recognised and not given a go-bye. The Government will not be supporting their own policy of organising village panchayats as contemplated in the Act

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of 1920 by their new policy. For reasons best known to themselves they are trying to belittle the Village Panchayats Act of 1920. I therefore move this amendment."

Mr. T. ADINAJAYANA CHETTIYAR :—" I second it."

Mr. E. W. LEGH :—" I should like to present the other side of the case. There are two reasons why it is inadvisable to accept this amendment. The first is this: The panchayats appointed under the Act of 1920 are for particular purposes. They may not contain in them any persons who are interested in irrigation."

Mr. G. RAMESWARA RAO :—" May I point out, Sir, that section 18 of that Act contemplates works of irrigation being entrusted to the panchayats ?"

Mr. E. W. LEGH :—" That is quite true. But the primary object is not the supervision of irrigation or anything of that sort. It may be that when those panchayats were inaugurated they had that purpose. If so, those will be suitable cases to transfer all these particular duties to those panchayats. But to make it general in all cases seems to be a mistake. Another point is this. Clause 97 contemplates the creation of distinct funds which are collected for purposes of irrigation works, besides the funds for general purposes. But the hon. Member's amendment makes no provision of that sort."

Mr. P. ANJANEYULU :—" Sir, I have the honour to agree with Mr. Legh, because the panchayats that are contemplated under the provisions of the Bill are panchayats of landowners, i.e., of those who have interest in land and I believe these panchayats will serve better purposes than the general panchayats. For instance, in my own district I am sorry to say the panchayats contain members who do not own any lands at all and the functions that they discharge will not be very satisfactory. That being the case I think the panchayats contemplated under this Bill will be very useful and the interests of the landowners will be safeguarded. I hope my hon. Friend will not press his amendment."

Mr. R. SRINIVASAN :—" Under the Panchayat Act of 1920, only those who are pattadars, those who pay Rs. 20 and over, can become a member of the panchayat. The depressed classes have no opportunity of becoming members of the panchayat, and they won't have any justice."

The amendment was put and negatived.

Mr. T. R. VENKATARAMA SASTRIYAR :—" I beg to move :

"that in paragraph (2) for the words "among resident owners and in the absence of such owners the occupiers of land" substitute "among the resident owners and the occupiers of lands without resident owners".

"Sir, this is to provide for cases where the resident owners are away and those who occupy these lands may be appointed in place of resident owners."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put and passed.

Mr. P. ANJANEYULU :—" I beg to move :

"that in paragraph 2 for the words "resident owners" substitute the words "owners resident in the village or neighbouring hamlets or cultivating owners".

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"Sir, for obvious reasons, Government will have no difficulty in accepting this amendment. The term 'resident owners' covers only a portion and leaves out those residing in hamlets."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Hamlet is part of a village."

Mr. P. ANJANEYULU :—"I may be permitted to urge my reasons. There is some hamlet in which I own large acreage of lands but it so happens that this hamlet is clubbed to a village, and if I am not a resident in that village, I lose the right of being a resident there, though I own large acres more than a resident of the village itself. I therefore beg the House to consider the reasonableness of including the neighbouring villages which are known by the name of hamlets and which are clubbed to the neighbouring village."

Mr. K. KOTI REDDI :—"I second it. Mr. President, Sir, it is a very essential amendment. There are a number of villages close to each other and the principal people do not reside close to the irrigation works and they come from neighbouring villages. Is it just and proper to exclude them from this term 'resident owners'?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I can understand if some distance is specified, namely, people living within five miles or something of that kind. But this is a vague expression."

Mr. K. KOTI REDDI :—"I no doubt realize the difficulty. If these hamlets are understood to be included in a village, there may be some difficulty. To avoid that I will say 'owners resident in the village or neighbouring villages'. If the amendment is not passed, and if the section stands as it is, it will exclude a large number of owners. I can understand people who are at a distance and who have no interest in the irrigation work. My own personal experience is that a large number of people living in the neighbouring villages do not cultivate land or take interest in the village. We can exclude absentee owners but to exclude resident owners from neighbouring villages and at a distance from where they can take interest, is very unjust and unfair. Not only that, but it does not serve the purpose for which that section is put here. I hope the Government will see the difficulty and injustice of it. This will certainly nullify the very purpose of the section."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"May I cut short the discussion by suggesting an amendment couched in some such terms as the following :—'Owners of lands resident within five miles of a village or in their absence the occupiers'. If any such amendment is moved, I shall have no objection. If the hon. Member will consider it during lunch interval and move it I shall have no objection."

At this stage at 1-37 p.m. the House adjourned for lunch.

After Lunch (2-30 p.m.)

Clause 87.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, in pursuance of what I ventured to say just before lunch the hon. Member from Coimbatore has, I think, drafted an amendment."

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Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, my amendment reads :

'Add the following as a separate paragraph after paragraph 2 of clause 87 :—

"Explanation.—An owner residing within 5 miles of the village, the irrigation work or part of the irrigation work shall be deemed to be a resident owner for the purposes of this section."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I have no objection to accept it if Mr. Anjaneyulu withdraws his amendment. The amendment of the hon. Member from Coimbatore means that persons who live within five miles of the village of the irrigation work or part of the irrigation work will be for the purpose of this enactment deemed to be resident owners."

Mr. K. KOTI REDDI :—"I have a difficulty. It arises out of the ambiguous nature of the term 'occupier' used in this clause. Suppose there is an ordinary ryotwari holder who lives at a distance of 10 miles from the irrigation work, but who at the same time cultivates his land himself coming from that distance. Does he come under the term 'occupier'? The hon. the Law Member says that they would come. So, I am satisfied."

Mr. P. ANJANEYULU :—"Sir, before I withdraw my amendment I wish to know whether a ryot who comes from a distance and cultivates his land would come within the meaning of the term 'occupier'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"How can he be an occupier if he lives at a distance?"

Mr. P. ANJANEYULU :—"He can come from his residence at a distance of 10 or more miles and cultivate his land."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If as they are reported to be doing in other countries, they come in Ford cars, cultivate their lands and get home, they can be called occupiers."

Mr. P. ANJANEYULU :—"I withdraw my amendment."

The amendment was by leave withdrawn.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I beg to move the following amendment :—

'Add the following as a separate paragraph after paragraph 2 of clause 87 :—

"Explanation.—An owner residing within five miles of the village of the irrigation work or part of the irrigation work shall be deemed to be a resident owner for the purpose of this section."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I second it."

The amendment was put and carried.

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I want to know why individual irrigation or drainage works are omitted?"

The hon. the PRESIDENT :—"It is open to the hon. Member to give notice of an amendment for their inclusion."

Rai Bahadur T. M. NARASIMHACHARLU :—"I simply want to know why the constitution of an irrigation panchayat is confined to individual irrigation works?"

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" If any necessity arises we shall alter it."

Clause 87 as amended was put and carried and added to the Bill.

Clause 88.

Mr. V. C. VELLINGIRI GOUNDER :—" I beg to move :

' For the word " board " substitute the word " union " . '

" As at the end of this chapter district irrigation boards are proposed to be constituted for all districts, it would be more appropriate if in cases one or two irrigation panchayats are combined together by the order of the Collector, they are called unions. This is the procedure adopted in co-operative unions, etc."

Mr. P. SIVA RAO :—" I second the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not mind whether the word is ' board ' or ' union '. We will have to alter the word ' board ' into ' union ' in one or two sections."

Mr. E. W. LEGH :—" The word occurs twice in this section and twice in the next."

The amendment was put and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, in the next paragraph also the word ' boards ' occurs. It may also be changed into ' unions '."

This amendment was also put and carried.

Clause 88 as amended was put and carried and added to the Bill.

Clause 89.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Sir, in consequence of the amendment to clause 88 I move that the word ' board ' in paragraph 1 and the word ' boards ' paragraph 2 of clause 89 be substituted by the words ' union ' and ' unions ' respectively."

Mr. T. R. Venkatarama Sastriyar seconded the motion.

The amendment was then put to the House and carried.

Clause 89 as amended was then put to the House, carried and added to the Bill.

Clause 90.

Mr. J. A. SALDANHA :—" Mr. President, Sir, I beg to move that—

' In clause 90 for the words " the District Collector may place any irrigation work or any portion thereof which he considers suitable for management by a panchayat under the control of the panchayat subject to the condition that the panchayat shall maintain such work to the satisfaction of the Collector " the words " the District Collector may entrust to such panchayat or, if such panchayat does not exist, to the village panchayat the construction, maintenance and management of any irrigation work or any portion thereof which he considers suitable for such purposes, subject to the condition that the panchayat shall carry out the work to his satisfaction, " may be substituted. '

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" Sir, the only difference between the two clauses is that the amended clause will enable the village panchayat to be entrusted with the construction of small irrigation works which in the opinion of the Collector can be undertaken by the panchayat. I propose this with a view to foster local self-help and local self-government in the villages. From my knowledge of South Kanara I can say that most of the embankments there are erected by the villagers themselves at their own cost. My hon. Friend, Mr. Prabhakaran Tampan, mentioned to us how the jenmis themselves erect embankments across rivers."

Mr. K. PRABHAKARAN TAMPAN :—" My hon. Friend then opposed my motion."

Mr. J. A. SALDANHA :—" I thought that the work should be entrusted to the village panchayats and that it was not so in the case of Malabar. My hon. Friend assures me that all such works are undertaken in the interests of the tenants and I shall have no objection to his proposal."

" Mr. Hegde and myself have several times referred to instances where these works are constructed by the ryots themselves at no cost to the Government. It is only a question of giving them permission. From time immemorial they have been going on doing this by mamool or prescriptive right. The danger here is that Government make all rivers and streams irrigation works with the result that they take control over all of them. It may be that the old rights may to some extent be abrogated specially in view of the claims of some of the owners of tile factories and merchants to take clay in boats to factories down the river. The Collector may probably find it difficult to refuse villagers permission to erect bunds. Last year there was actually a threat of criminal prosecution against certain ryots who erected embankments, and the Collector had to give in for fear of a civil suit. In order to give this power to the Collector to entrust such works to the villagers I only add the word ' construction '. I have also slightly altered the wording. I am prepared to make the necessary changes in view of section 97. Subject to the required verbal amendment I hope the House will agree to my proposal. This will enable the Collector to entrust the work to the village panchayats subject to the condition that the panchayat shall carry out the work to the satisfaction of the Collector and subject also to such other conditions as may be prescribed. ' Prescribed ' means not only by the Collector but also by the Government. There are ample safeguards. This is a very innocent amendment and I hope it will be accepted by the House."

Mr. P. SIVA RAO :—" Mr. President, I have very great pleasure in seconding the amendment so eloquently moved by hon. Mr. Saldanha. He wants that not merely the management and the maintenance of the works but also the construction of them should be entrusted to the village panchayats. But I want to omit the reservation that such works entrusted to them should be petty. I do not see any reason why it should be so. It is not absolutely necessary in all cases to have the agency of the Public Works or the agency of the Irrigation Department to carry out such petty repairs. If such works as are within the resources of the panchayats are entrusted to them we may be assured of some economic construction on their part. Some money can be saved. The Irrigation panchayats will be in a better position to supervise the works and to carry them to the supreme satisfaction of the

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Government. The hon. Member Mr. Saldanha has really brought out a very salutary amendment. I see no reason why the House should not accept this unanimously."

Mr. E. W. LEGH :—"Mr. President, I want to point out to the House that all that is sought to be provided by the amendment is covered by clause 90 as it stands. There is a section which practically provides for all the repairs to be carried out by the panchayat. The hon. Member wants that the panchayat should be entrusted even with the construction of works. His further object is a legal one, viz., to give the Collector certain powers which it is thought he does not possess now. I should like to point out that that will not be effected by this amendment. I do not think this will give the Collector any power more than what is given under clause 90 (f), viz., 'generally to exercise, in respect of any irrigation work entrusted to its control, such of the powers vested in the Government as may be delegated to it by the Government by a general or special order made in this behalf.' It seems to me that this will cover even the construction of works and I don't quite see what is gained by this amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, the object of the hon. Member from Bellary and the hon. Member from South Kanara is the same, viz., that in addition to the powers which are already specifically referred to the power of constructing small works also should be conferred on them. In so far as there is an agreement, there are special powers. The panchayat also is a person. Special powers are provided for in clause 90 (f) which seems to me to cover the cases mentioned by the hon. Members."

Mr. J. A. SALDANHA :—"My difficulty is this. I want to know whether this sub-clause 90 (f) includes also the construction of new works, original works. Strong objections have been raised to such works by the owners of new factories which are rising in South Kanara. I understand that under the definition of an irrigation work in clause 4, all rivers are irrigation works. From that point of view, if a river in South Kanara is entrusted to the management of a village panchayat, the question is whether such village panchayat will be empowered to construct embankments in virtue of that power. If an assurance is given to that effect, I would withdraw my amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It is not a question of assurance at all. The clause is fairly clear. Wherever the powers have been exercised by the Government, such powers can be delegated to the panchayat. It seems to me that there is nothing to prevent the power of construction to be delegated."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The difficulty is this. In respect of any irrigation work which is to be handed over it must have been already constructed by the Government. If the words 'entrusted to its control' in clause 90 (f) be removed, then all the powers that were exercised by the Government can be delegated to the panchayat. As it is, it only applies to cases where the work is constructed and then handed over for control to the panchayat."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I think there is some little confusion on the matter, if I may use the expression. Supposing there is any new irrigation work, the Department of Public Works can entrust the execution of it to anybody at present even

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without the Act. This is only intended to enable it. What the hon. Member from Coimbatore asks us to do is to omit the words 'entrusted to its control', so that generally to exercise in respect of irrigation works such of the powers as may be delegated to it, provision should be made. Is that what is wanted?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"Yes."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"In view of the apprehension, supposing we say generally to exercise in respect of any irrigation work entrusted to its control or any new work, etc., will that satisfy?"

Mr. J. A. SALDANHA :—"Yes, Sir. I beg leave to withdraw my amendment so as to enable the hon. the Law Member to suggest his."

The amendment was by leave withdrawn.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I beg to move that in item (f) of sub-clause (2)—

'the words "or any new work" be inserted after the word "control".'"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I second it."

Mr. B. MUNISWAMI NAYUDU :—"Before you put the amendment to the vote, Sir, may I point out that there are amendments lower down which relate to previous portions of the clause. If this amendment is put, I am afraid, the other amendments would become out of order."

The hon. the PRESIDENT :—"There is no objection to taking those amendments after we dispose of this."

The amendment was put and passed.

Clause 90 as amended was put, passed and added to the Bill.

Clause 91 was put, passed and added to the Bill.

Clause 92 was put, passed and added to the Bill.

Clause 93 was put, passed and added to the Bill.

Clause 94 was put, passed and added to the Bill.

Clause 95.

Sub-clause (1).

Mr. T. R. VENKATARAMA SASTRIYAR :—"I move that—

'for the words "such Collector" the words "the Collector" be substituted'.

"It is only a verbal amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and carried.

Mr. E. W. LEGH :—"Sir, I beg to move the omission of the words: *'and direct the formation of a fresh panchayat'.*

"It is not a matter of any great importance. It is simply a question as to what procedure should be followed in this connexion. Objection has been taken to this particular clause as it is worded that it provides for a cumbrous procedure and that the formation of a fresh panchayat does not take us any further. What is necessary is that if a panchayat has been appointed and has broken down, there should be some provision for executing the functions

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of the panchayat. For that reason, this proposal has been made and together with the proposal contained in a later amendment of mine, the necessary provision will be made in the Bill. I commend it for the acceptance of the House."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I second it."

The amendment was put and carried.

Sub-clause (2).

Mr. E. W. LEGH :—" I move the following amendment :

' For this sub-clause substitute the following :

" (2) Where a panchayat has been ordered to be dissolved, the members thereof shall vacate their office from the date of the order of dissolution and the District Collector shall take charge of any moneys which may be in the hands of the panchayat and shall utilize the same for such purposes and in such manner as may be prescribed."

"This follows the other sub-clause which has been passed. This proposal is intended to provide for the taking over and carrying out the work of the panchayat in case of dissolution. The proposal is that the District Collector shall take charge of the money in the hands of the panchayat and utilize the same for such purposes and in such manner as may be prescribed."

Mr. P. Hawkins seconded the amendment.

Mr. C. V. VENKATARAMANA AYYANGAR :—" We can certainly pass this amendment, Sir. But I request the Government to make some provision in this Bill for having some second panchayat at any time. The matter was fully gone into at the select committee stage and it was thought that simply because the Collector considered that one panchayat did not do its duty properly, the place should not for ever be deprived of the opportunity of bringing its irrigation works done by means of a fresh panchayat and hence the words for the omission of which we have just now unfortunately agreed were found necessary at the select committee. I would ask the Government to have some such thing in the second paragraph so that in the interval between the dissolution of one panchayat and the formation of another the Collector may have this power. Certainly, it should not be understood that there should not be a second panchayat for ever and that the Collector should for ever continue to do the functions. Even in the case of municipalities and local boards, power is given to the local Government to appoint their successors. I would therefore request the Government to provide for the formation of a second panchayat, especially after the unfortunate omission of the words 'and direct the formation of a fresh panchayat', in the previous sub-clause."

Mr. P. ANJANEYULU :—" I have an amendment below standing in my name which conveys the same idea."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Supposing we say in Mr. Legh's amendment that the District Collector shall, *until the formation of a fresh panchayat*, exercise, etc., will that meet the wishes of hon. Members?"

Mr. C. V. VENKATARAMANA AYYANGAR :—" It must be specifically added that some panchayat may be formed. Some such thing as the amendment of my hon. Friend, Mr. Anjaneyulu, must be there."

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Mr. P. SIVA RAO :—" Sir, the proposed change in the amendment of the hon. Member, Mr. Legh, is not satisfactory, for this reason that there is no provision directing the Government to form a fresh panchayat. There must be some obligation cast upon the Government. We can, by all means, provide for the exercise of the power during the pendency of the formation of the fresh panchayat by the Collector. As it is, Mr. Legh's amendment regarding the previous sub-clause has been accepted under a mistake. We now realise that the omission made means that there would be only one chance given to a panchayat and if it misbehaved or was persistent in default in the performance of its duties it can be dissolved without a fresh trial. As the amendment has been unfortunately accepted, we now think that a second chance must be given to the panchayat and if that also persists in abusing its powers the Collector may dissolve the whole thing and may take charge of the moneys and may administer it himself."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" May I explain the matter? Under clause 87 the formation of the original panchayat itself is a permissive matter. But the chapter proceeds on the footing that, as a matter of fact, wherever there is a substantial demand for the purpose of facilitating the work, the panchayats will be encouraged and brought into existence. I do not understand how when the original formation of the panchayat itself is permissive when that panchayat goes a second one should compulsorily be formed."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Even the amendment of my hon. Friend, Mr. Anjaneyulu, says only 'may direct the formation'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" If that is permissive and if we have the words 'until the formation of a fresh panchayat,' certainly the intention of the Statute is clear that there is discretion given to form the second panchayat. Even the amendment of Mr. Anjaneyulu leaves it to the discretion of the District Collector. I submit that this discretion is sufficiently indicative. I therefore with your permission move that the words 'until the formation of such panchayat' after the words 'the Collector shall' in the amendment now moved by Mr. Legh, be inserted."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I second it."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I was only going to ask, Sir, whether there is any harm in the words 'and may, in his discretion, direct the formation of a fresh panchayat or not' being added. Anyhow the intention of the hon. the Law Member is that; why then should we not add these words?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I should consider that it is supererogatory. The intention of the Statute is evident in the amendment as put forward."

The amendment was put and passed.

The amendment of Mr. Legh as amended by the hon. the Law Member was then put and passed.

Clause 95 as amended was put, passed and added to the Bill.

Clause 96 was put, passed and added to the Bill.

Clauses 97 and 98 were consecutively put, passed and added to the Bill.

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Clause 99.

Mr. P. PEDDIRAJU :—"Sir, so far as the question of injunction is concerned, it has been held that very wide powers are given under this section, and that there is absolutely no provision to debar the Government from doing any act. So it was thought necessary that some such qualification as is indicated in my amendment should be put in, because, so far as we are concerned, we do not want to interfere with the Government in the construction or preparation of any new project. So, I beg to move that at the end of the clause 99 the following words be added :—

'except where the result of the exercise of such power is to adjudicate the rights of the private parties'.

"With these words, I move this amendment."

Mr. P. Anjaneyulu seconded the amendment.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I think I may at once mention that it is far from the intention of the Government to interfere in litigation as between private parties or to see that any rights *inter se* are affected by Government acts. Therefore we are perfectly prepared provided we can devise some means to give effect to any declaration of rights as between two private parties *inter se*. But what we object to is the grant of injunction which would prevent a work which is proceeding and which might hamper the construction of the work. Very often those of us who have experience in Courts know that injunctions are sometimes obtained *ex parte*, and works are held up. Even after injunctions are granted, there may be appeals, and stay orders in appeals, and during that stage of the proceedings some work which is really desired by a large number of people will have to be held up. It is in order to guard against these difficulties that we ought to be careful about injunctions."

Mr. E. W. LEGH :—"May I also draw the attention of the House to the effect of this amendment on the chapter on water-courses in which the hon. Mover says he is interested? In all cases regarding water-courses, the Government is adjudicating between two parties, and we have provided in that section that the decision of the District Collector shall be final. If you are to allow the right of injunction in all cases where Government is adjudicating between private parties, it is a question whether this would not also come in in regard to water-courses, and the House may consider that aspect of the matter."

Mr. P. PEDDIRAJU :—"I do not press it, Sir."

The hon. the PRESIDENT :—"Has the hon. Member the leave of the House to withdraw?"

Mr. S. SATYAMURTI :—"No, Sir. Some of us are in favour of the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am afraid the object mentioned in the speeches is not made clear in the amendment. I think there should be the phrase '*inter se*' introduced. Otherwise there may be many cases in which the Government is a party. The object of the hon. Mover seems to be only to apply *inter se*. I am raising this point, because, supposing the amendment is put to the vote, many of us are anxious to vote

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for it provided that some such phrase as '*inter se*' is introduced. Or a provision may be made that excepting in the matter of injunctions, the matter may be allowed to go to the courts. Some such provision is necessary."

Mr. P. ANJANEYULU :—"What I beg to ask is whether any speech is necessary or can be made if the Mover does not press his motion. The question is whether permission to withdraw the motion is to be given to him or not."

The hon. the President asked the Mover whether he wanted to withdraw, and Mr. P. Peddiraju replied in the affirmative.

The hon. the PRESIDENT :—"The Mover wants permission of the House to withdraw, and the House has not given the permission."

Mr. E. W. LEGH :—"May I point out, Sir, that we do not know what the House wants to do? Only one Member has objected."

The hon. the PRESIDENT :—"One Member's objection is sufficient to withhold permission."

Mr. S. SATYAMURTI :—"Sir, I quite sympathize with the desire of the hon. Mover to withdraw his amendment, and his desire to see the end of this Bill. We are all anxious to see its end, but I do not think the very unfortunate fact that this amendment comes on at the very end of the Bill ought to blind us to its real importance. I am anxious that this House should have an opportunity of voting on this amendment, as I think it deals with a very important matter. The hon. the Law Member said, and he has very rightly said, that the Government are not anxious under cover of this Bill to do anything which may affect the rights of private parties *inter se*. I take it that the anxiety of the Government is only to see that as much power as necessary is given to enable the Government to carry on irrigation works. I may say that we on this side of the House are equally anxious that while Government should have this power, it ought not to be allowed to use this power, consciously or unconsciously, rightly or wrongly, for the purpose of adjudicating upon the rights of private parties. My hon. Friend, the Law Member, from his knowledge and wide experience at the Bar, knows that injunctions are the only remedy in certain cases that can be sought to guard against irreparable loss. Of course, I realize, as well as himself, that the power of granting injunctions is also misused. But I hope he will also realize that injunctions are in many cases the only remedy and injunctions prevent irreparable loss from occurring. Again, I do not see why there should be this distrust of the judiciary, and the belief that the executive never make a mistake and that the judiciary would grant unreasonable injunctions or do things against Government which will prevent the Government from carrying on the works as they wished, that is, when the Government want to have irrigation schemes carried out. Sir, injunctions are not granted as a matter of course. Injunction is a special remedy and courts exercise, with rare exceptions I dare say, very great care before they grant injunctions. (A voice, 'mufassal courts.') One of my hon. Friends interjects that mufassal courts give very often injunctions freely. The remedy for that is to change the officers in those courts but not to take away the right of injunction. It seems to me the worst possible way of dealing with this disease which exists is to say that you shall not have the right of injunction. It seems to me therefore that where the rights of private parties are concerned we ought not to take away the right of injunction which they

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have already. I perfectly agree when the hon. the Law Member wants to make it clear that we must not harass Government in their efforts to carry out their schemes. I am perfectly willing as my hon. Friend from Coimbatore suggests to have the words '*inter se*' put in. What we want to see is that the rights of private parties ought not to be trampled upon by executive action. I may repeat that injunction is the only effective remedy which the people have got of guarding against irreparable loss."

Mr. B. MUNISWAMI NAYUDU :—"Sir, our object is not to thwart the Government or to restrict the Government in any way in carrying out their schemes. With regard to the powers of the Government for the purpose of irrigation works, they have not only the power to construct irrigation works but they have also the power to regulate water so as to affect the rights of private parties. As it is, if a preferential right of a particular party is affected by the action of Government, very often he will have to sue Government for a declaration and injunction against the other party and enforce his rights by a decree. We are obliged to the hon. the Law Member when he said that he would respect any declaration of the court so far as private parties are concerned. If you read the section as it is, it runs thus :

'but no such court shall entertain a suit or application for the issue of an injunction to restrain the exercise of any powers conferred by this Act upon the Local Government or any person or body of persons or any officer'.

"It is one thing to say that during the pendency of a suit an injunction should be issued; and another thing when it is issued after deciding the question as to whether injunction is to be granted or not. When a final decision is arrived at, the only remedy is to have an injunction against a private party so that he may not disregard the decision of the court, and in such cases it is necessary that the right of injunction should be given. I therefore suggest that a suitable amendment may be brought forward by the hon. Member which would at least not take away the rights of private parties."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am agreeable to it subject to what I have said. I desire to suggest some such amendment to Mr. Peddiraju's amendment, or his potential or deceased amendment (Laughter) :

'except where the result of the exercise of such power is solely to adjudicate the rights of private parties'.

"But I want the House to consider its effect so far as the chapter on water courses is concerned. I conceive that it will really introduce difficulties as between private parties who may be interested in carrying on schemes. If hon. Members think that the remedy that is now suggested is better than the disease which may result from the application of this amendment to water courses, I for one have no objection, but I desire to take the sense of the House on that."

Mr. B. MUNISWAMI NAYUDU :—"As regards water courses, the chapter provides for certain powers being taken after issue of a notification and after hearing objections of parties affected, and it provides that the land should be acquired under the Land Acquisition Act. If things proceed to such an extent, where does the question of private right come in for any declaration that any particular safeguard is necessary? The only thing now required, is protection against the refusal of the right of injunction."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—"As far as the Government controlling the works is concerned, we have already introduced 8-30 p.m. in clause 8 the words '*in the public interest*' and therefore the question of one party against another does not arise. Government must always proceed under the provisions of this Act and therefore when they do anything in the public interest no suit shall lie even if the clause stands as it is. In the whole Bill you cannot find a single chapter which deals with rights *inter se*. The amendment to restore civil jurisdiction was negatived in this House and it means the decision of the Collector is left as final. I do not quite understand how you can now maintain a case where a civil suit lies between a party and party. According to the amendment negatived by this House the question of dispute between one party and another arises in respect of water-courses. I say there is not a single case in any of the other chapters in this Bill."

Mr. B. MUNISWAMI NAYUDU :—"If the question of preferential right were to be disputed and if the irrigation officer says you are not entitled to it, what is the remedy?"

Rao Bahadur C. V. S. NARASIMHA RAJU :—"When he does it, the only remedy is claiming damages. In the whole of the chapter there are absolute powers given; but there are certain limitations. When the limitations are transgressed you have got the remedy in the shape of damages. You cannot have an injunction without showing that the section provides for preferential rights, that the irrigation officer has not acted under the Act and that therefore the injunction had to be granted. The moment you show that the provision is transgressed, a suit is maintainable. The moment the Public Works Department transgresses, an injunction shall lie. Even now as the section stands it is not prohibited. The only excuse when the injunction cannot be granted is when the officer is acting under the provisions of the Act. Then it is for the plaintiff to show that the officer is not acting under this Act. The moment you show that, injunction will be granted."

Mr. P. SIVA RAO :—"I think it is necessary to have some such amendment. But I do not accept the words '*inter se*' after '*parties*'. It would be an illusory safeguard there. What about the case where the rights have to be adjudicated upon between Government and private parties? It is unfortunate that amendment No. 337 has not been moved and I am one of those who gave notice. This section, as it is, bars the remedy of injunction whether temporary or permanent in all cases whether by way of suit or by way of application. I will give an instance. Suppose the Government encroach upon a purely private work, then it is open to the private party to go to the civil court and file a suit for declaration. You cannot obtain an interim injunction restraining the Government from carrying on the work. Supposing he obtains a declaration, it will be simply futile. The work would have gone on in the meanwhile. Where is there any way of executing the decree at the last stage? It will be futile. The decree will be a scrap of paper. The man who obtains a declaratory decree will have no power to get any mandatory injunction to demolish construction. He will have to simply content himself with the small quantum of compensation which the Government may choose to give. Now, Sir, what about the cases pointed out by the hon. Member for the University where injunction is the only remedy?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Do I understand the hon. Member from Bellary to say that an irrigation scheme may form the subject of an injunction?"

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Mr. P. SIVA RAO :—"Yes, in some special cases. I gave instances of Government encroaching upon purely private works and assuming control over them. Then it is open to the party to go to a court for declaration. I would ask hon. Members of this House to move the amendment as it is without the addition of '*inter se*' because if they introduce the phrase '*inter se*' it will be very inadequate. I want this provision to extend also to cases of any adjudication or assertion of the rights on the part of the Government as against private parties. I think the British Courts have lived long enough and can be trusted with regard to granting injunctions."

Mr. B. MUNISWAMI NAYUDU :—"Sir, in view of the fact that what is required is actually with regard to water-courses, may I request the permission of the House as well as your permission to insert in the amendment of Mr. Peddiraju the word 'solely' between the words 'such power is' and 'to adjudicate' and to substitute the word 'between' for the words of the"? If the water-rates are adjudicated upon, the decree will be binding on the Government. I therefore move the amendment."

Mr. K. SITARAMA REDDI :—"I second it."

Mr. E. W. LEGH :—"May I draw the attention of the House to the fact that this will give the right of injunction in any case in which the Government are asked for water-course? That is my point in the present discussion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not want to add to the discussion. I shall leave it to the House to decide the points raised."

The original amendment as amended was put and carried.

Clause 99 as amended was put and carried and added to the Bill.

Clause 100 was put and carried and added to the Bill.

Clause 101 was put and carried and added to the Bill.

Clause 102.

Mr. T. R. VENKATARAMA SASTRIYAR :—"I move that—

'The last paragraph be omitted.'

"These provisions are applicable to all rules of limitation. I think it is superfluous here. That is why I suggest the omission."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it. Under the present law it is unnecessary."

The amendment was put and carried and the omission was made.

Clause 102 as amended was put and carried and added to the Bill.

Clause 103.

Mr. S. MUTTAYYA MUDALIYAR :—"I beg to move:

'That this clause be omitted.'

"The offences contemplated by this section are already covered by the Indian Penal Code and there is no necessity whatever for repeating a legislation. If this clause is carried, it may be that the same thing may become an offence under the Indian Penal Code as well as this law. Of course, the

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man won't be tried under both. But what I am saying is that it is unnecessary under the irrigation law. It may be that in some cases what are contemplated as offences in this Act may not be offences under the Indian Penal Code. We have gone on for a long time without any serious offence against irrigation works being committed which will damage or injure such irrigation works."

3-45 p.m. Mr. S. Satyamurti seconded the amendment.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I may perhaps shorten the discussion, if I am allowed to point out that it was believed that punishments under the Penal Code would result in heavier penalties and in that view care was taken to provide for light punishments. If, however, the House is going to accept this amendment, I have no objection."

Mr. S. MUTTAYYA MUDALIYAR :—"I very much appreciate the intention of the hon. the Law Member. But I must say this. The Indian Penal Code has been in existence for the last sixty years and in the working of it, I am not aware of punishments having been inflicted to the largest possible extent. The difficulty is that many of the offences that come under the Penal Code are also made offences here. It is true that punishments under the Penal Code are severer than what is contemplated in this Bill, but severe punishment has not been given so far to my knowledge. I do not think, therefore, that to avoid an imaginary hardship more offences should be created and each of them should be made punishable."

Mr. J. D. SAMUEL :—"I oppose the amendment very strongly. Everybody knows that under the Bill the punishments provided is less severe. Therefore it is better that this clause is retained."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Speaking for myself, if this provision is passed, I shall have no objection to accept the amendment."

Mr. R. SRINIVASA AYYANGAR :—"As it is a question for the House and as it involves a matter of very great importance, I should like to oppose the amendment. The hon. the Mover has said that no difficulty has been experienced and that he has come across no instances where any severe punishment has been awarded. Hon. Members of the House are perfectly aware of one section in the Penal Code, viz., 430, which deals with the diminution of supply of water for agricultural purposes. In my personal experience I have come across very many cases that have been brought under this section and especially when it was brought by the Government I have known cases where persons have been sent to jail. I had in many cases to prefer an appeal but with no success. So far as this clause is concerned it contemplates a series of offences and it wants to make the punishments as small as possible and try to do away with the penal sections so that persons may not get themselves enmeshed into some section of the Code which will give drastic punishments."

Mr. G. RAMESWARA RAO :—"In view of what the hon. the Law Member was pleased to say I would suggest that the Government may make their intention clear that the offences mentioned under this clause would not be taken up under the Penal Code."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We cannot legislate on that matter."

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Mr. G. RAMESWARA RAO :—" I am quite aware of the fact that by so doing we are not abrogating the provisions of the Penal Code. What I ask is that if the Government is actuated by that sense of fairness, they can embody in this section some such thing as 'Offences under this section shall not be triable under the Penal Code'."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Even that we cannot do. Then it will be a legislation regulating a central subject and I am afraid we cannot do that."

Mr. G. RAMESWARA RAO :—" I have already said that it is not our intention to abrogate it. It may simply be said that offences under this Act cannot come under the Penal Code. If the Government give that assurance the section might remain. Otherwise there is absolutely no force in a section like this. I am rather unwilling to take the view of the Government when we are actually engaged in legislating. I, therefore, suggest some such wording as mentioned by me."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I do not know how this can be done. Supposing a private party is anxious to take a case. Then the Indian Penal Code will have to apply. Of course nobody is going to be punished twice for the same offence. The idea is that there are certain offences created by this Act and this would be the procedure for those acts. Normally speaking this provision will be applied. That is all I can say about it."

Rai Bahadur T. M. NARASIMHACHARLU :—" I oppose this amendment. In the first place, this being a special law and the Indian Penal Code being a general law, provisions of a special law cannot be taken for a general law. Therefore as long as these provisions exist the Government cannot invoke the general law. Secondly, I am not always enamoured of the way of these magistrates. These magistrates are always zealous and they are always very liberal in the matter of punishments so far as the Government offences are concerned, for example the forest offences, etc. Further, I submit these provisions are more lenient in their punishment than the general law. I am not quite sure whether any one of these provisions relating to the irrigation and drainage works is also contained in the Penal Code. Therefore, I submit, Sir, that it is safer to have these provisions instead of allowing the magistrates to take notice of these things under the Code whereby the magistrates in their zeal may be tempted to award exemplary punishments in order to curry the favour of the Government. I therefore submit this view and I oppose the amendment."

Mr. P. SIVA RAO :—" I also strongly oppose the amendment. It is highly desirable to have a self-sufficient Irrigation Bill with a list of the offences specially relating to the matters of irrigation. Sir, it is not desirable, and it is hardly expedient that matters arising out of this Bill should be taken before a magistrate's court under the Indian Penal Code. Then again, Sir, this provides for certain offences and provides also for certain lenient sentences and it generally deals with petty offences and it certainly is, I think, desirable that we should have a list of these trivial offences for which certain light punishments are provided. Even in the interests of the ryots it is not desirable that they should be carried before the magistrate and hauled up before him for these trumpery offences under the Penal Code."

The amendment was put to the vote and lost.

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Mr. G. RAMESWARA RAO :—" I move :—

'In item (7) add at the end the words "and proclaimed as prescribed".'

"The sub-clause at the end says 'after the prohibitory order issued by the Collector in that behalf'. I only want to make it clear that the prohibitory order of the Collector must be made known to the parties affected. The clause as it stands does not say that."

Mr. P. ANJANEYULU :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I accept it."

The amendment was put and carried.

Mr. P. PEDDIRAJU :—" I move :

'In item (8) for the words "the Local Government" substitute the words "the Legislative Council".'

"I want the matter to come before the Legislative Council."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" It is only consequential and it is to come on later on."

Mr. P. PEDDIRAJU :—" I withdraw the amendment."

Mr. T. R. VENKATARAMA SASTRIYAR :—" I move :

'For all the words "beginning with under clauses (5) to (8)" substitute the words "under clauses (5) to (7) to a fine not exceeding Rs. 50 or in default to pay the fine to simple imprisonment not exceeding one month and in the cases of offences under clause (8) to the penalty prescribed".'

"It is a formal amendment and I move it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put to the House and carried.

Clause 103 as amended was put, carried and added to the Bill.

Clause 104 was put, carried and added to the Bill.

Clause 105.

Mr. T. R. VENKATARAMA SASTRIYAR :—" I move the three amendments standing in my name. They are as follows :—

'In line 5 after the word "shall" insert the words "within a time fixed".'

'In line 5 before the word "obstruction" insert "construction or".'

'In line 8 omit the words "within a period to be fixed in such order".'

"If the amendments are accepted, the first portion of the clause will read as follows :

'When any person is convicted of an offence under section 103 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting magistrate may order that he shall within a time fixed remove the construction or obstruction or repair the damage or replace or repair the land-mark, level-mark, water-gauge or apparatus in respect of which conviction has taken place.'

"The reason for moving the second amendment is, construction is one of the offences under clause 103. The other two are mere verbal amendments."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second the amendments."

The three amendments were put and carried.

Clause 105 as amended was put, carried and added to the Bill.

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Clause 106.

Mr. P. ANJANEYULU :—" Sir, I move :

"Add at the end the words "and who on being required to quit, refuses to do so"."

"I move the amendment only to make the matter more explicit. Officers, especially those who are short-tempered, will generally misuse their powers. I therefore want to make the offence more definite."

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

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I take it that what is really passing in my hon. Friend's mind is that a person who, being asked to quit, does not do so or does any of the offences mentioned therein, should be removed. Otherwise supposing a person alters the flow of water or alters a weir, then what is the meaning of asking him to quit and so on?"

Mr. P. ANJANEYULU :—"I too equally felt the difficulty in understanding meaning of the word 'remove' in the clause. Is the Irrigation officer to remove the person bodily? The idea is to ask him 'will you get away or shall I throw you out'. I only wanted to make the matter more definite."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Suppose I insert the words 'though directed to desist' after the words 'in his view', will it be acceptable to my hon. Friend?"

Mr. P. ANJANEYULU :—"I have no objection to that I accept the amendment."

The amendment as modified by the hon. Mr. C. P. Ramaswami Ayyar was put and carried.

Clause 106 as amended was put and carried and added to the Bill.

Clause 107.

Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, I beg to move :

"After the word "finds" insert the word "that".

"For the words "the provisions of" substitute "any arrangement made, direction given or order issued under"."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the amendments."

The amendments were put and carried.

Mr. E. W. LEGH :—"Sir, I move :

"For the word "five" occurring after the words "not exceeding" substitute the word "twenty"."

"I move this amendment because we had representations made to us that a penalty of five times the water-rate has no effect in preventing the offences. It is therefore obvious that the powers now possessed are inadequate to carry out the intentions of the Act. It seems to me that the Government are being put in possession of the powers which do not enable them to do the duty which they are called upon to do to the persons who have rights under the irrigation works. Therefore, the powers given should be sufficient to deal with the case. I know hon. Members object to large penalties. But surely they do not object to powers being given which will prevent the actual theft

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[Mr. E. W. Legh]

of water by other people. We have particularly the case of the Periyar where, though there is the penalty of five times the water-cess in existence, the theft is going on year after year."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The matter was gone into very carefully in the Select Committee and this provision was put in deliberately taking into consideration the fact that there is also provision for prosecution. Every one in this House knows the difficulties in the levy of penal assessment. The persons concerned are subject to great tyranny. Therefore, I am surprised to see that the hon. Member, the Revenue Secretary, thought it necessary to move this amendment in spite of the opposition it had in the Select Committee and in spite of the more serious opposition it is likely to have in this House. I therefore appeal to him to show grace at least in this case and withdraw the amendment."

Mr. E. W. LEGH :—"I am greatly surprised to see the hon. Member from Coimbatore objecting to this so strongly. He knows the difficulties of the penal assessment and he knows that in very many cases the existing penalty is having no effect at all."

Mr. P. PEDDIRAJU :—"I may also draw the attention of the Revenue Secretary to the fact that even the Advisory Committee recommended only double the assessment and it was the Select Committee who recommended five times the assessment."

Mr. E. W. LEGH :—"I must point out that I do not think that I am in any way extravagant or unjust."

Mr. P. ANJANEYULU :—"From my experience I may say that this inquiry is generally held long after the so-called offence is committed, when the evidence on behalf of the Government will be overwhelming and the ryot will have to lose his case even if he has a real grievance. Of course, if all District Collectors are like my hon. Friends, Mr. Paddison and Mr. Davies, there is no fear. But even then it is not the District Collectors that are on the spot. Generally, the village headmen or the irrigation officers are to give the evidence and on that evidence the Collectors have to decide. So, very often wrong decisions are arrived at. So, I think this amendment ought not to be accepted."

Rai Bahadur T. M. NARASIMHACHARLU :—"I also oppose this amendment. This penalty of five times the cess is in addition to the water-cess. It is five times the cess on the first irrigated crop. So, it may come to even 50 or 60 times the cess on the second or the third crop. Thus, by itself, it is a heavy punishment. I therefore submit that the Government will be well advised in withdrawing this amendment."

The amendment was put and lost.

Mr. G. RAMESWARA RAO :—

4-15 p.m.

Add the following as a new proviso before the existing one:—

"Provided that the Collector shall ask the panchayat to take action under section 92 where there is a panchayat and if the offence is repeated the offender may be prosecuted for an offence under section 103."

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"Section 107 provides for an enquiry being made by the Collector and he is being empowered to levy a water-cess not exceeding five times the existing one. What I would suggest is that, instead of giving powers to the Collector in all cases, the panchayat may be empowered under section 92 to levy the penalty. If the panchayat are found to be sleeping over the matter, and if they are not interested in safeguarding the welfare of the people concerned by punishing the erring ryots, then the Collector can interfere. Therefore, the panchayats which are brought into existence for the purpose of looking after the management of irrigation must have the first right to punish the erring people.

"It has been said that penal assessment is not very effective. I am quite sure that dealing with it as an offence would be more effective. The ryot fears 'offence' more than 'penal assessment'. Therefore, I suggest that the panchayat should punish the erring ryot in the first instance and the Collector should interfere only in the last resort. This will serve the interest of the panchayat as well as act as a deterrent against any lapses possible in that direction."

Mr. P. ANJANEYULU:—"I second the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"This makes the levying of the penalty nugatory."

The amendment was put and lost.

Mr. S. MUTTAIYA MUDALIYAR:—"Sir, I beg to move:

'Omit this sub-clause.'

"Sir, sub-clause (2) says:

'Where as a result of damage, alteration, enlargement or obstruction to an irrigation or drainage work water has been taken for the benefit of certain lands, the Collector may recover from the occupiers of the lands so benefited enhanced cess not exceeding five times, etc.'

"I believe the damage, alteration or obstruction which is contemplated in clause (2) is only such unlawful alteration or obstruction as is referred to in clause 103. Though there is no particular reference to section 103 in this clause, I take it that the damage or alteration or obstruction referred to is only such unlawful alteration or obstruction as comes under that section. Suppose the offence is committed by a particular person and as a consequence there is an increased flow of water in a channel and another man's land is benefited; what the sub-clause provides is that every person benefited by the unlawful act has to pay five times the water-tax. That is the penalty with which the man is sought to be punished for an offence committed by another person, a punishment which is altogether unwarranted, uncalled for and unjust in the administration of the irrigation law."

Mr. P. PEDDIRAJU:—"I second this amendment. In doing so, I want to bring to the notice of this House one fact. The draft Bill contained a clause in which there was a provision for recovering the loss caused to Government from all the people, whoever might have committed the damage or caused the loss. That is a communal liability; it was sought to be cast on all the parties, whoever might be in the wrong. So, the previous clause 23 was omitted and this sub-clause was intended as an auxiliary to that clause, empowering the Government not only to collect the cost of the damage but also to levy penal assessment. Having omitted clause 23, it is wrong that we should have this sub-clause (2) which allows the Government to levy a penalty against all persons, whoever might have committed the offence."

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"At the time of the first reading of the Bill, everybody objected to clause 23. In objecting to it they objected to this section. Supposing one party makes a breach in a channel, it may be with the connivance of the karnam, and though all the people take water from that breach, it is only the poor people that will have to bear the penal assessment. So, if this section is allowed to remain as it is, I think the poor people will suffer. This communal liability ought to go."

Mr. E. W. LEIGH:—"I quite understand the desire of the hon. Members of this House to omit this provision. But, Sir, there is no doubt about this that if powers are not given to officers to enable them to protect the persons who have lawful rights to the water from those who wish to infringe upon those rights, then in the long run the lawful owners will have to suffer. You can only tax the rights by any given powers and if powers are not given, rights cannot be enjoyed. That is the reason why I strongly request the House not to take away what is still left in the section."

Mr. P. HAWKINS:—"I should like to endorse what the Revenue Secretary has said. It is obviously difficult in all these matters to find out who has actually done the damage. Knowing the spirit and the object with which this sub-clause was put in, it is very desirable that the House should reject this amendment, otherwise it would be very difficult to find out who the culprit is."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, first of all some damage is postulated. Some damage or alteration or enlargement takes place; as a result of the damage, people benefit. It is not too violent a presumption that those who benefit by it are responsible for it and it is that presumption which is sought to be enforced."

Mr. P. PEDDIRAJU:—"So far as the word 'benefit' is concerned, in the case of wet crops, whether you give water to-day or to-morrow, it does not matter. So the word 'benefit' means that you have taken water; that is all."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The time may be very material even in the case of wet crops. With regard to the objection that is raised on the other side, all I have got to say is this; that unless you do that, you do not really get the power of regulating that matter; because damage may take place and you may not be able to detect where it is. And apart from prosecution of all and sundry, which would be similar to communal prosecution, there would be no remedy. This is, I submit, the better way and one that would, from many points of view, conduce to greater convenience on the part of every body concerned."

Mr. O. V. VENKATARAMANA AYYANGAR:—"May I ask a question under this, namely, whether there is any difference between what has been taken and what has flown? On account of the damage water flows in the fields. It will come under this."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The present modified section makes it clear that a human agency has operated. It is not a question of involuntary flow that has been taken; it is not a flow."

Mr. O. V. VENKATARAMANA AYYANGAR:—"May not this be brought under clause (1) also? Clause (1) is more in favour of Government than clause (2)."

The amendment was put and declared carried.

[18th November 1924]

The hon. Mr. C. P. Ramaswami Ayyar demanding a poll, the House divided as follows :—

Ayes.

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|---|-------------------------------------|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 12. Mr. C. Maruthavanam Pillai. |
| 2. " A. S. Krishna Rao Pantulu. | 13. " S. Muttayya Mudaliyar. |
| 3. " T. A. Ramalinga Chettiyar. | 14. " P. Peddiraju. |
| 4. Mr. K. Uppi Sahib. | 15. " G. Rameswara Rao. |
| 5. Dr. P. Subbarayan. | 16. " M. R. Seturatnam Ayyar. |
| 6. Mr. S. Satyamurti. | 17. " P. Siva Rao. |
| 7. " T. Adinarayana Chettiyar. | 18. " R. Srinivasa Ayyangar. |
| 8. " P. Anjaneyulu. | 19. " P. C. Venkatapati Raju. |
| 9. " A. Chidambara Nadar. | 20. " C. V. Venkataramana Ayyangar. |
| 10. " M. Gangaraju. | 21. " B. Venkataratnam. |
| 11. " K. Koti Reddi. | |

Noes.

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|---|---|
| 1. The hon. Sir Arthur Knapp. | 19. Rao Bahadur Cruz Fernandez. |
| 2. " Mr. C. P. Ramaswami Ayyar. | 20. Rao Sahib P. V. Gopalan. |
| 3. " the Raja of Panagal. | 21. Honorary Lieutenant Madurai. |
| 4. " Rao Bahadur Sir A. P. Patro. | 22. Mr. T. Mallesappa. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 23. " K. Ponnuswami Pillai. |
| 6. Mr. R. W. Davies. | 24. " B. Ramaachandra Reddi. |
| 7. " P. Hawkins. | 25. Rao Bahadur P. Raman. |
| 8. " E. W. Legh. | 26. Mr. A. Ramaswami Mudaliyar. |
| 9. " P. L. Moore. | 27. " J. D. Samuel. |
| 10. " T. R. Venkatarama Sastriyar. | 28. Diwan Bahadur P. Kesava Pillai. |
| 11. " G. F. Paddison. | 29. Mr. K. Sitarama Reddi. |
| 12. Dr. John Mathai. | 30. " R. Srinivasan. |
| 13. Mr. Abdulla Ghatala Sahib. | 31. " P. V. S. Sundaramurti. |
| 14. " S. Arpudawami Udayar. | 32. " R. Veerian. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 33. " K. Venkatachala Padayachi. |
| 16. Mr. H. B. Ari Gowder. | 34. Rao Bahadur C. Venkataranga Reddi. |
| 17. " P. K. S. A. Arumuga Nadar. | 35. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 18. Diwan Bahadur P. C. Ethirajulu Nayudu. | 36. Rai Bahadur T. M. Narasimhaachari. |

Neutral.

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| 1. Mr. N. Devendrudu. | 9. Diwan Bahadur M. Krishnan Nayar. |
| 2. " P. N. Marthandam Pillai. | 10. Mr. Narayanaswami Pillai. |
| 3. " B. Muniswami Nayudu. | 11. " Abbas Ali Khan. |
| 4. " C. Muttayya Mudaliyar. | 12. Khan Bahadur Haji Abdulla Qasim Sahib. |
| 5. " K. Prabhakaran Tampam. | 13. Mr. Muhammad Ghouse Mian Sahib. |
| 6. " P. T. Rajan. | 14. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 7. " P. Sagaram. | 15. Mr. K. Chavadi Subrahmanya Pillai. |
| 8. " K. Sarvarayudu. | |

21 voted for the amendment and 36 against; 15 remained neutral.
The motion was lost.

Clause 107.**Sub-clause (2).**

Mr. E. W. LEGH :—" Sir, I move :

"For the words "taken for the benefit of certain lands" substitute the words "used or allowed to escape to the benefit of any lands"."
4-30 p.m.

"The object of this amendment is to cover certain cases in Madura district where water is frequently let out from tank, by breaching of the bund in order to facilitate the irrigation of lands on the foreshore of the tank. This seems to be a matter peculiar to that district, but it is not covered by the Act. This amendment has been drawn up in order to prevent this particular type of malpractice."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I want to know if this amendment would make a wet land which takes water for a certain crop liable for water-cess for the whole year."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, the proposed amendment covers two classes of cases. The first word in the amendment is 'used'. It would cover the class of cases where water overflows and gets into the land of a neighbouring landholder and is used by him. It may not be a case where water is *taken* by the person concerned, but a case where water might have overflowed of its own accord and *used* by the owner of the land. Are such cases also to be penalized? For an act of Nature if a man is to be penalized, I think it is highly objectionable."

"The second point is 'allowed to escape to the benefit of any lands.' If it is meant to cover cases where water is allowed to escape by human agency, there is no need for this amendment. It is covered by the section as it is. I do not therefore see the necessity for the second portion, viz., 'allowed to escape to the benefit of any lands.' I would for that reason oppose the amendment."

Mr. E. W. LEGH :—" Both the words 'used' and 'allowed to escape' are necessary. The word 'used' covers the case of a man who takes water to his own land. And the words 'allowed to escape' cover the case of a man who lets water out of the tank not for his own requirements but in order to facilitate the cultivation of lands higher up."

Mr. P. PEDDIRAJU :—" The Revenue Secretary referred in moving this amendment to certain districts where there are certain practices. For that reason I think it is not reasonable to pass an amendment of this sort affecting the whole Presidency. When the amendment of Mr. S. Muttayya Mudaliyar was being discussed it was argued on behalf of the Government that that provision was intended only for safeguarding the irrigation works from damage being caused to them. Now that that amendment has been lost, it is hardly fair on the part of the Government to come and say that they want to penalize not only the person who had damaged an irrigation work but also others who are benefited by that damage."

"The second part of the amendment says: 'allowed to escape to the benefit of any lands.' Supposing somebody causes a breach and takes water but does not care to repair it and in consequence water spreads to other lands. If this amendment is passed, the owners of such lands also will be penalized. It plainly imposes upon a set of people the duty of closing a breach caused by a third person and of reporting it to the Government. The House should, I submit, take a calm view of this matter and vote against the amendment. The word 'taken' is already there. I think a man should be penalized only for doing anything unlawful of his own accord and not for taking the benefit of anything that comes to him."

Mr. J. D. SAMUEL :—" Mr. President, I beg to oppose the amendment. It is a dangerous amendment likely to be used for wreaking vengeance in factious villages."

Mr. G. F. PADDISON :—" As one who has known the Madura district well, I should like to explain the difficulties they labour under in that district. The old irrigation system in the Madura district consists of a series of tanks which are now supplemented by the Periyar water. Unlike those of the

[Mr. G. F. Paddison] [18th November 1924]

Tanjore and Gōdāvari deltas, the irrigation system of Madura consists of a series of tanks. If you fill each tank with water and allow the surplus water to overflow, you can fill the next tank lower down and then the third one and so on. Also, when you get one tank full it covers the lands above and it is these classes of cases the amendment is intended to cover. It is the lands in the foreshore of a tank breached that get the benefit of the breach. This amendment seeks only to prevent that injustice. I therefore commend it for the acceptance of the House."

Mr. P. HAWKINS:—"It is, I think, very important to have an enactment of this kind to protect the supply of the people who would have to suffer serious damage owing to the action of people in the foreshore of an irrigation work. If, for instance, an irrigation work is breached by the people in the foreshore of it, there will be people who are benefited by it and at the same time there will be people who will be put to serious loss in consequence. I think it is necessary to have some means by which we can protect the people under the tank from the loss of water caused by those damages. I have seen many cases such as this in the Periyar works. I had also a report from the Superintending Engineer to this effect. He stated that he himself had received complaints from the people saying that their supplies had been cut short by the action of people in the foreshore and that their loss should be made good by the people who were benefited by such breaches. So whatever be the wording of the amendment, I think it is most essential to have some provision like this."

Mr. P. ANJANEYULU:—"The objection raised by Mr. Hawkins can be met by the provision as it is, viz.,

'where, as the result of damage, alteration, enlargement or obstruction to an irrigation or drainage work, water has been taken for the benefit of certain lands, etc.'"

Mr. P. HAWKINS:—"May I point out, Sir, that 'taken for the benefit of certain lands' implies that water is taken to irrigate certain lands? It does not cover cases where water is used or is allowed to escape."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"By adding the words 'or let out' after the word 'taken' the class of cases intended to be covered by this amendment can be covered. It would then cover cases where the lands in the foreshore of an irrigation work let out water without the permission of the Public Works Department for the benefit of certain lands."

Mr. B. MUNISWAMI NAYUDU:—"We have considered two classes of cases. One class takes the water for its own benefit while the other class takes the water which in addition to benefiting it also benefits other lands. May I know which class is intended to be covered by this amendment? If it is intended to penalize both classes of people, then it is rather objectionable. It seems to me enough to punish the people who are guilty."

Mr. E. W. LEGH:—"I quite agree. But owing to their guilt the water reaches another set of people also."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think if the expression adverted to, viz., 'or let out' is put in after the word 'taken' it would remove the apprehensions expressed during the debate of this amendment."

The amendment of Mr. Legh was by leave withdrawn.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I move that the words 'or let out' be added after the word 'taken' in sub-clause (2) of clause 107."

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Mr. P. PEDDIRAJU:—"I second it."

The amendment was put and carried.

4-45 p.m. Mr. P. PEDDIRAJU:—"Sir, I beg to move:

"that paragraph 2 of sub-clause 107 (2) be omitted."

"My idea is that people should go to the civil courts and establish their case. If this paragraph is omitted the decision of the Collector will not be made final. For that purpose this amendment is necessary. I want to provide that the court should have power to see that the penal assessment is properly charged."

Mr. B. VENKATARAMAN (in Telugu):—"I second the motion."

Mr. E. W. LEGH:—"Sir, I don't quite see how the civil court is going to deal with this particular class of cases where in the nature of things evidence is difficult to obtain and is largely circumstantial. And it is for this reason that decision by the Collector on the facts available is provided for. There is also the right of appeal to the Collector. I doubt very much whether in the interest of the general body of the ryots this should be carried any further. If the question is taken to the court we know that action can be taken only on evidence available. I very much doubt whether it would result in any good to the tax-payer."

Mr. S. SATYAMURTI:—"Sir, the hon. Member, the Revenue Secretary, has put forward this extraordinary argument that because evidence of a credible character on which a court of justice may rely will not be forthcoming we must coolly be asked to transfer that jurisdiction from the judicial to the executive: 'you must trust to the rule of thumb methods of the executive: they will mete out justice as they can. There is no use of going to a court of law not because the court of law cannot decide but because there is no evidence.' If that is the basis of the argument advanced by the Government, then I think it is better that this amendment is accepted by the House. When we are trying to levy a penal cess it ought to be open to the party aggrieved to go to a court of law and ask the Government to prove their case. If Government have no evidence, then they have no case. On that account we cannot deliver the ryots into the hands of the executive."

Mr. E. W. LEGH:—"We are using the best evidence possible, viz., that certain lands were benefited. It is the only evidence possible in such a case. The procedure for dealing with such cases is laid down here."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, I wish to point out the inconsistent position which the Government is now taking in this case. It is only a question whether the land was benefited or not. In a corresponding clause 45 (2) the question whether the land is benefited or not is left for the civil courts to decide. When the Government have conceded that position in clause 45, I don't see any reason why they should not accept this amendment. The civil court should have the right to decide whether the land was benefited or not."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"So far as I am concerned, I do not object to this. It is a question of fact, viz., benefit. That may be litigated. Supposing we say that 'no such suit shall lie under this provision save on the question whether the land has or has not been benefited,' I think it will convey the idea in the minds of hon. Members. If that is so, an amendment may be drafted in due course."

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Mr. S. SATYAMURTI :—" May I suggest this to the hon. the Law Member which I hope will be in keeping with the spirit of what he has suggested? 'Against the order of the Collector an appeal shall lie to the District Collector whose decision shall be final except as to the fact of the land having been benefited or not.' What I want is this; if the Collector should have the power, there must be an appeal to the District Collector. Apart from that, we want this fact to be litigated in a court of law."

The hon. the PRESIDENT :—" The matter will stand over till to-morrow morning."

Clause 107.

Explanation.

Mr. E. W. LEGH :—" The wording of this sub-clause (2) is misleading and it might lead to trouble especially if the matter is taken to a court. Therefore I move that—

'In the explanation for the words "the rate of water-cess levied on neighbouring lands of similar description and quality" the words "the rate of water-cess leviable, had the land been paying dry assessment" be substituted.'

"I think this will meet the case."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The amendment was put to the House and carried.

The hon. the PRESIDENT :—" The clause will be put later on; we have yet to deal with Mr. Peddiraju's amendment."

Clause 108.

Mr. T. R. VENKATARAMA SASTRIYAR :—" This clause deals with three classes of cases and in order to deal with them separately I move that the clause as it is be split into three clauses as follows:

'108 (1) *The amount of rate or cess payable in respect of any land by a landholder or a ryot under this Act shall be a first charge on his interest in the land.*

(2) *The amount of rate or cess payable by a registered holder in respect of any land shall be a first charge on the land.*

(3) *All fines and penalties under this Act and all rates, cesses, contributions or other sums leviable or recoverable by the Government under this Act shall be recoverable as arrears of land revenue.*"

Mr. A. RAMASWAMI MUDALIYAR :—" I second the amendment."

Mr. S. SATYAMURTI :—" May I ask one question of the Advocate-General? What is the purpose of this amendment exactly?"

Mr. T. R. VENKATARAMA SASTRIYAR :—" To separate the three classes of cases."

The amendment was then put and carried.

Clause 108 as amended was put and carried and added to the Bill.

Clause 109.

Mr. A. RAMASWAMI MUDALIYAR :—" May I suggest that we adjourn now? The clauses to be dealt with are rather contentious."

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The hon. the PRESIDENT :—" The hon. the Law Member wished to give the House the benefit of to-morrow for non-official business as far as possible. Let us go on with the Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I may say, Sir, that so far as clause 109 is concerned in spite of so many amendments bearing on the clause there is only one point which the hon. Members desire to discuss, viz., whether the rules to be framed by this Government should be laid on the table of the House or whether they should be by way of affirmative resolution of the House. I think that is the main point and there is nothing else."

Mr. C. V. VENKATARAMANA AYYANGAR :—" What is the view of the Government? Do they accept it or not?"

Mr. A. RAMASWAMI MUDALIYAR :—" As I said, it is rather contentious."

Sub-clause (1).

Mr. T. ADINARAYANA CHETTIYAR :—" Sir, I beg to move:

'In sub-clause (1) of the clause 109 for the words "after previous publication" the words "with the approval of the Legislative Council" be substituted.'"

Mr. P. ANJANEYULU :—" I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I must say that the same reason which I put forward in regard to the question of the Taxation Bill or the affirmative legislation with regard to the taxation or the levying of water-cess will apply to this. I do not for a moment propose to cast any reflection upon the House or mean any disrespect for it. It must be remembered that at the present moment this is a Reserved subject. And it may be that our responsibility, the responsibility of the Reserved half of the Government, in regard to these matters, to the Secretary of State and the Viceroy, may require rules to be framed along certain lines. We may be directed to frame rules on certain lines with regard to the principles that they may lay down for the whole of India or for the Madras Presidency. We cannot, therefore, agree to any amendment which goes beyond the purview of the Reserved half of the Government. On saying so, I am sure, I shall be open to the criticism that I am not treating the Legislative Council fairly or not treating it with the respect which it deserved. Far be it from me to say so. We have got two responsibilities, we have got our responsibility to Parliament and that to the Secretary of State, for the administration of the subject so long as it is Reserved. It is impossible for us to accept the position in which the rules are to be framed solely by the Legislative Council and they are to be the final authority in the matter. There may be a certain class of cases in which the affirmative approval of the Legislative Council might be taken; but this cannot be paramount or fundamental in character. There is also a different category of cases to be dealt with by the rules in which we are precluded from many considerations from accepting this amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, it is rather surprising to me to see the hon. the Law Member, when we are about to finish the deliberations of the Bill, to come forward and question or appear to question the reasonableness of the House. The way in which we are able to carry out the deliberations of this Bill is sufficient proof to the contrary and I thought the hon. the Law Member has sufficient ground to believe in the reasonableness of this House."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I certainly do so and I affirm it with all emphasis possible."

Rao Bahadur C. V. S. NARASIMA RAJU :—" But that was not the impression that was created in me when I heard his speech. I may just point out to the hon. Member that the rules may be placed before the House for its acceptance with such modifications as may be necessary. If the rules are modified by the House and if the Government find it difficult to accept them, they can withdraw the rules and bring them in the form of a Bill in which case they have the power of certification. I do not think there can be any practical difficulty."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" It is not that I was not aware of this possibility. I did not want it to be understood by the House that I wanted, if it were possible, to circumvent the provisions in a number of ways. As already stated, a Bill may be brought forward and all the concomitant powers exercised. At the present moment it must be borne in mind that resolutions of this House are, whether rightly or wrongly, but recommendatory in character. I do not want the rules should take any other shape than what I have already said and I now reiterate, that the Government will be most anxious to give these recommendations as full force as possible. But the hon. the Leader of the Opposition himself has indicated that it is possible to get over this matter by withdrawing the rules and bringing a separate Bill. I do not want to put forward that contention at all, but I may say that it is not open to us—I do not want to put it higher than that—to accept the amendment in the form in which it is moved."

Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know whether I heard my friend, the hon. the Law Member, rightly. I understood him to say that these are matters which fall within the jurisdiction of the Reserved half of the Government and as such Government cannot accept the obligation of passing them in the Legislative Council. If that was what he said, I must say that the power of passing these sections rests with the Council, and the Government in the Reserved half, along with the Transferred half, must be prepared to accept the verdict of this House. For this reason and for the reason that this Council must have a control over the matters referred to in the section, I support this amendment."

Mr. P. SIVA RAO :—" Sir, I am very much in favour of this amendment. The hon. the Law Member said that in matters of rule-making the Executive Government should have an upper hand. Sir, I cannot agree with him in that position. The hon. Member was also pleased to observe that in the case of the levy of water-cess this House was content to leave it in the form of a Taxation Bill. By way of analogy he suggested that in this matter also the House should be satisfied with the laying of these rules on the table of the House. Now, Sir, the provision under sub-clause (4) of this section is too inadequate to safeguard our rights. It may be, Sir, that for a period of two months the rules might be laid on the table of the House and it may be that some active Member of the Legislative Council may table a resolution in respect of that matter. But under the present system of ballot it may take years before a certain resolution comes up before the Legislative Council. We bring up resolutions from time to time and ballots are held; a resolution which takes a particular place at this ballot is pushed far down at the next and so many changes, it is subject to and it may not come for years. If the hon. the Law Member claims that the Executive Government is supreme in

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the matter of rule-making, I may contend that in the enacting of this Bill the House should be supreme and its verdict should be final. I may ask, if the House did not reserve this rule-making power to the Executive Government, what the hon. the Law Member would have done. If for instance we had insisted that all the matters should be dealt with in the Act itself, then the Executive Government would not have raised any voice whatever. It is said of some important Acts, say the Government of India Act, that the spirit of it had been whittled down by the rules framed thereunder. I do not want to be said of this Bill that the spirit of this Bill has been whittled down by the rules. I therefore think that the hon. the Law Member will graciously accept the amendment. I do not know whether it involves any constitutional question."

Mr. E. W. LEGH :—" May I point out, Sir, that the first thing covered by the present rules is the question of rate of cess? That has been taken out of the rules and is allowed to take the form of a Taxation Bill. It seems to me that the House has got there the power of making itself felt; that is a factor which is the most important of all for the decision of the House. Other matters are merely matters of detail if one cares to look into them. There are some twenty or thirty pages of rules in the Board's Standing Orders connected with the administration of water in the various districts and if the rules are considered to be a matter of detail and if the House wants to debate on all these details, we should be sitting as long as we have been sitting over this Bill and debating. I can understand the desire on the part of the House to criticise the rules framed and that is secured by placing them on the table of the House. If we are to debate on them and pass them in detail, I really think we should be wasting our time and no great good will come out of it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I see a way out of the difficulty, Sir. Subject to what I have already stated, I think the best plan would be to adopt the formula which has been adopted by the Government of India Act. There are hundreds and hundreds of rules on the matter and what is suggested is that they should be placed on the table of the House. If any modification or alteration is moved and carried in the Council, the alterations shall take effect. I think that will be a way out of the difficulty. I only suggest it. It may or may not be accepted. To debate each of the five, six or seven hundreds of these rules may evade their promulgation. But if a provision is made that the rules shall be laid on the table of the House but no rule which the House rescinds or modifies shall be promulgated except as so modified, that will probably satisfy many sections of the House. The House will then have the opportunity of exercising its discretion; if it does not differ and pass the rules, they will be promulgated after the specified period. If it however wants to modify them, the modifications will have statutory force."

Mr. P. ANJANEYULU :—" Do I understand the hon. the Law Member to say that till such modifications are effected the rules shall not come into force? In that case some of us may consent to the suggestion. This looks to me as though a proposition can be discussed in the House but the corollary shall be left to the rule-making power. When we have enunciated the Bill itself and discussed it in a tolerably quick time, I do not think much time will be spent in discussing the rules. The anxiety of the House as I understand is that the rules may be so framed that the spirit of the Act is swallowed up."

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So, I would have no objection for the hon. the Law Member moving an amendment under sub-clause (4) that the rules shall be brought into force as approved by the Council and the Council will have the opportunity of going through each and suggest amendments which they deem necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I was only referring to the section of the Government of India Act, section 129-A, sub-clause (3). It reads :

'Any rules to which sub-section (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything done previously thereunder.'

"In addition to the word 'annul' we may also have 'modified'."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Will it come under the Resolution rules?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We will have to provide for it specially."

Mr. S. SATYAMURTI :—"I am afraid, Sir, that the hon. the Law Member's suggestion, although it is an attempt to meet us half-way, cannot really meet the situation. What we are really anxious is to have the other proviso that follows the clause in the Government of India Act which my hon. Friend has just read out :

'Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications and additions to which both Houses agree, but upon such approval being given, the rules may be made in the form in which they are approved and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.'

"What we ask is, Sir, an affirmative sanction to be given by this House to these rules. The only objection that has been urged so far by the Treasury Bench is the objection based on convenience. They are afraid that if a large set of 500 rules are placed on the table of the House we may have interminable discussions. I do not think that that opportunity is likely to arise. There may be rules made after some time; once they are made and placed here we may take it that the approval will be given in some form by the House, in the form of a general resolution or by suggestions for amendments. It may be over in a day or two. But the House will have the satisfaction of knowing that it has had the opportunity of giving its sanction to the rules. My hon. Friend said that his responsibility as a Member of the Reserved half to the Viceroy and the Secretary of State was great and has suggested that he cannot accept the amendment. May I remind the hon. Member in all humility that we have also our responsibility to those who have sent us here and we cannot surrender their rights to the executive and say that we are going to be willing parties?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not, Sir, for a moment detract from the responsibility of hon. Members of this House. If in the use of that responsibility they want to take any action, it is open to them to do so."

Mr. S. SATYAMURTI :—"My hon. Friend pointed out very rightly that resolutions of this House are only recommendations. When with any legislation the executive comes to us, we shall say : 'We shall give our vote...'"

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price, namely, that you agree to place the rules and take our affirmative sanction; if you will not give us that price, do what you will.' You can certify or do what seem best. So far as we are concerned, we can go with a clear conscience to the country and say that we were not willing parties to this executive legislation. I am sure the hon. the Law Member has read and appreciated the trend of opinion in modern civilized countries which is against this kind of legislation by delegation. I think the most authoritative writers on legislation have laid it down that, as far as possible, legislation by delegation ought to be deprecated. The legislatures ought to legislate more or less in self-contained Bills and must not leave to the executive large questions of policy but only matters of executive detail."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That was what was termed a counsel of perfection by Sir Courtenay Ilbert. The course of legislation in England, especially from 1914 onwards, shows that, and in the great Land Transfer Act to which Lord Birkenhead was a party, there are practically 1,500 rules framed by the executive authority under the Act."

Mr. S. SATYAMURTI :—"That is however the aftermath of the war which turned things upside down in England and which made the Legislature agree to whatever the Executive did. I am referring to that trend of opinion which my hon. Friend, Mr. Peddiraju, has referred to in his dissenting minute appended to the Bill. I do not know what the effect of it has been; I shall read it for the benefit of the House :

'I think the last sub-clause (4) is a mistake. It was agreed to by the select committee that all the rules under this Bill shall have the positive sanction of the Council. This is a very important change. The rule-making power ought not to be left to the Executive Government.'

"I do hope therefore that all sections of the House will favour the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Merely as a matter of personal explanation, I may say, now that that question has been raised, I thought that it was pointed out that it would be convenient to take them as two classes of cases; one relates to rules which require affirmative sanction of the House, and the other to rules which may be dealt with in the manner proposed. I would not have thought it necessary to put forward that contention but a sentence from the dissenting minute of Mr. Peddiraju has been read and that has to be explained."

Mr. S. SATYAMURTI :—"I quite appreciate what the hon. the Law Member has said just now, that he would frame a set of rules which require affirmative sanction of the House and another which does not. But let him first of all consider and accept this amendment as it now stands, and it will then be open to him to bring in an amending Bill and say that we shall so work the Bill as to have two classes of rules, one class being the more important rules which require the affirmative sanction of the Council, and the other being such as do not require such sanction, as not relating to any question of policy but being only matters of administrative detail. These latter will become law after they are on the table of the House for some time. But so long as that classification is not made, I do appeal to the House that it will be consulting the wishes of the House and will be in accordance with the highest principles of enacting statutes to pass this amendment as it stands."

The amendment was then put and carried.

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Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, I move the following amendment :—

'In item (b) of sub-clause (2), omit the words "unless otherwise expressly provided for in this Act".'

"The rules are subject to the provisions of the Act, and so these words are not necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the motion.

The amendment was put and carried.

Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, I move the following amendment :—

'In sub-clause (3) for the words "from the date of this Act" substitute the words "from the date on which this Act comes into force".'

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the motion.

The amendment was put and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, as a result of the voting on the amendments under this section, it becomes necessary to omit sub-clauses (f) and (h) of clause (2) of section 109, because (f) and (h) have been dealt with as taxation statutes and rules separately. So (f) and (h) must go. I therefore move for their omission."

Mr. T. R. Venkatarama Sastriyar seconded the motion.

The amendment was put and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I move
'for the omission of sub-clause (4)'."

Mr. T. R. Venkatarama Sastriyar seconded the motion.

The amendment was put and carried.

Mr. B. MUNISWAMI NAYUDU :—"Sir, before clause 109 is put, may I request the hon. the Law Member to tell us why (f) and (h) have been omitted?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The omission has been carried."

Mr. B. MUNISWAMI NAYUDU :—"Will he tell us whether he proposes by way of consequential amendments to bring them forward at the third stage? Section 59 provides that the rate shall be levied according to the rules to be framed under section 109."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It was changed yesterday as an amendment was passed by the House that it should be provided as a taxation measure, and the consequential amendments have been made."

Clause 109 as amended was put, passed and added to the Bill.

Clauses 19 and 20.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"There are only three formal matters which would not take even 5 minutes. The first thing is this: The proviso to section 20 has been held over until section 61 was disposed of. Section 61 has been disposed of, and so the proviso must be put to the vote."

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Mr. T. R. VENKATARAMA SASTRIYAR :—"I do not think it is necessary to move it, and I do not move it."

Clause 19 as printed in the Select Committee's Bill and clause 20 as it was subsequently changed, were put as amended and passed, and added to the Bill.

New clause 71.

Mr. E. W. LEGH :—"Sir, I should like to move the following as clause 71. This amendment has been circulated to hon. Members. It is a little bit long-worded, but still I would ask permission of the House to modify it if necessary when we come to the third reading. As the amendment now stands, I think it substantially carries out the purpose of the first two parts of amendment No. 307, except clause (c) therein. I believe I am right in saying that the third part of that amendment cannot be made a part of this Bill, as it must come under the Estates Land Act. Therefore I have taken the portion that can be dealt with under this Bill. I shall read out my amendment; it runs thus :

'Insert the following as clause 71—

"71. If compensation is awarded under section 62 on account of a stoppage or diminution of supply of water to any land recognized as wet at the time of the permanent or temporary settlement, inam settlement or ryotwari settlement as the case may be and the amount of revenue payable to the Government in respect of such land or the estate in which such land is situate has been fixed with reference to the classification of such land as wet, the registered holder of such land or the landholder of the estate in which such land is situate, as the case may be, shall be entitled, so long as such stoppage or diminution continues, to an abatement of the revenue payable to Government in respect of such land or estate to such extent as may be determined by the Collector in accordance with the rules framed by the Local Government in this behalf".'

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the motion.

Mr. B. MUNISWAMI NAYUDU :—"I do not really understand the scope of this amendment at all. This provides only a revenue to the landholder and not to the ryot who actually cultivates the land. It is the registered holder or the landholder that is benefited but not the actual tenant, while in the case of Government area it is the tenant that gets the benefit. Secondly, I do not know why the abatement should be given to the land which at the time of the permanent or temporary settlement was wet. In a previous clause we were discussing as to the right of water being restricted to thirty years on the sole ground that no accounts are available for a period so long back as the date of the permanent settlement. I do not know how Government is going to find out whether the land was wet or not at the time of the permanent settlement. The amendment as it is, is objectionable because firstly it does not enure to the benefit of the tenant, and secondly it is impossible to know whether the land was wet or not at the time of the permanent settlement. I therefore oppose this amendment. I may also request that, if possible, the amendment may be taken up to-morrow."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I have no objection, Sir."

The amendment was accordingly postponed.

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Clause 107.

Mr. T. R. VENKATARAMA SASTRIYAR :—" I have one amendment, Sir, which relates to clause (2) of section 107. I think it is agreed that the question as to whether a particular land was benefited or not may be left to the civil courts, and that in all other respects the decision of the Collector should be final. Paragraph 2 of sub-clause (2) of section 107 says :

' Against the order of the Collector an appeal shall lie to the District Collector whose decision shall be final '.

" I move that at the end of this paragraph the following words be added :—
' except as to the question whether the land is benefited or not '."

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The amendment was put and carried.

Clause 107 as amended was put, passed and added to the Bill.

The House then (5-30 p.m.) adjourned to meet again at 11 a.m. the next day.

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

APPENDIX I.

[Vide answer to question No. 1243 asked by Mr. P. K. S. A. Arumuga Nadar at the meeting of the Legislative Council held on the 18th November 1924, page 369 supra.]

Copy of letter from the President to Watrap Union Board, dated 25th September 1924.

There is a Adi-Dravida member in the Union Board. His name is M.R.Ry. M. Muthu Kudamban Avargal. He belongs to the Pallar's caste. He was appointed by the President, Taluk Board, as a member of the Union Board from 1st April 1922 in nomination. As the Union Board was newly constituted as per Local Boards Act, 1920, a meeting was held in April 1922. The said member, M.R.Ry. M. Muthu Kudamban Avargal, attended the meeting. I gave him a seat to sit and he refused to sit in the seat and sat himself on the floor. When I asked him once again to sit he did not listen. I have no particular objection in M.R.Ry. Muthu Kudamban Avargal taking a seat in the chair.

2. There are four agharam streets in the above said Union Board. The said streets are maintained from the union funds. There is no habit to the Panchama castes to pass through the agharam streets ever since the Watrap village was formed from time immemorial.

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APPENDIX II.

[Vide answer to question No. 1245 asked by Mr. B. Mahabala Hegde at the meeting of the Legislative Council held on the 18th November 1924, page 372 supra.]

Report of the President, District Board, South Kanara, dated the 24th October 1924.

I have the honour to state as follows :—

Q.—(a) Four major bridges and eleven minor bridges or culverts were partly destroyed in this district by the floods of 1923. A list of such bridges and culverts with information regarding the extent of the damage is enclosed.

Q.—(b) It is not a fact that portions of Mangalore-Karkal and Mangalore-Buntwal district board roads affected by last year's floods are not yet repaired and that cars, carts and motor buses cannot run through. The Mangalore-Karkal road breached in the 9th mile 8th furlong while the Mangalore-Buntwal road breached in two places, i.e., in the 9th mile 3rd furlong and in the 10th mile 4th furlong. These breaches were closed temporarily so that they might be repaired and the road rendered just passable for traffic as early as possible. The breaches in the Mangalore-Buntwal road were repaired within a few days of their occurrence. In the case of Mangalore-Karkal road, however, it took about two months to repair the breaches. During this period the road was closed for traffic and ferry service maintained at Gurpur so that the public might not be put to inconvenience. The work of the full restoration of the breached portions was also taken up as soon as funds were made available towards the end of the official year. The breaches on the Mangalore-Buntwal road were almost completed about the end of June 1924 while the work of the breach in the Mangalore-Karkal road was half done by the end of June 1924. The breached portions of the road in the 10th mile of Mangalore-Mercara road, however, got very slushy towards the end of June last on account of heavy rain and bus traffic over the newly raised embankment. Consequently bus traffic had to be prohibited over those portions from 27th June 1924. The said road breached again twice in the same two places by the floods of this year, first in the third week of July and a second time on the 11th August 1924. These breaches were repaired and the road made fit for all ordinary traffic (except for heavy motor buses) soon after the floods subsided. Through bus traffic has been allowed on the Mangalore-Buntwal road from the middle of September 1924. The breach on the Mangalore-Karkal road is expected to be repaired and the road made fit for bus traffic by the end of the next month. I must, however, state that the repairs done were only to make the roads passable. To make thorough repairs to roads and to construct bridges and culverts and prevent any further damages from floods hereafter a large sum of money is required for which an application for loans and grants will again be submitted.

[18th November 1924]

ENCLOSURE.

List of the bridges and culverts destroyed with information as to the extent of damage to each.

Description.

Extent of damage.

I. Major bridges.

- (i) *Panemangalore bridge* in 16th mile of Mangalore-Mercara road. (Ten spans of 107' and two of 50'. The whole superstructure of spans third, fourth and fifth with main girders and bearings washed away and other parts of bridge also damaged.)
- (ii) *Venoor bridge* in 12th mile of Mudabidri-Guruvainakere road. (Six spans of 30' and one end span of 20'. The timber deck of all the spans with the steel beams and one pier washed away and other piers damaged.)
- (iii) *Puchmogar bridge* in 6th mile of Mudabidri-Buntwal road. (Twelve spans of 30'; five spans of reinforced concrete deck and seven spans of timber deck.) One pier and two timber deck spans washed away.
- (iv) *Dali bridge* in 16th mile of Nagodi-Ghaut road. (Two spans of 30' with steel beams and reinforced concrete deck.) The whole superstructure of the two spans and the centre pier washed away.

II. Minor bridges and culverts.

- (v) *Adkar bridge* in the 49th mile of Mangalore-Mercara road.
- (vi) Four culverts in 19th, (vii) 20th and 21st mile of (viii) Nagodi Ghaut road. (ix) Culvert in 14th mile of (x) Malpe-Karkal road.
- (xi) Irrigation tube culvert in the 21st mile of Mudabidri-Guruvainakere road. (xii) Culvert in the 12th mile of Mudabidri-Guruvainakere road. (xiii) Culvert in 12th mile of Darbe-Subramania road. (xiv)—(xv) Two culverts in 16th mile of Hiriadka-Hebri road.

Washed away fully or mostly.

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APPENDIX III.

[Vide answer to question No. 1248 asked by Mr. K. Sarabha Reddi at the meeting of the Legislative Council held on the 18th November 1924, page 374 supra.]

Statement.

District.	Percentage of expenditure to receipts.	District.	Percentage of expenditure to receipts.
1. Anantapur ...	22.8	13. Kurnool ...	23.8
2. Arcot, North ...	28.0	14. Madura ...	18.2
3. „ South ...	17.4	15. Malabar ...	16.8
4. Bellary ...	49.9	16. Nellore ...	45.7
5. Chingleput ...	27.8	17. Ramnad ...	14.9
6. Chittoor ...	21.2	18. Salem ...	35.9
7. Coimbatore ...	38.4	19. South Kanara ...	14.9
8. Cuddapah ...	35.0	20. Tanjore ...	46.9
9. Ganjam ...	13.2	21. Tinnevely ...	22.9
10. Godavari ...	26.9	22. Trichinopoly ...	42.7
11. Guntur ...	25.5	23. Vizagapatam ...	24.5
12. Kistna ...	62.2		

There are no taluk boards in the Nilgiri district.

Statement showing the number of schools maintained by each taluk board.

Number and names of district and taluk boards.	Number of schools.	Number and names of district and taluk boards.	Number of schools.
Anantapur—		Chingleput—	
1. Anantapur ...	88	21. Chingleput ...	195
2. Dharmavaram ...	74	22. Saidapet ...	92
3. Gooty ...	91	23. Tiruvallur ...	104
4. Penukonda ...	116	Chittoor—	
Arcot, North—		24. Chandragiri ...	91
5. Cheyyar ...	51	25. Chittoor ...	93
6. Polur ...	28	26. Madanapalle ...	106
7. Ranipet ...	69	Coimbatore—	
8. Tirupattur ...	87	27. Coimbatore ...	84
9. Tiruvannamalai ...	48	28. Erode ...	87
10. Vellore ...	61	29. Gobichettipalayam ...	82
Arcot, South—		30. Kollegal ...	47
11. Chidambaram ...	85	31. Palladam ...	38
12. Cuddalore ...	83	32. Pollachi ...	60
13. Tindivanam ...	112	Cuddapah—	
14. Tirukkoyilur ...	98	33. Badvel ...	42
15. Vriddhachalam ...	70	34. Cuddapah ...	35
Bellary—		35. Jammalamadugu ...	32
16. Adoni ...	87	36. Proddatur ...	52
17. Bellary ...	64	37. Rajampet ...	34
18. Harpanahalli ...	58	38. Rayachoti ...	74
19. Hospet ...	35		
20. Rayadurg ...	72		

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Statement showing the number of schools maintained by each taluk board—cont.

Number and names of district and taluk boards.	Number of schools.	Number and names of district and taluk boards.	Number of schools.
Ganjam—		Malabar—cont.	
39. Berhampur ...	90	78. Palghat ...	51
40. Chatrapur ...	69	79. Ponnani ...	90
41. Chicacole ...	118	80. Walavanad ...	66
42. Ghoomsur ...	89	81. Wynad ...	27
Gōdāvari—		Nellore—	
43. Cocanada ...	73	82. Atmakur ...	95
44. Peddapuram ...	100	83. Gudur ...	51
45. Pithapur ...	70	84. Kandukur ...	46
46. Rajahmundry ...	268	85. Kanigiri ...	101
47. Ramachandrapur ...	82	86. Kaveli ...	101
Guntūr—		87. Nellore ...	51
48. Bapatla ...	61	88. Venkatagiri ...	49
49. Guntur ...	62	Ramnad—	
50. Narasaraopet ...	92	89. Devakkottai ...	39
51. Ongole ...	46	90. Ramnad ...	75
52. Repalle ...	54	91. Sivakasi ...	70
53. Sattenapalle ...	64	92. Sivaganga ...	61
54. Tenali ...	87	Salem—	
55. Gurzala ...	47	93. Dharmapuri ...	93
Kistna—		94. Hosur ...	89
56. Bandar ...	100	95. Namakkal ...	71
57. Bezvada ...	201	96. Salem ...	87
58. Bhimavaram ...	89	97. Sankari ...	94
59. Ellore ...	114	South Kanara—	
60. Gudivada ...	76	98. Coondapur ...	41
61. Narasapur ...	84	99. Karkal ...	47
62. Kaikalur ...	59	100. Kasaragod ...	77
63. Tanuku ...	88	101. Mangalore ...	62
Kurnool—		102. Udupi ...	59
64. Dhone ...	87	103. Uppinangadi ...	78
65. Koilkuntla ...	129	Tanjore—	
66. Kurnool ...	69	104. Kumbakonam ...	77
67. Markapur ...	52	105. Mannargudi ...	35
68. Nandyal ...	177	106. Mayavaram ...	73
Madura—		107. Negapatam ...	34
69. Dindigul ...	142	108. Pattukkottai ...	100
70. Madura ...	51	109. Tanjore ...	77
71. Melur ...	58	110. Nannilam ...	46
72. Usilampatti ...	88	111. Tirutturaippundi ...	39
Malabar—		Tinnevely—	
73. Calicut ...	37	112. Koilpatti ...	61
74. Chirakkal ...	50	113. Shermadevi ...	61
75. Ernad ...	66	114. Tinnevely ...	56
76. Kottayam ...	44	115. Tuticorin ...	53
77. Kurumbranad ...	51		

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Statement showing the number of schools maintained by each taluk board—cont.

Number and names of district and taluk boards.	Number of schools.	Number and names of district and taluk boards.	Number of schools.
Trichinopoly—		Vizagapatam—	
116. Karur ...	35	123. Narasapatam ...	128
117. Kulittalai ...	33	124. Parvatipuram ...	71
118. Lalgudi ...	76	125. Vizagapatam ...	131
119. Musiri ...	74	126. Vizianagram ...	158
120. Perambalur ...	60		
121. Trichinopoly ...	40		
122. Udayarpalayam ...	49		

APPENDIX IV.

[Vide answer to question No. 1250 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 18th November 1924, page 379 supra.]

Statement referred to in clause (a) of the answer to question No. 1250.

Clause (1).	No.	Actual cost.	Sanctioned amount.
		RS.	
(a) Buildings newly constructed.	4	4,375	A lump sum of Rs. 11,600 was sanctioned for capital expenditure on buildings and equipment. No separate amounts were sanctioned for individual works.
(b) Buildings repaired ...	3	*2,650	
(c) Ponds and koneru ...	4	† 650	
Total	11	7,675	

* Includes Rs. 745 spent on the repairs to two buildings as well as two ponds and konerus connected with them included in item (c) as no separate figures for buildings alone are available.

† Excludes the sum spent on two ponds and konerus included in the figure given for item (b).

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 19th November 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, 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.]

Settlement.

Operation of re-settlement rates in Tanjore.

1253 Q.—Mr. C. MARUTHAVANAM PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether in view of the Government Order with regard to the district of Trichinopoly, as notified on page 1081 of the *Fort St. George Gazette*, dated 16th September 1924, the Government contemplate to apply the same treatment to the district of Tanjore also and suspend the operation of the re-settlement rates as the latter also has undergone an equally appreciable amount of damage;

(b) whether in regard to paragraph 2 of the above notification the Government contemplate to grant remissions of land revenue in the case of all lands rendered unfit for cultivation by the floods in the district of Tanjore and also in the other districts which have been similarly affected; and

(c) if the answer to either of the above be in the negative, the reasons for the same?

A.—(a) & (c) No. The re-settlement rates have already been introduced in the Tanjore district.

(b) Yes. Wherever the remission rules apply.

Mr. S. SATYAMURTI :—“ With reference to answer to the clauses (a) and (c) of this question, may I ask the hon. the Member for Revenue the reasons why Government do not propose to apply the same treatment to the Tanjore district, apart from their statement that the settlement rates have already been

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Mr. E. W. LEGH :—"I regret to state that the hon. the Revenue Member has not been able to attend to-day and so I will answer for him. I take it the hon. Member will recognize that in both cases the full demand is the re-settlement rate. The difference between the two is that in the one case Government felt justified in asking the general tax-payer to forego his right to the introduction of the new rates that have not yet been introduced in the district of Trichinopoly whereas in the other case they have not felt justified in asking the general tax-payer to forego his right to the assessment which has already become a part of the general revenue."

Mr. S. SATYAMURTI :—"Since the ground on which remission is granted to Trichinopoly is damage caused to the land in that district owing to floods, and since nearly the same kind of damage has been caused in the case of Tanjore, may I know the reasons why Government do not intend to ask the general tax-payer to forego the revenue which has become payable in the case of Tanjore as well as Trichinopoly and which was still contingent at the time, though the loss belongs to the same species? May I ask the reasons for the differentiation?"

Mr. E. W. LEGH :—"I have tried to explain that. The hon. Member will notice that the remission in both the cases is a remission not only to the man who has lost his crops but to the man who has not lost the crops. The answer has to be given from the point of view of the tax-payer, that is to say, his rights. I take it that the position has been that in the one case where the revenue is to be a new increase Government felt justified in asking the general tax-payer to forego his right and not in the other case where tax has already actually become part of the general revenue."

Mr. S. SATYAMURTI :—"I shall leave it at that. May I ask the hon. the Revenue Secretary, with reference to the answer to clause (b), whether the remission rules apply in the case of all lands rendered unfit for cultivation by the floods?"

Mr. E. W. LEGH :—"Yes, Sir, a definite order has been issued pointing out that the order issued in the case of Trichinopoly must apply to all districts where similar conditions prevail."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Do the rules apply to dry lands also if a taluk is affected by the floods?"

Mr. E. W. LEGH :—"I do not know whether any special cases of dry lands have come up for decision."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Will the present rules permit the remission of rates for one year in the case of dry lands?"

Mr. E. W. LEGH :—"As regards that, I do not think the special question of dry lands has been raised."

Mr. A. RANGANATHA MUDALIYAR :—"Do not the rules say that if lands become unfit for cultivation owing to any calamity, remission of assessment can be granted thereon? I do not know why a distinction is sought to be made between dry and wet."

Mr. E. W. LEGH :—"It is not I that make the distinction, Sir."

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Zamindars.*Suspensions or remissions in permanently-settled tracts.*

1254 Q.—Sriman BISWANATH DAS Mahasaya: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether any remission or remissions of annual peshkash paid by the zamindars under the Permanent Settlement are allowed by the Government;

(b) if so, to place the rules on the table;

(c) to state the amounts of money claimed by the zamindars in the years since 1870 and also the sums of money allowed accordingly; and

(d) to state whether any rules or orders have been framed under page 213, paragraph 610 (regarding suspensions or remissions in permanently-settled tracts) of Volume 1 of the Report on Decentralization Commission?

A.—(a) No.

(b) & (c) Do not arise.

(d) The framing of rules is not suggested in the paragraph referred to.

Jails.*Free quarters for jail teachers.*

1255 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that jail teachers are not allowed free quarters;

(b) whether the teachers are also full-time workers in the jail like the clerks who get free quarters;

(c) whether the jail teachers are required to teach convicts both morning and evening;

(d) whether it is a fact that the jail teachers have been now asked to read out and translate the 'Jail Chronicle' to all the convicts every Sunday; and

(e) whether the Government have received any memorials from the jail teachers that they may be given free quarters and what orders have been passed on that?

A.—(a) Yes.

(b) Yes. The Government have considered it unnecessary to continue the concession of free quarters to jail clerks and have decided to withdraw it from future incumbents.

(c) Yes.

(d) Yes.

(e) Some memorials have been received by the Inspector-General of Prisons and are under his consideration.

Mr. C. V. VENKATARAMANA AYYANGAR :—"As regards (b), may I know whether in respect of allowance for free quarters the clerks and teachers are considered to be the same?"

The hon. Sir ARTHUR KNAPP :—"They have been regarded as the same."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" While my question suggested that it was unfortunate that the teachers should not get free quarters, the answer suggests that as regards future incumbents the clerks won't get any allowance. I only want to suggest this further question whether in the case of the present incumbents Government would consider the advisability of giving free quarters to teachers? "

The hon. Sir ARTHUR KNAPP :—" The allowance has been taken away from them."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Unfortunately it has never been given to them. They have also practically the same inconvenience as the clerks and they memorialised that if clerks were to be given an allowance, all the teachers should be given. As a result, the case has gone against the clerks so far as the future incumbents are concerned. The teachers have to work even on Sundays, therefore at least the present incumbents' case may be considered."

The hon. Sir ARTHUR KNAPP :—" I do not know whether my hon. Friend was a member of the Retrenchment Committee. This allowance was taken away as a result of the Retrenchment Committee's recommendations. I am obliged to him for pointing out one direction in which there is a differentiation between the teachers and the clerks and I can promise to enquire whether on this ground there is a chance of re-opening the question."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I ask the hon. the Home Member whether he is aware that these teachers are asked to explain the Jail Chronicle to prisoners on Sundays? "

The hon. Sir ARTHUR KNAPP :—" Does the hon. Member suggest that in view of the very onerous work that they do in that direction they deserve special treatment? "

Mr. R. VIERIAN :—" With reference to clause (a), may I know what are the general educational qualifications of the jail teachers and what are their salaries? "

The hon. the PRESIDENT :—" The question does not arise."

Criminal Justice.

The Imperial Bank fraud case.

1256 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether he has concluded the enquiry into the conduct of the police in connexion with the prosecution in the Imperial Bank fraud case;

(b) the results of the enquiry and the action, if any, taken thereon by the Government; and

(c) if no action is taken, the reasons why?

A.—The hon. Member is referred to the Press Communiqué on this subject issued on the 10th instant.

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Mr. S. SATYAMURTI :—" Unless I am mistaken, the Press Communiqué referred to is one which contradicted the statement in the *Madras Mail* that Government have censured certain police officers. As far as I remember, it said that certain actions on the part of certain officers had been noticed by the Government and the Government have expressed their disapprobation. It was also added that it did not justify any general condemnation with regard to this case. May I know who are the officers whose conduct in this case has been so disapproved by the Government and what are the actions of those officers which have been disapproved by the Government? The communiqué does not say anything about these."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I hope the hon. Member will not think it a discourtesy if I do not propose at this stage to give the names of officers and the actions that we considered with regard to this matter. It may be at a later stage we may deem it necessary to supply fuller information."

Mr. S. SATYAMURTI :—" May I take it, therefore, that Government have not yet finished dealing with this matter? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" On the materials placed at the disposal of the Government they have taken action to the extent that they have expressed their disapproval of certain actions of certain specific officers. Whether that is all that can be done or anything else should be done is a matter which Government have not yet considered. Government have also not decided whether in the public interests those matters have to be published, apart from the departmental action that has been taken."

Mr. S. SATYAMURTI :—" May I ask the hon. the Law Member to say whether when the Government make up their minds as to whether they need take further action or not, they would consider the desirability of publishing the names? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I shall give careful consideration to that question."

Police.

Issue of a circular by the Commissioner of Police.

1257 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state whether the Commissioner of Police, Madras, has issued any circular to the police officers in the city commending the action of the police in regard to the Imperial Bank fraud case?

A.—The Government understand that this was the case.

Mr. S. SATYAMURTI :—" Sir, I am sure the hon. the Law Member realises the importance of this question. I am very anxious to know and I ask the hon. the Law Member to tell us, unless there is something which prevents him from doing so, whether he approved of the circular issued by the Commissioner of Police commending the action of the police in regard to the Imperial Bank case. On the one hand we have the disapproval of the Government and on the other we have the circular of the Commissioner of Police commending the police. It seems to be an extraordinary thing."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—“ After the disposal of the case the Commissioner of Police issued a circular commending the action of several police officers. Considering that the Government Order was passed after that and that Government stands in a superior position to the Commissioner of Police, I take it that it is a legitimate inference that the Government do not see eye to eye with the circular issued by the Commissioner of Police.”

Mr. S. SATYAMURTI :—“ May I know if the Commissioner of Police approved of the action of Mr. Devaraja Ayyangar in tutoring the witness with the notes found in his pocket and the action of Mr. Kalimulla who confined the witness in his house for three days ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ I do not think so. ”

Mr. S. SATYAMURTI :—“ Have the Government taken any steps to draw the attention of the Commissioner of Police to his anticipating the Government with regard to the successful character of this case and in commending the action of the police when these actions are really not to be approved by the Government ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ That matter will be considered by the Government along with the other matters I have already indicated.”

Mr. S. SATYAMURTI :—“ I am very glad to hear it.”

St. Thomas' Mount tragedy.

1258 Q.—Mr. SAMI VENKATACHALAM CHEPPI : Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware of the ghastly tragedy perpetrated at St. Thomas' Mount railway station details of which appeared in the local dailies of September 16 and the following days ;

(b) if so, whether steps have been taken to trace the culprit ;

(c) whether it is a fact that ammunition was stored by the Military Department in the building adjacent to the one in which the tragedy occurred ;

(d) whether during the period that ammunition was stored, sentries were posted on duty day and night ; if so, whether there were sentries at the time of this occurrence ;

(e) if they were, whether they were examined by the police ;

(f) if not, why not ;

(g) if examined, whether no clue was afforded to the tracing up of the offender ;

(h) whether any special officer was deputed on investigation duty and if the same officer still continues ;

(i) if not, why he has been removed from this duty and who has been posted in his place ; and

(j) in what stage the investigation is and what further steps the Government are going to take or have taken already to stimulate and encourage the police to go forward and bring to book early the culprit ?

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A.—(a) The Government are aware of the commission of the murders.

(b) Yes.

(c) Ammunition boxes had been received by the evening goods train and were stored in the goods shed.

(d) to (g) Enquiries showed that the two military lascars who should have been guarding the ammunition were absent.

(h) & (i) A Special Officer was deputed to assist the local police in their investigation.

(j) As the investigation is proceeding, the first part of the question cannot be answered. The question whether a reward should now be offered for information leading to the detection of the crime is under consideration.

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (c), may I know if the hon. the Law Member can say whether the goods shed was adjacent to the one in which the tragedy occurred ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ That seems to have been so, Mr. President.”

Mr. S. SATYAMURTI :—“ With regard to clauses (d) to (g), may I ask whether it has been since found that the two military lascars ran away without permission and whether they have been asked to explain their conduct ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I appeal to the hon. Member not to pursue the enquiry because I think at the present moment the investigation is proceeding. We have offered a very substantial reward in regard to the matter. I think the hon. Member will take my suggestion that he will be well advised, if necessary, in repeating these questions some time later.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ In answer to clause (j) it is stated that the question of reward is under consideration. May I know if the Government have made up their mind and fixed the reward ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The amount was under consideration and we have made up our mind and fixed the reward.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ With regard to clause (c), may I know if the goods shed was used to store the ammunition boxes only that evening or was it used before like that ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ As I am not aware of that, I want notice.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ The question itself is there.”

Salt.

The Modified Excise system.

1259 Q.—Rao Bahadur CRUZ FERNANDEZ : Will the hon. the Member for Finance be pleased to state whether it is a fact that the Modified Excise system which entitles the lessee only to manufacture salt under 25 years' lease is not as advantageous to the lessee as the Excise system, as the factory is not negotiable under the Modified Excise system ?

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A.—Representations have been made to Government that the Modified Excise Lease is not a satisfactory security on which to borrow money.

Mr. S. SATYAMURTI :—“ May I ask the hon. Member for Finance whether the Government propose to take any action in view of the unsatisfactory system from the point of view of those who take the lease ? ”

The hon. Sir ARTHUR KNAPP :—“ The matter will be considered.”

Rao Bahadur CRUZ FERNANDEZ :—“ With reference to the reply to my question the Government say—

‘ Representations have been made to Government that the modified Excise Lease is not a satisfactory security on which to borrow money.’

“ It simply says that representations have been received. I wish to know what orders have been passed on such representation.”

The hon. Sir ARTHUR KNAPP :—“ I have already said, Sir, the matter is under consideration.”

Local Boards.

Nomination to the Vizagapatam District Board Presidentship.

1260 Q.—Mr. A. V. BANOJI RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) regarding the office of the President, District Board, Vizagapatam, now vacant, whether the Government have the intention of giving effect to that part of the resolution passed in the meeting of the Legislative Council held on the 13th December last, recommending the nomination to the office of a member of the minority communities;

(b) whether he is aware that the Indian Christians are a minority community in the Vizagapatam district and that amongst them there are competent persons to hold the position of president, district board; and

(c) whether the Government have received a representation to this effect signed by the members of the community?

A.—(a) The presidentship of the district board has been thrown open to election—vide notification No. 1116 published in Part I-A of the *Fort St. George Gazette*, dated 11th November 1924.

(b) The Government are not aware of persons in that community competent to hold the post.

(c) Yes.

Medical.

Presidency allowance to assistant lecturers in the medical school at Rayapuram.

1261 Q.—Rao Sahib U. RAMA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that sub-assistant surgeons who are assistant lecturers in the medical school at Rayapuram are not allowed to draw Presidency allowance;

(b) whether they are made to do hospital work in addition to their duties as lecturers;

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(c) whether anatomy assistant lecturers are made to do duty in the hospital, contrary to the practice in vogue in the Madras Medical College; and

(d) whether these assistant lecturers are denied the privilege of enjoying vacation holidays by reason of their having been made to do hospital duties as well?

A.—(a) Yes. The question of raising their special pay so as to include also the Presidency allowance is under the consideration of the Government.

(b) Yes; two of the assistant lecturers are working in the Pathology Laboratory at the hospital and one as surgical assistant. These are made to do hospital work generally for the purpose of giving practical and general clinics to students.

(c) Yes; but not regular duty during hospital hours. Two of them are put on duty in rotation during the off-hours of the hospital, the other being exempted as he is the warden of the hostel.

(d) Yes; vacation is admissible only to officers who hold whole-time teaching appointments.

Rao Sahib U. RAMA RAO :—“ May I ask the hon. the Minister for Local Self-Government whether with reference to answer (c), regular duty does not include night duty also ? ”

The hon. the RAJA OF PANAGAL :—“ I cannot say that offhand. I have to make inquiries.”

Rao Sahib U. RAMA RAO :—“ If it includes night duty also, is he not to attend cases of accidents ? ”

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

Rao Sahib U. RAMA RAO :—“ Is it not dangerous to allow assistant lecturers of anatomy to handle cases of accidents ? ”

The hon. the RAJA OF PANAGAL :—“ If he is allowed to handle cases of accidents, he may be taken as qualified to do so.”

Rao Sahib U. RAMA RAO :—“ It is not a question of his being qualified to do that work. Usually a professor of anatomy is not allowed to touch any surgical cases for fear of infection. That is why lecturers on anatomy are not given any regular duty in the hospital. So my question was whether it is not dangerous for an assistant professor of anatomy to handle cases of accidents and if it is dangerous, may I ask the Minister to say that such things will not happen hereafter ? ”

The hon. the RAJA OF PANAGAL :—“ The authorities concerned do not consider it dangerous.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (d) of this question, may I take it that these gentlemen do both hospital work and teaching ? ”

The hon. the RAJA OF PANAGAL :—“ Yes; because they are not full-time teachers.”

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Mr. A. RANGANATHA MUDALIYAR :—" So far as the lecturers are concerned, they have a vacation, is it not so, Sir ? "

The hon. the RAJA OF PANAGAL :—" Yes ; so far as lecturers are concerned."

Mr. S. SATYAMURTI :—" May I know how many hours a whole-time lecturer works per week and how many hours he does work if he is a part-time lecturer and part-time hospital worker ? "

The hon. the RAJA OF PANAGAL :—" I want notice of the question."

Rao Sahib U. RAMA RAO :—" The officer who is in charge of teaching work is not given any hospital work simply because he has to devote 8 to 10 hours. In lieu of that, he is granted a vacation holiday. To take away that he is given some hours of hospital work and deprived of the vacation is that not so ? "

The hon. the RAJA OF PANAGAL :—" Those of them who are not allowed to have a vacation holiday are not required to teach for 8 hours."

Rao Sahib U. RAMA RAO :—" Are not some assistant lecturers doing duty in hospital ? "

The hon. the RAJA OF PANAGAL :—" Sir, I am not sure of that."

Education.

Construction of a hostel for Government Training School for Masters at Villupuram.

1262 Q.—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Minister for Education be pleased to state—

(a) whether the proposal for the construction of a hostel for the Government Training School for Masters at Villupuram, South Arcot district has been abandoned or is still under consideration ; and

(b) if not abandoned, whether provision will be made in the budget for 1925-26 for the same ?

A.—(a) The proposal has not been abandoned.

(b) The question of providing funds for the work in the budget estimate for 1925-26 is under consideration.

Mr. R. VEERIAN :—" With reference to clause (a), may I know whether in the hostel accommodation members of the depressed classes are admitted freely ; if not, whether the Government will be pleased to make the provision ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The question will be considered as soon as the hostel is ready for accommodation of teachers."

Public Works.

Cost of additional quarters for Government officers for 1923-24.

1263 Q.—Mr. A. CHIDAMBARA NADAR : Will the hon. the Minister for Education be pleased to state whether the cost of additional quarters provided for Government officers for 1923-24, a list of which has been given in answer to question No. 913, is provided for in the budget for the period ?

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A.—The portion of the cost incurred in 1923-24 on all the quarters' excepting six mentioned in the list furnished in reply to question No. 913, was provided for in the budget for 1923-24. In the case of the remaining quarters, the funds for the cost incurred in 1923-24 were provided for by reappropriation.

Mr. A. CHIDAMBARA NADAR :—" With reference to the last sentence in the answer, may I know whether the reappropriation was placed before the House ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It need not be so placed. The sanction of Finance is sufficient when it is within the grant."

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the amount allotted is sufficient for the completion of the work ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not know what work he is referring to ? "

Mr. A. RANGANATHA MUDALIYAR :—" These six works not included in the list ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I believe so ; if not sufficient, we will reappropriate further."

Mr. A. RANGANATHA MUDALIYAR :—" Does it not follow that in the case of a work which is going to involve a recurring expenditure, practically the executive authority is financing money without the sanction of the Council ? "

II

USE OF UNPARLIAMENTARY EXPRESSION IN DEBATES.

The hon. the PRESIDENT :—" The hon. Member for the University, Mr. S. Satyamurti, was to have applied in writing for a ruling. I did not want to interfere with his discretion as he probably thought that we might sit for a longer time. As we shall probably adjourn to-day, I may have to dispose of the matter on the materials available."

Mr. S. SATYAMURTI :—" I do not ask for any ruling. I have reconsidered the matter."

The hon. Sir ARTHUR KNAPP :—" May I be allowed to intervene at this point. . . ? "

Mr. S. SATYAMURTI :—" Is that to be done, Sir, after I have withdrawn my request ? "

The hon. Sir ARTHUR KNAPP :—" I was going to say that, having regard to the question that was raised yesterday as to whether a certain remark of mine was in accordance with Parliamentary practice, I devoted a good deal of time to referring to books of reference on that matter for a precedent. I found a good deal that was interesting ; but nothing which actually decided the particular point at issue. However, after looking at the precedents, I am prepared to admit that I may have gone very near the border line of Parliamentary admissibility in attributing a habit to a certain hon. Member of this House. That being the case and as I am quite as anxious as

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any other hon. Member that our proceedings should be completely in conformity with the strictest Parliamentary traditions, I beg leave to withdraw unreservedly the words to which I have referred." (Cheers from all sides of the House.)

Mr. S. SATYAMURTI:—"I am very much obliged to the hon. the Home Member."

III

COMMUNICATIONS TO THE COUNCIL.

(1)

With reference to the resolution of the Legislative Council No. 168 passed at its meeting of the 13th December 1921, the Secretary laid on the table a * list of posts on Rs. 500 per mensem and above created during the quarter ending September 1924.

(2)

The Secretary laid on the table the † correspondence between the Government of Madras and the Government of Assam on the subject of the recent exodus from the tea gardens in Assam of coolies recruited from the Madras Presidency.

IV

CIRCULATION OF CERTAIN OPINIONS RE THE MALABAR TENANCY BILL.

Mr. A. RAMASWAMI MUDALIYAR:—"I should like to bring to your notice a small matter about which I am anxious to have some information. I see, among the papers circulated to hon. Members this morning, a printed paper containing the opinion in connexion with the Malabar Tenancy Bill. From the way in which it has been circulated for information and from its having been printed and circulated, may I take it that it is probably an authorized circulation to the Members of the Council?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, at one stage of the discussion it was pointed out that certain opinions which were expressed have not been printed and that they ought to be made available to the Members. It is in accordance with that undertaking which was then given that this is now printed."

Mr. A. RAMASWAMI MUDALIYAR:—"My only point was this. If there were any opinions to be considered, I thought the proper forum was the Select Committee and they only can authorize the publication and circulation of these matters."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"These were opinions received before the formation of the Select Committee and it was omitted to be printed. It is to repair the omission that it is now printed."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I know if the Government have called for the opinions of the persons consulted by the District Judge of South Malabar and also by the District Collector?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"This is a question which the hon. Member would very well be advised to raise in the Select Committee. I think it will be appropriate to do so in the Select Committee."

* Printed as Appendix A on pages 477-478 infra.
† Printed as Appendix B on pages 479-487 infra.

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Diwan Bahadur M. KRISHNAN NAYAR:—"I beg your pardon, Sir. As a matter of fact, even before the Select Committee was formed and even before the Bill was introduced formally in this Council, the Government thought it fit to circulate to Members of this House some opinions that they had received from the District Judge and the Collector. Subsequently it was brought to the notice of the hon. the Law Member at a particular stage that all the opinions have not been printed and circulated. I now ask whether all these opinions have been received and whether they have been printed and circulated."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If any opinions have arrived now, subsequent to the formation of the Select Committee the proper authority to authorize the publication will be the Select Committee. I would therefore suggest that he addresses me on that matter. I shall then deal with it."

Rai Bahadur T. M. NARASIMHACHARLU:—"May I know if the Select Committee have come to any conclusion on the matter of receiving opinions on it?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"They may or may not have but I cannot say anything."

V

AMENDMENTS TO STANDING ORDERS.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I move that the amendments standing in the name of the Advocate-General be considered on the 4th December."

The hon. the RAJA OF PANAGAL:—"I second it."

The adjournment of the consideration of the amendments to Standing Orders Nos. 22, 23 and 69 was put to the House and carried.

VI

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant VIII.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, if the House would permit me to do so, as this grant can be conveniently moved at the next meeting of the Council and as no administrative inconvenience would be caused by this grant being put off from now till then, I crave leave to move them on the 3rd December. I understand there is a widely expressed desire that private Bills and resolutions should be discussed."

Mr. A. RANGANATHA MUDALIYAR:—"I want to know whether in the case of this thing being delayed, there will be any difficulty in the employees drawing their pay."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If I thought so, I would not have made the application."

VII

NON-OFFICIAL DAY.

The hon. the PRESIDENT:—"Before resuming the discussion on the Irrigation Bill which is our next item, I should like to say that, if that is not going to take very long, the remainder of this day will be a non-official day."

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Mr. S. SATYAMURTI :—" May I make one humble submission to you, Sir ? The days are called official or non-official, not with reference to the amount of work we do on those days, but, as you know perfectly well, with regard to the precedence which official or non-official business takes. As a matter of fact, to-day official business has taken precedence over non-official business. I will tell you how. This House allowed the hon. the Law Member to move the adjournment of items III and IV on the agenda. Unless it had precedence we had no reason to adjourn the business. It was because official business had precedence the hon. the Law Member moved for the adjournment and we agreed to the adjournment and I submit that the time in the transaction of either official or non-official business is not a relevant or germane consideration. The consideration is, which has the precedence. The official business has had the precedence and it will be a matter of grace on their part if they agree to treat this as an official day and give us two more non-official days in December. Also I think—the exact rules and Standing Orders I will give later if necessary—but I distinctly recollect—I speak subject to correction—that the rules say that if official business has got precedence on any day whether, items III and IV having been adjourned and the Irrigation Bill being about to be taken up, this day will not be treated as an official day."

The hon. the PRESIDENT :—" It is a question of what the desire of the House is as a whole. Yesterday it was agreed that after the Irrigation Bill was over to-day, we should do non-official business for the rest of the day. In fact it was first expected that the Irrigation Bill would be over yesterday but it so happened that we have to do the Irrigation Bill to-day for I do not know how long. If hon. Members wish that the House should adjourn as soon as that business is over, I do not suppose Government will have any objection. But if they wish to do to-day some non-official business, since that will occupy the greater part of the day, I think it is but fair that they should make a concession and treat this as a non-official day. We have not yet reached 12 o'clock and if we treat this as a non-official day we shall have one more day in December. But if the House wants to have non-official business for two days in December and none at all to-day, I do not suppose Government will have any objection."

Mr. P. ANJANEYULU :—" Why not both, Sir ? That is, have non-official business for the rest of to-day and for two days in December. Because most part of to-day may be taken up with the Irrigation Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" No, it will take only a couple of minutes."

The hon. the PRESIDENT :—" If the day is reserved for official business, then it is open to the Government to give it up or to reserve it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, it was in order to meet the wishes of hon. Members who have been for some time telling me and, I dare say, other Members on the Treasury Bench, that they were rather anxious to dispose of or debate this month certain non-official business, that I asked your indulgence and the indulgence of the House to sit yesterday and the day before yesterday longer than usual so that we might have a clean day for non-official business. Normally the question-time lasts till 12 o'clock and the non-official day will be after that. Just as my hon. Friend for the University has asked for what he was pleased to call grace, we

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might also reciprocate that view, though it may be said that after this strenuous official work we might want a day's holiday. But we are perfectly willing to treat this as a non-official day and that is why I moved for the adjournment of the official business. As a matter of fact it will be seen from the nature of the grant that it is a very important one. It is only because we can get on longer with the money that we have till the 3rd or 4th December, we have not chosen to move it to-day. It is no doubt a very urgent business. I therefore submit that on the whole we have complied with the wishes of the House and we crave that the House may treat this question in the same spirit."

Mr. A. RAMASWAMI MUDALIYAR :—" I have not heard a syllable of what the hon. Law Member has said."

The hon. Mr. C. P. RAMASWAMI AYYAR (turning towards Mr. Ramaswami Mudaliyar) :—" That may be on account of the acoustics of the Chamber ; but I will try to improve."

Mr. A. RAMASWAMI MUDALIYAR :—" I do not complain of that. I think it is one of the advantages which we on this side of the House have ! What I wanted to point out was to draw your attention to the convention laid down by your distinguished predecessor that a day, whether official or non-official, began when the President said the business had begun and ended at the corresponding hour the next day ; so that there was no necessity for technically beginning it at 11 and ending it at 5. It may be begun at 1 o'clock to-day and ended at 1 to-morrow. If that test is applied, we can get over the technical difficulties pointed out, so that a particular day may not be treated as an official day merely because a small item, though a very essential item, is moved for a couple of minutes. I think a ruling from the Chair that an official or a non-official day merely mean a period five hours will conduce to the smooth working."

The hon. the PRESIDENT :—" I think there is a better standard than the ruling of the President for determining whether a day is an official or a non-official day and that is the sense of the House."

VIII

THE MADRAS IRRIGATION BILL.

CHAPTER VIII.

New clause after clause 70.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Now the question is with regard to amendment No. 307 on the paper. It is essentially a matter for rules and I think my hon. Friend will agree with me that after what this House has pronounced with regard to the rules and the origin or the procedure for the enactment of those rules, this matter might be left to the region of the rules."

Mr. P. PEDDIRAJU :—" I wanted in my amendment to have a settlement of the relations between the landlord and tenant. But if the hon. the Law Member gives me an assurance that it is a matter under the Estates Land Act or that it comes under the rules, I will withdraw the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" So far as matters not pertaining to the mutual relations between the landlords are concerned, I agree with my hon. Friend that it is a matter for rules. But in so far as the

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other part of the subject matter of the amendment is concerned, i.e., the relations between the landlord and the tenants, my hon. Friend knows quite well that there is a committee now sitting examining this question of the Estates Land Act and any difficulties that may arise may be brought before that committee and thereafter before this House."

Mr. P. PEDDIRAJU :—"I beg leave to withdraw the amendment."

The amendment was by leave withdrawn

Mr. E. W. LEGH :—"I also beg leave to withdraw my amendment."

The amendment was by leave withdrawn.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I now move that the preamble do stand part of the Bill."

Mr. E. W. LEGH :—"I second the motion."

The motion was put and carried and the preamble was added to the Bill.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I now move formally that the Bill be passed into law."

Mr. E. W. LEGH :—"I second the motion."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, under Standing Order No. 49 (2) I object to the passing of the Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I defer to the objection."

The hon. the PRESIDENT :—"Objection having been raised, the Bill will be taken up at the next meeting, i.e., on the 3rd December, to which date I propose to adjourn the House to-day."

IX

NON-OFFICIAL BUSINESS.

A.—BILLS.

(1) A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I beg to move that this item (Item No. I) be deferred for consideration to some day in December. I think the Member responsible for the Bill (Mr. A. S. Krishna Rao) is also agreeable to this proposal."

Mr. T. ADINARAYANA CHETTIYAR :—"I second the motion."

The motion was put and carried and the business adjourned till December.

(2) A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. P. ANJANEYULU :—"Sir I move that this business also be adjourned till the December meeting."

Mr. T. ADINARAYANA CHETTIYAR :—"I second it."

The motion was put and carried and the business adjourned till December.

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B.—MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

RATES OF RESETTLEMENT IN THE WESTERN TALUKS OF BELLARY

DISTRICT.

Mr. T. MALLESAPPA :—"Sir, I beg to move :

'That this Council recommends to the Government that in the resettlement of the five western taluks of the Bellary district the rates in the case of the wet lands under Tungabhadra channels be raised by 6½ per cent and that the rates in the case of the other lands remain unaltered during the period of resettlement.'

Mr. A. RAMASWAMI MUDALIYAR :—"I second it."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, in connexion with this resolution I had a talk with the hon. the Revenue Member who would like, if possible, to be present while this resolution is being debated upon. He suggested and I agreed with him that this may be taken up as the first item on the next non-official day, i.e., in December so that he might be present during the course of the discussion. I think that Members of the House would all agree that it is very desirable that the hon. the Revenue Member should be present when this resolution is debated upon. I, therefore, move that this business be adjourned and the resolution taken as the first business on the next non-official day in December."

Mr. P. PEDDIRAJU :—"I second the motion."

The hon. Sir ARTHUR KNAPP :—"Arising out of this, may I know if this does not come under the ballot? For it may be that the non-official day for the next month may not fall within the 30 days from the date of the original ballot."

The hon. the PRESIDENT :—"The ballot was held on the 5th of November and it will hold good till the 5th December exclusive. The House will assemble on the 3rd December as at present proposed and we shall put down all this business for the 3rd December."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"May I point out that if 11-45 a.m. a specific motion is made that a particular item of business be adjourned to a particular day at the next meeting, that does not come within the ballot?"

Mr. P. PEDDIRAJU :—"I second the motion for adjournment."

The hon. the PRESIDENT :—"It has been moved and seconded that motion No. 1 standing in the name of Mr. Mallesappa do stand over till the December meeting. We have a rule that Bills should come first and we do not want to deviate from that."

Mr. E. W. LEGH :—"I have not had the opportunity of a personal conversation with the hon. the Revenue Member on this subject, but I accept the hon. Member's objection, as he has himself consulted with him. I think it would be a great pity if the discussion on this subject is carried on in the hon. the Revenue Member's absence. But I may say it was for the information of the hon. Member while the subject of the resettlement of these red-soil taluks was under his consideration that this resolution was notified and I think it would be in everybody's interest that he should be present during the discussion. So I do not object to the adjournment."

The motion was allowed to stand over.

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REDUCTION OF LAND TAX IN RESPECT OF ALL CLASSES OF LANDS IN THE
TANJORE DISTRICT

Mr. S. MUTTAYYA MUDALIYAR :—

'That this Council recommends to the Government to extend to all classes of lands in the Tanjore district the reduction of $6\frac{1}{4}$ per cent in the enhancement of the revenue on lands in the district.'

"Sir, in view of a conversation I have had with the hon. the Revenue Member, the Leader of the House, and in view of the fact that he is absent, I am not moving the resolution at present."

The motion was not moved.

REMISSION OF LAND REVENUE IN SOUTH KANARA AND MALABAR.

Mr. J. A. SALDANHA :—"I beg to move the following resolution :—

'That, in view of the extensive damage to crops caused in several parts of South Kanara and Malabar during the recent rains, this Council recommends to the Government that in case of single-crop lands in which the crops have been destroyed by the floods and in the case of double-crop lands, which have become unfit for the growth of a second crop after the destruction of the first crop, the land revenue should be wholly remitted and that where a second crop has been grown after the destruction of the first crop the remission should be granted to the extent of three-fourths of the revenue, and that these remissions should be granted without any restriction such as under the Board's Standing Order No. 14 (10) (iii).'

"Sir, this resolution hardly requires any long speech on my part to recommend it to the hon. House. That there had been floods of a very wide and devastating character is well known to all and need not require to be proved. Government have already recognised this and made certain concessions. When I asked a question the other day as to what probable remissions were granted in South Kanara, the reply was that in the case of single-crop lands in which the crops had been destroyed, Government granted remission wholly and in the case of double-crop lands when there were two crops and both were destroyed, of course, the natural remission followed. But in the case of double-crop lands where a second crop has been grown after the destruction of the first crop, what is the amount of remission granted? We had a long discussion on the subject of settlement and the hon. the Law Member and the hon. the Revenue Secretary admitted that in Malabar and also in South Kanara taxation was fixed on the basis that second crop was not a full crop but a reduced crop. Therefore the remission should be only three-fourths of the revenue. Government have not yet passed orders on the request we made in connexion with the last year's floods. So far as I understand, Government are disposed to grant remission only to the extent of one-half. We request that the second crop being much less than the first crop, the remission should be three-fourths. After the destruction of the first crop, the second crop was generally worse than any in the previous year. As a matter of fact, in many places the lands have become silted up and the result is that crops on them are worse than in the previous years. Therefore, I beg this House to accept my resolution and relieve the sufferings of the people in South Kanara and Malabar."

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Diwan Bahadur M. KRISHNAN NAYAR :—"I second the motion."

Mr. B. MAHABALA HEGDE :—"Sir, in supporting the motion, I wish to say a few words. At the outset, with regard to statements made often by Government that remission of assessment is not according to rules ordinarily granted in South Kanara, I must state with all sincerity at my command that such rules as applied to the present condition have very little force or value, more so with reference to the present-day floods and the consequent destruction of crops and failure of late rains. In any case, those rules cannot and should not be applied in respect of flood-affected areas. I am sure that when these rules were framed, Government had not the least idea of the devastations we experienced these two years. I beg leave here to read from the Government Order passing the settlement in South Kanara in 1902, with special reference to seasonal remissions. At page 222, the Government Order says :

'In paragraph 27 of the Board's Resolution it is recommended that when the new rates are introduced, the ordinary rules regarding remission should be extended to South Kanara. The Government would observe that remissions on account of seasonal failure are granted as a matter of grace and that the 'rules' regulating the subject are subject to alteration at any time. 'Remissions' therefore are no part of the settlement. Moreover, remission of the assessment for the loss of crop has never hitherto been found necessary (I lay special stress on the word necessary) in the South Kanara district. The Government in the circumstances prefer to make no announcement in the matter.'

"It looks hard to apply those rules and orders at all times and all circumstances. They ought to be changed and made less rigid to suit the present conditions.

"With these preliminary remarks, I beg to urge that as in the year past, we are entitled to remission of assessment, total in respect of one crop and silted lands and to the extent of three-fourths in respect of lands which ordinarily yield two crops and whereon the first crop was destroyed by the floods. In this connexion I must state that the floods were of such a nature that water stood on the fields continuously for twelve or thirteen days destroying everything underneath. Hon. Members can imagine the havoc done if I tell them that more than 100 inches of rain fell continuously in about 40 or 45 days, some days having 5 to 7 inches.

"By this resolution we are not giving a large order to Government as will be apparent from the following facts and figures. The total occupied area in the district under wet, garden, etc., according to a recent jamabandi statement is about 9 lakhs of acres with a land revenue demand of about Rs. 26 lakhs. More than 20 lakhs of rupees represent the revenue on wet lands alone. This does not take in the abkari revenue of about 15 lakhs of rupees derived mostly from the gardens, etc. My figures may not be quite correct and I am open to correction. My personal belief is that the figures are short of the actual state of things. The total acreage of fields whereon crops were destroyed is roughly 7,000 acres for the whole district.

"Now out of the 7,000 acres of land, assuming that 3,500 acres of land are third class wet lands growing a single crop and calculating the remission at Rs. 3 per acre, it comes to Rs. 10,500. Again, assuming that the other 3,500 acres are all double-crop lands and calculating at the rate of Rs. 6 per acre the three-fourths remission would come to about Rs. 16,000. So in both cases the remission would come to about Rs. 26,500

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for the whole district. This remission compared with the 25 lakhs revenue is a drop in the ocean. Therefore I say we are not laying a large order on the Government by this resolution.

"I must say here why the necessity for remission is urgent and important in my district. The lands that are affected by this year's floods are identically the same lands as were affected last year. Also the landholders who are affected this year are identically the same landholders as were affected last year. Considering the fact that about 12,300 houses were destroyed last year and about 1,200 this year and also the fact that most of the houses destroyed were those of the landholders whose crops were destroyed, I appeal to the House to grant the remission suggested in this resolution. Further, Sir, most of these landholders are petty landholders paying a kist of Rs. 50 and below, and in their cases the Government Order—I am speaking of South Kanara—which says that the Government will not grant any remission this year is bound to have a very serious effect. The view taken by the Government is that if a double-crop land raises only the second crop it does not entitle it to remission. But I may point out that the first crop is the more important of the two crops even according to the Government statistics, and the loss of that crop should be considered as loss sufficient to entitle the loser about three-fourths of the yield of the two crops put together although the authorities are prepared to admit that it is only two-thirds. In any case, it is admitted that the first crop is more important than the second. Considering the fact that the first crop has been lost, I submit there is no ground for the Government to say that no remission can be granted especially seeing that the very same persons have been affected in both years. So that if some relief is not granted this year many of these poor landholders will not be able to pay their assessment in March next. Unfortunately, Sir, last year the north-west monsoon failed and this year again it has partly failed. For these reasons I beg that the remission prayed for in the resolution may be granted."

Mr. C. GOPALA MENON :—"The hon. Mover of the resolution requests the Government to grant remission, but does not say that the Government should lose revenue indiscriminately. He does not recommend wholesale remission either. He restricts the remission he recommends to such lands as have suffered from floods and on which crops could not be raised partly or wholly. It logically follows therefore that where there is no crop raised complete remission should be made and where there is a partial crop raised partial remission should be made. Let us now examine the ground on which the landholders claim this remission. We shall see the principle followed in the revenue settlements. The universal principle followed in revenue settlements is to determine the assessment by the actual outturn. Therefore, when there is only a partial outturn or no outturn, partial remission or total remission should be granted respectively. With these few remarks I further support the resolution and request that it may be unanimously passed."

Mr. E. W. LEGH :—"I wanted to hear one more hon. Member from Malabar before I replied to this resolution. I am not in a position to give any final answer to the requests made by the hon. Members from the two districts of South Kanara and Malabar. The hon. Member from South Kanara has given fairly accurate figures of the actual loss sustained by the people of his district. The matter is before the hon. the Revenue Member. He has not

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yet considered it. Therefore I cannot make any pronouncement finally as to what order he is going to pass. In the case of Malabar it is more difficult to proceed with the discussion. We have not yet got the final report. We have only had interim reports which show that the second crop is growing fairly well. Therefore as regards Malabar we cannot now say what the orders of the Government will be. In regard to South Kanara I have got figures here comparing the loss of last year with that of this year. From these figures the hon. Members will see that there is very great difference between the number of houses destroyed in 1923 and in 1924. The number of houses destroyed in 1923 was 12,360 and this year it was only 1,087."

Mr. J. A. SALDANHA :—"May I make one remark at this stage? It is true that the number of houses destroyed this year is less than the number destroyed in 1923, but it is not because the floods were less severe in 1924 than in 1923. It is because there were not many houses to be destroyed, the houses destroyed in 1923 not having all been reconstructed. I request that this fact may be taken into consideration."

Mr. E. W. LEGH :—"I am only concerned in putting before the House the facts which have come to my hands. As regards the value of the crops lost, the figures for last year are Rs. 7,00,000 and the figures for this year only Rs. 7,000. I cannot say whether this is an accurate figure or not. Loss of cattle last year is reported to be 70 and this year it is only two."

"Now we come to the extent of land rendered unfit for cultivation. It was 14,051 acres of wet lands in 1923 and this year it is 973 acres. The extent of damage to single-crop lands in 1923 was 3,345 acres and that in 1924 is 2,776 only. The extent of double-crop land damaged in 1923 is 3,577 acres and that in 1924 is 238 acres. From these figures it will be seen that as compared with the damage in 1923 the damage caused this year is not great and that there is no case made out for a remission which was not made in 1923. Whatever remission will eventually be granted, I do not think there is any case before the Government to grant anything in excess of what was granted last year."

Mr. J. A. SALDANHA :—"I want to know the principle on which remission was granted last year. In double-crop lands, the first crop was raised. I have given notice of a question about this and I have had no answer for it."

Mr. E. W. LEGH :—"Well, Sir, the hon. Member claims the benefit of the remission rules. That benefit was granted in 1923. Those rules do not provide for any remission on double-crop lands where only one crop was lost and one secured. No orders were passed in 1923 granting remission to double-crop lands, and I am not in a position to say whether any such remission is at present under contemplation for 1924 or not."

Mr. J. A. SALDANHA :—"Therefore, I take it that no remission will be granted for such lands at all."

Mr. E. W. LEGH :—"I have not said that. As I said, I am not in a position to commit the hon. the Revenue Member or the Government to a final statement on the matter. I shall simply point out the facts which have come to notice and leave it to the House to come to the proper conclusion. It is open to the hon. Member to approach the Government in any way he likes and make recommendations. It is not for me to prejudge or foresee what the exact order of the Government will be. I regret I cannot give the hon. Member any final answer."

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"Now, turning to the case of Malabar, I am sorry I cannot give anything like a complete figure because we have not yet got it. Single-crop lands, of course, are covered by the ordinary remission rules and they apply to Malabar. Therefore, there is no difficulty about Malabar as regards single-crop lands.

"Similarly, lands which have been damaged and rendered unfit for cultivation are covered by the order which has been passed on the subject and here again there is no question of granting remission.

"As regards double crop lands, strictly speaking, they are entitled to no concession even if they have raised only one crop. I do not know if hon. Members from Malabar agree with the statement made by the hon. Member from South Kanara that the first crop in a double crop land is far superior to the second and that the failure of the first crop would entitle the landholder to remission of a portion of the revenue. The hon. Member has not dealt,

12-15 p.m. with the subject yet. Nothing of the sort has been put before the Government. It therefore awaits the consideration of any special facts that are to be put before the Government. In the absence of any such factor, I only wish to point out that the rules as they stand at present do not provide for any remission in cases of double-crop lands which have raised one crop. Reference has been made to Standing Order 14 (10) (iii). The interpretation put upon it last year was very liberal and it does not, of course, apply to lands which have lost their entire crop. It only refers to lands where the loss is less than total. The case of a land which has lost its entire crop and failed to grow a second crop is covered by the ordinary rules. But I do not think that this particular clause applies to such cases. It will only apply in certain special circumstances where an average has been obtained of the partial loss over a large area. I am not at all sure that it is the case in these particular districts. Therefore, that particular clause in the Standing Orders will not cause any difficulty in respect of this particular matter."

Mr. J. A. SALDANHA :—"Is the hon. Member aware of the resolution passed by a large majority of the House only the other day that in cases covered by Standing Order 14 (10) (iii), where only a fraction of the crops is destroyed, remission should be granted in proportion to the area affected?"

Mr. E. W. LEGH :—"I looked up the Standing Orders before I came down. The resolution does not refer to Standing Order 14 (10) (iii). That Standing Order refers to the taking into consideration of the whole holding of the landholder for considering what should be given to him for a large area which has suffered to some extent short of total loss."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, may I draw the attention of the hon. Member, Mr. Legh, to the telegram of this Government to the Government of India regarding the extent of damages caused by the floods? The telegram was placed on the table of the Legislative Assembly. Mr. Legh has referred to the number of houses destroyed and cattle lost in South Kanara. I think the number of houses destroyed in Malabar is about 33,000, if my memory is correct. The cattle lost is very much larger in number than in South Kanara. I do not remember the exact figures. Mr. Legh would perhaps remember the figures for the telegram proceeded from this Government. The acreage of land silted up in the district of Malabar is also given in the telegram."

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Mr. K. PRABHAKARAN TAMPAN :—"Sir, I am sorry we have not got any detailed statistics regarding the extent of damage done by the floods in Malabar. The floods occurred in August and till now the District Collector has not sent a detailed report nor has the Government thought it worth while to get detailed information though there was this motion tabled concerning the subject. In answer to a question put by my hon. Friend, Mr. Narayana Nambudripad, Government stated that the extent of the damage done to lands in Walavanad taluk was about 1,000 acres. But my information is that in Chowghat division alone in Ponnani taluk the loss amounted to 10,000 acres."

The hon. Sir ARTHUR KNAPP :—"Does the hon. Member mean the crops on the land or the land itself?"

Mr. K. PRABHAKARAN TAMPAN :—"I mean crops on these ten thousand acres of land. From my own experience I should think that the damage was considerable. Of all the five or six districts that have suffered, Malabar has suffered most. About 50,000 houses have been destroyed. And it won't be far wrong if we take it that at the least the crops on 25,000 acres of land have been destroyed in Malabar. There are three sorts of damages done to crops: in some instances the lands are completely washed away by the floods; in other instances the lands are silted; and in other cases the crops are immersed in water for ten or fifteen days. On the lands that have been washed away by the floods the ryots could not raise either the first or the second crop. With regard to the lands that have been silted up, in certain plots the ryots have raised the second crop, whereas in certain other places they have not been able to remove the silt at all. Such lands are still lying fallow. Then there is the third class of lands, lands where the crops are immersed under water for ten or fifteen days. All these cases do require that the assessment on them should be remitted. I may say that remission alone would not be a great help; whatever other reliefs could be given to the ryots must also be given to them. Then, Sir, the first crop in Malabar is considered as the main crop as the rent for it is larger. The settlement rule is that if one rupee is levied for the first crop, only four annas is levied for the second crop. Therefore, in Malabar the first crop is considered to be the main crop."

Mr. E. W. LEGH :—"The question of priority in time does not affect the importance of the crop. There are many districts in which the crops grown in the second season are the better of the two crops. In Trichinopoly, for instance, the crop that grows from November to March is better than that reaped in September. The September crop is only a secondary crop."

Mr. B. MAHABALA HEGDE :—"Conditions differ in the east coast."

Mr. K. PRABHAKARAN TAMPAN :—"The hon. Member, Mr. Legh, also said that the ordinary remission rules were sufficient to meet the needs. I beg to differ from him. The rules which have been framed to meet the ordinary situations are not enough to meet exceptional situations like this. For instance, one of the rules in the Standing Orders is that if in any small plot in a particular survey number any crop is harvested, the whole survey number is not entitled to any remission at all although in all the rest of the survey number no crops might have been grown or harvested. Take the case of a land in Malabar or South Kanara where in one and the same survey number one portion is on a higher level and the other on a lower level. The

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land on a higher elevation will have its crop grown even in times of floods; whereas it is not possible to do so on the land at a lower elevation. According to the Standing Orders, if the crop standing on the land at the higher elevation is harvested, then the land lower down included in the survey number and immersed in water is not entitled to remission. In such cases, these rules will do us no good. Now Government may be liberal and generous in remitting the assessment; but that alone will hardly be a sufficient relief to the poor people unless liberal loans are given to reclaim the lands destroyed by the floods. That is a matter which does not arise in this question. But that aspect also has to be considered in dealing with this question. I have great pleasure to support this resolution."

Rao Sahib U. RAMA RAO :—"Sir, the hon. Member, the Revenue Secretary, has admitted that there were damages in South Kanara and Malabar. He cited some figures for South Kanara but has not challenged the figures cited by my hon. Friends. As for Malabar he has not given any figures. Government have not collected the necessary information although they were aware that this resolution was coming up before the House. Or, it may be that they are in possession of the facts and figures, but do not want to lay them on the table of the House. So far as South Kanara is concerned, the damages are not so serious as they were last year. But the suffering is very great since the north-east monsoon has completely failed. The second crop has completely failed in some places. So soon as in the month of November the price of rice has gone considerably high. At this time last year it was only seven or eight rupees; but now it is ten or eleven rupees. That is another reason why this concession should be granted. We are not asking for any favour; we are only asking for this under the conditions as they exist in South Kanara and Malabar. The assessment depends upon the produce of the cultivators; and if the cultivators are not able to produce anything owing to floods it is only fair that the Government must grant remission of assessments. Now, with reference to the last portion of the resolution, viz., 'without any restriction such as under the Board's Standing Order No. 14 (10) (iii)', it is perfectly unfair as my hon. Friend brought to the notice of the Council to have those restrictions. The holdings in South Kanara are small and it would be unfair if the remission is not granted. With these words, I strongly support the resolution."

Mr. T. M. MOIDU SAHIB :—"I think it will not be out of place if I say a few words about the havoc caused by the recent floods. As one coming from Malabar, I request this House to consider this resolution as one affecting the lives of the millions of people in Malabar. It is the poor tenants who will suffer if this resolution is not carried. The janmis will have their arrears recovered by any means whatever. If the tenants fail to pay the *michavaram* in the stipulated time, the janmis will resort to litigation or to *melcharth*, the very evil that brought the tenancy legislation now pending with us. I understand that in North Malabar the first crops have been damaged so much that the poor tenants are in a dilemma as to whether they should give up the land or ask the landlords to forego this year's *michavaram*. As a janmi of Malabar I have had the sad experience of my poor tenants coming to me and complaining to me of the damages they have suffered. In these circumstances, I think that the House must consider the case of the poor tenants and support this resolution and save them from starvation."

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Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB :—"I have great pleasure in supporting the resolution. The havoc caused by the floods is very great. Dwellings on the river sides were under water for a number of days, and crops were washed off, damaged or destroyed. In South Kanara as my hon. Friend, Mr. Hegde, has said, most of the people are poor landholders who pay an assessment of less than Rs. 50. The loss inflicted on these people is considerable. Some of the tenants are now unable to pay their rent for the year and some landlords have to remit the rent. In addition to this, the poor landholders have to meet the cost for the construction of their tenants' houses. In these circumstances it will be very hard if no remission is granted. After all, the resolution is a modest one asking for some remission. And I appeal to the House to accept this modest demand."

Rao Sahib P. V. GOPALAN :—"Mr. President, Sir, I have very great pleasure in supporting this resolution. In doing so, I may say that I do not want sufficient statistics to convince the hon. Members of the serious loss, as has been urged by my hon. Friend Mr. Hegde. All that I would submit to the House is that the hon. the Home Member, when he was in Malabar, saw the affected area himself, and took stock of the extent of devastation which has been caused by the floods in Olappamanna, Ernad, Ponnani; and, I am sure the hon. Member will take a very lenient view of the situation and grant the request which we, from the West Coast, have pressed before the Government."

The hon. Sir ARTHUR KNAPP :—"I should like, Sir, first of all to refer to remarks which have been made in more than one quarter of the House complaining that the Government have not yet obtained statistics of the actual amount of damage done by the floods in Malabar. One hon. Member suggested that the District Collector after all these months did not think it worth while to collect statistics. I would like to suggest with reference to that that the Collector of Malabar is very much better employed at present in trying to relieve the distressed than in collecting statistics. The actual extent of damage in every part will come in when we have to consider remissions as a whole. But the failure to collect statistics has not in any respect interfered with the progress of such relief work as is immediately necessary. Mr. Thorne, as a matter of fact, is very intimately connected with the Malabar Relief Committee and that gives him a good deal of work. My own impression is that, as I said, both he and his officers are very much better employed in doing the work in connexion with the relief, than in adding up totals of acreage affected or destroyed by the floods."

Mr. K. PRABHAKARAN TAMPAN :—"I yield to none in my appreciation of the work of Mr. Thorne. We are all indebted to him for the zeal and earnestness with which he has been discharging his duties in connection with the recent calamity. But dare say it will be very easy for him to get the information required by asking any of his subordinates to collect it."

The hon. Sir ARTHUR KNAPP :—"His subordinates, Sir, are very much occupied in the same kind of work. They are going round to find out which persons need relief, which persons loans and so on, and though, incidentally, during the course of that investigation they doubtless are collecting the necessary statistics it has not been considered desirable, in view of the urgency of the actual relief work, that they should retire to their offices and draw up tables with calculations of the damage done. The moment the

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Government think that there is an urgent necessity for the statistics, they shall undoubtedly call for them. But until then, I think, the House will agree with me, that it is better not to worry Mr. Thorne and his subordinate officers for statistics.

"On the general question which is, I take it, whether Government intend strictly to apply the remission rules to South Kanara and Malabar, it will be understood that Mr. Legh was not in a position to go beyond his brief. So far as I am concerned, I am not under a restriction. I am prepared to say distinctly that these rules which have been made by Government for the guidance of its subordinate officers will not be allowed to stand in the way of granting such relief as may be thought desirable in each case (hear, hear). I do not deserve any particular merit for making that suggestion, Sir, for this reason that the resolution itself refers to clause 10 of Board's Standing Order No. 14. That clause relates to local calamities as distinguished from widespread calamities. I am not quite clear whether in the present instance it is expected that this case will be dealt with as coming under the heading 'widespread' or under the heading 'local'. Apparently, my hon. Friend the Mover regards it as local. If that is the case I would like to call his attention to the provision which already exists in clause 10 of Board's Standing Order No. 14 and my suggestion is that if he had read it before he moved his resolution, he would not have moved. The clause reads:

'The degree of relief to be granted will be determined by Government with reference to the circumstances of each particular case.'

"That seems to me to contain the assurance which I have just given: that Government propose in dealing with this particular matter to give relief according to the merits of each case. There is only one other point which I would like to refer to, and that perhaps as a matter of warning. The hon. Member from Malabar, Mr. Tampam, argued that in the case of double crop wet lands where the first crop has failed the Government's duty is to remit at least three-fourths of the assessment, the ground being that *ex-hypothesis* the first crop is three times as valuable as the second. So far as South Malabar is concerned, I very much doubt whether that latter proposition can stand. The first crop, that is to say the first crop chronologically, is planted somewhere about May and harvested in September; the second is then transplanted and reaped in December or January. In South Malabar, both the crops are very much of the same length and though the first crop does not give a very large return of straw, the impression that I have is that both the crops are very much of the same value. The particular point which I think my hon. Friend wishes is I understand that four annas only is charged for the second crop. That is not quite correct. Four annas extra is charged when there are two crops but as Mr. Legh has pointed out, it is not a question of assessing one or the other crop, at four annas; Government are unable to commit themselves to the view that the second crop chronologically is only as valuable as one-third of the first."

Mr. K. PRABHAKARAN TAMPAN:—"Last year, when we moved for the remission of assessment on account of the failure of second crops through drought, the Government said that the second crop was not so valuable. It is now said that the second is more valuable than the first!"

The hon. Sir ARTHUR KNAPP:—"I am prepared to have the statement if so made looked up to and compared with what I say now."

"I do not see any reason why I should detain the House longer. I myself had opportunity recently of seeing the conditions in South Malabar

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and particularly the division which has been referred to. While I could not help observing the great damage that has been caused, it was to me a very great gratification to note how extraordinarily good the actual crop on the lands at present is. The House will take it from me as a genuine statement and not in any way as an attempt to minimise the losses sustained and will congratulate the district that they have, to compensate for the terrible disaster to which they were subjected, what at present looks like a bumper crop, in some places on the very fields which suffered so badly."

Mr. J. A. SALDANHA:—"I feel bound to thank the hon. House for the very kind consideration that they have given to our claims in Kanara and Malabar. Only yesterday, in the discussion on the Irrigation Bill, the House was pleased to concede the claim urged on our behalf that even the construction of small irrigation works could be entrusted to the villagers to be carried out at their own cost. On this point, Sir, it is not the figures that we want to trouble ourselves about. The vast extent of the damage is recognized but I wish to draw the attention of the House to the *intensity* of the devastation and misery that has been caused by the floods. In Malabar this intensity has been increased by the destruction of houses on a far larger scale than even in Kanara. In South Kanara the intensity has increased by two consecutive floods. The extent of the damage in the second was not so

great but it was almost as great so far as the extent of cultivation affected is concerned. But more than that the intensity has been of an aggravating character because this year the floods though they were low stayed longer on the fields than in the case of last year's flood. It stayed ten days last year but this year it stayed for about fourteen days with the result that the destruction of crops was much greater. So far as the suffering of the people in South Kanara is concerned, I have seen a good deal of it in the villages and I am sure my hon. Friends, Mr. Hegde and Dr. Rama Rao, who own extensive lands in that district have known its intensity."

Mr. B. MAHABALA HEGDE:—"We have not got many lands in the flood-affected area."

Mr. J. A. SALDANHA:—"But they have in the neighbourhood of that area and have seen to what extent the people are suffering. Last year, houses were destroyed in many places, and they had to be put up only on posts with thatched roof, and the walls re-set with only thatched surroundings, with the result that by far the majority of the houses destroyed last year remained unbuilt mainly for the reason that the people had not the means to do it and they could not secure loans or other facilities for re-building them. In some places they did not want to re-build them for fear of flood this year. The people were prepared for the flood and so the destruction of human beings and cattle was not so great. So, I beg to appeal to the House to grant this concession to the full extent to which I have put it in the resolution. So far as the Board's Standing Order No. 14 is concerned, I am afraid the proviso I seek is much more extensive than the exact terms of that order. Government may no doubt pass a very liberal and generous order and it may be supported by this House, but when it goes down to the Collector, the Collector's office whittles it down. I may refer here to a resolution passed in this House. A resolution was moved in this House on the 16th October last in these terms:

('This Council recommends to the Government to amend the Board's Standing Orders in such a way as to exempt that part of the field of a survey number which has become savi or laid waste owing to drought or other calamity, irrespective of the fact that a portion of land in that survey number has been harvested.'

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"This simple resolution was contested by the Government and in spite of that, by an overwhelming majority we passed that resolution. I, therefore, hope that the restrictions contemplated in the Board's Standing Order in regard to this resolution will not come in the way of the Collector giving effect to this resolution, while thankful for the generous sentiments expressed by the hon. the Home Member. With these words I appeal to the House to vote for this resolution."

Mr. B. MAHABALA HEGDE :—"May I make a personal explanation? The hon. the Revenue Secretary has not, I believe, controverted the figures that I have given, that is, nearly 7,000 acres of wet land."

Mr. E. W. LEGH :—"I shall give the correct figures, and I do not know how the figures given by the hon. Member are compiled. The extent of the first-crop land damaged is 2,776 acres. The extent of second-crop land damaged is 228 acres. It is about 3,000 acres in all. That does not include the extent of wet land rendered unfit for cultivation, which is 973 acres, so that the total extent on the whole comes to about 4,000 acres."

Mr. B. MAHABALA HEGDE :—"I am afraid that that statement is not correct."

The hon. the PRESIDENT :—"The hon. Member has no right to make a speech but he has a right to make a personal explanation. I do not think he has told us yet anything about his personal explanation (laughter)."

Mr. B. MAHABALA HEGDE :—"I wanted to explain only as regards the figures, Sir."

The hon. the PRESIDENT :—"Has the hon. Member been charged with inaccuracy, and is it that for which he wishes to offer personal explanation? That is the only thing that could come in under personal explanation now, but not a speech."

Mr. B. MAHABALA HEGDE :—"But comparing the figures given by the hon. the Revenue Secretary and my figures, there is a vast difference."

The hon. the PRESIDENT :—"The hon. Member has no right to make observations of that kind, except in the course of a speech; and he has exhausted his right to make a speech."

Mr. E. W. LEGH :—"I should like to make one or two remarks specially regarding the figures. I see that the hon. Member has received certain figures from the Collector of South Kanara, and he has given the number of acres as 6,750 or 7,000 roughly. But the figures I have given are also from the Collector of South Kanara. They are recent figures and there is every reason to say that they are accurate. From those figures, the total acreage comes to about 4,000 and odd as against nearly 7,000 which the hon. Member has quoted. In conclusion, I may say that I do not think there is any necessity for me to make any further answer to the remarks made by hon. Members because I am here only to put certain facts before the House, and I can only ask the hon. Member whether he desires to press the resolution. In the form in which he has put it, it is not one which the Government can accept because it asks definitely that Government should agree to give remission of three-fourths of the revenue in all cases where double crop lands have secured only one crop. That is a position which I cannot accept on behalf of the Government. Therefore, I am not in a position on behalf of the Government to accept the resolution as it at present stands."

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Mr. J. A. SALDANHA :—"I am sorry I cannot withdraw the resolution. On the other hand, I would press on the attention of the House the necessity of passing it to the fullest extent without any rider."

The resolution was put to the House and carried.

RESTORATION OF CARNATIC STIPENDS.

Rao Bahadur C. NATESA MUDALIYAR :—"Mr. President, Sir, I move :

'That this Council recommends to the Government that the Carnatic stipends which were discontinued to the stipendiaries who took active part in the Khilafat agitation be restored with retrospective effect.'

"Sir, these stipendiaries are beneficiaries of the income and the properties are held in trust by the British Government. These properties are the jaghirs free of public charges granted by the Nawab Wallajah in 1797 to the members of his family; in order to prove that these jaghirdars should be in absolute possession of this property, the donor himself never interfered with them. These grants were frequently recognized by the East India Company. The revenues derived from these jaghirs were completely excluded from the revenues of the State of Carnatic both in the treaty of 1792 when to maintain the military of the Government, the Nawab of Carnatic had to pay four-fifths of the revenue to the East India Company, and in the treaty of 1801 when the East India Company assumed the military and the civil government of the Carnatic State and when they had to pay one-fifth of the revenue to the Nawab of Carnatic. Sir, in 1802, the Governor in Council of Madras divided these grants into country jaghirs and family jaghirs. These country jaghirs were restored to the respective jaghirdars, but without any reason whatever, these family jaghirs were incorporated into Khalsa lands, that is, lands of the Crown. But ample provision, they said, has been made for the members of the Carnatic family. When the British Government made this ample provision, these stipendiaries, the original jaghirdars who were in absolute possession of these properties became the absolute owners of the stipends. The same is also the case with the one-fifth of the revenue of the Carnatic State that was granted to the descendants of the Nawab Azamuddaulah, the Nawab who was entering into a treaty with the East India Company in 1801. Sir, is it just, because the beneficiaries disagreed in their views with the trustees, that the beneficiaries should be deprived of their benefits. Is it right and just, Sir, to take a concrete example, if any of the Members on the Opposition benches are the jaghirdars from the Nawab of Carnatic and the jaghirs are afterwards ratified by the East India Company, that they should be deprived of their jaghirs because they are sitting on the Opposition benches? (Laughter.) Sir, moreover, there is no personage now existing as the Nawab of Carnatic, the mutual friend and ally of the British Government for generations and generations. We have now only the humble Prince of Arcot, a subject of the Crown. Much more, therefore, are all these stipendiaries subjects of the British Crown. Why should that limited privilege, that much of freedom of thought, speech and action that is given to other subjects of the Crown be denied to these poor people? I believe, Sir, that the subjects of any country should be given the opportunity to utilize all the resources in their power short of waging war against the Government and the constitution, for bettering the prospects of their motherland. Moreover, these people were never charged before a court of law. There were no charges made

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against them before the arbitrary order was issued that they should be deprived of their stipends. So, Sir, taking all these things into consideration, I think the Government is legally and morally bound to restore the stipends to them. I hope the Council will vote unanimously for this resolution."

Mr. P. ANJANEYULU :—" Sir, I should like to second the motion proposed by my hon. Friend, Mr. Natesa Mudaliyar. In so doing, I also beg to submit that, if there is one class of persons which has suffered most at the hands of the British Government, it is perhaps the landed aristocracy who are being given stipends where once they ruled. This is not a solitary instance, but there are many Indian zamindars who were getting stipends, but for some reason or other have been deprived of them. While those beneficiaries to whom these zamindars gave inams and aghaharams are in a flourishing state, there are many instances where they have to eke out their livelihood by work and be in a worse position than the people whom they were once ruling. That is a piece of history which it will not be necessary for me to deal with here in detail, but they are matters of fact though opinions of persons may vary. But the persons referred to in the resolution have not had the opportunity of approaching the authorities in the usual course of the law for certain treaties or other matters which are possibly within the knowledge of the State itself. As far as this question is concerned, it is not a political one. I beg to submit that it is quasi-political one which has a religious background. For the sake of their religious principles these gentlemen thought it fit to get themselves involved in it. There is the question of the freedom of religious conscience behind it and I hope the Government will take a lenient view of the situation. Now that the air is freed of the tension which was once existing, I hope the Government will be pleased to reconsider the question and grant the stipends."

Mr. ABBAS ALI KHAN :—" In support of this resolution, I wish to say a few words. I do not know if Mr. Natesa Mudaliyar is correct in his statement of facts that Government resumed these pensions."

Rao Bahadur C. NATESA MUDALIYAR :—" I never said that, Sir."

Mr. ABBAS ALI KHAN :—" As far as I understand, Sir, it seems the stipends have not been withheld from these stipendiaries, but are given to the Prince of Arcot. It is quite possible that the Prince of Arcot has withheld these stipends of these Carnatic stipendiaries, because they have not been behaving as they ought to behave according to Government. I understand, Sir, that one of the gentlemen has promised Government that he is not going to take part in the agitation and the pension has been ordered to be restored to him. As regards the other gentleman though he has not taken specific part in the agitation, yet the Prince of Arcot has withheld the pension. I hope the Government will be pleased to order the Prince of Arcot to pay to this gentleman."

The hon. Sir ARTHUR KNAPP :—" I imagine that until they heard the speech of the hon. Member who just addressed the House, hon. Members may have been under the impression that it is a very large question of the policy on which this House has been asked to give its opinion. The fact is, hon. Members will note, that this resolution refers to the case of one or possibly two individuals. I say two because there has been one case in which the stipend was forfeited but was restored as long ago as July 1922. So, there is only one person to whom this resolution relates and I cannot help doubting whether it is very suitable that this Council should spend its time

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in discussing the case of this single individual. In the case of the other gentleman, the stipend was restored after he intimated to the Government through the Paymaster of Carnatic Stipends that he had been misunderstood and that he did not intend to use his power of speech and action against the Government. On that assurance, the pension was restored to him. Now, Sir, had the other gentleman taken a similar course, I have not the slightest hesitation in saying that Government would have been very pleased to afford him the same consideration. He did not do so, nor has he done so till this day. I do not know whether the speeches of those who have supported the resolution should be regarded as making any promise on his behalf but I fear that it is impossible to accept apology by deputy. I think Government is entitled to say that, if the stipendiary wishes to have this order cancelled, he should come forward and say so."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I ask what was the offence?"

The hon. Sir ARTHUR KNAPP :—" The offence was that he misconducted himself in the opinion of the Government by his actions and his speeches in connection with non-co-operation. Arising out of that I may say a few words to the House on the question as to whether these stipends are or are not liable to be withdrawn from their recipients by the Government. The hon. Gentleman who moved the resolution took us back to 1792. I am not going as far back as that because there does not seem to be any need for it. I am going only to 1857. In 1857 the agents of the Carnatic stipendiaries were instructed to explain most distinctly to all members of the Carnatic family to whom stipends were given the conditions on which they were given. They were also told that these allowances had been conferred only as a matter of grace and that they would be subject at any time to be suspended or withdrawn should the misconduct of the recipient in the opinion of the Government render such a measure necessary. That is why I answered as I did when I was asked what the offence of the stipendiary was. He was guilty of misconduct which, in the opinion of the Government, rendered the withdrawal of his pension necessary. He was a very prominent member of the non-co-operation movement. So also was the other gentleman, who, as I said, apologised and to whom the stipend was restored. My hon. Friend the Mover I think it was who suggested that the stipend was withdrawn without any kind of notice to the person concerned. That, Sir, is not my information. According to our records it was pointed out to him that to take part in the non-co-operation movement and to decline in any way to co-operate with the Government were not consistent with his receiving the allowance. He did not see the point of the suggestion; and later on when he repeated his action he was formally warned by the Paymaster of Carnatic Stipends that if he continued doing so Government would be obliged to withdraw the allowance. He did not take any notice of the warning. It is not therefore correct, so far as our records are concerned, to say that the withdrawal was made arbitrarily without any charge being framed against him."

"Then we come to the question, Sir, as to what has happened to the stipends. That question has been raised by the hon. Member who addressed us last. Government have not kept this amount in their hands. It has been added to the allowance which the Prince of Arcot enjoys. It is open to him to use it himself or to give it to the members of the family. Government have not achieved any economy by taking it away. On the other hand I am prepared to say that if the person in question is prepared to follow the

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example of the other gentleman, to come forward and give us a suitable explanation and a promise with regard to his conduct in future, Government are not in the least vindictive and are perfectly prepared to take his application into consideration. We shall then be prepared to ask the Prince of Arcot to consent to our revising the order of two years ago by which we added this pension to his allowance. I do not think the Prince of Arcot would be likely to object if we make the suggestion."

Rao Bahadur C. NATESA MUDALIYAR :—" Mr. President, Sir, I move this resolution to make the Government declare their policy towards the Carnatic stipendiaries. The other day, in answer to Mr. Jayakar on the 24th October 1924, the Home Member said that he is not going to deprive Government pensioners of their pension for political attitude. Now here is an opportunity given to the Home Member to declare his policy. Sir, as to the person in question Abdulla Latheef Feroke whose stipend has been withdrawn by the Government he was given notice without any previous charge whatever that he would not be given this stipend and he was asked to go before the Collector. He went before the Collector and said that he was not at all against the Government and that he was connected with the Khilafat movement as a Muhammadan. Sir, I am sorry to mention here that our British Government have got a knack of driving the loyalist of loyalists to be the worst of seditionists by their action. They have deprived him of his pension and what is the result? He is now a non-co-operator. When he expressed that he was not against the Government but was only working in the cause of the Khilafat, the Government should have given him back his pension. By their refusal he became a non-co-operator. Sir, it is the birth-right of every subject to utilize all the resources in his power to lift his motherland except the waging of war with the King and the constitution. Sir, why should this man be deprived of the privileges which we common subjects have got? "

The hon. Sir ARTHUR KNAPP :—" May I know whether my hon. Friend means to say that it is the birthright of every subject to promote enmity against the Government? "

Rao Bahadur C. NATESA MUDALIYAR :—" I have already said that excepting waging war against the King and the constitution one can do anything in the cause of his country. These people don't do all these things. I have not said nor do I believe that every non-co-operator is promoting enmity against the Government. He is trying every possible means to see that this country is elevated. For myself, I am a loyalist of loyalists (cheers). I believe in the British Government. (Laughter and cheers.) But yet I think the British Government ought not to behave as they are behaving to-day. (Laughter and cheers.) I hope, Sir, the British Government will take the statements made by Abdul Latheef Feroke before the Collector as a true statement and see that he is given the stipend which he has got a birth-right to get from the British Government."

The hon. Sir ARTHUR KNAPP :—" The hon. Member suggested that the gentleman in question was not a non-co-operator. Our records show that he declared himself a non-co-operator."

Rao Bahadur C. NATESA MUDALIYAR :—" He was only taking part in the Khilafat agitation in 1921. He became a full non-co-operator only in 1922. He declared before the Collector that he was not at all a non-co-operator. He would have refused to go to the Collector had he been a non-co-operator."

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Mr. MUHAMMAD GHOUSE MIAN SAHIB :—" May I ask the hon. the Home Member whether his allowance was withdrawn because of his misconduct with reference to the non-co-operation agitation? Does he mean to say that non-co-operation movement and Khilafat movement are identical? "

1-15 p.m.

The hon. Sir ARTHUR KNAPP :—" I have said nothing about the Khilafat movement; I referred to the non-co-operation movement."

Mr. MUHAMMAD GHOUSE MIAN SAHIB :—" May I know from the hon. the Home Member whether it is owing to his connexion with the non-co-operation movement that his stipend has been suspended or whether it is due to his connexion with the Khilafat movement? "

The hon. Sir ARTHUR KNAPP :—" I have already said that the first communication made to him was specially in connexion with the non-co-operation movement and it was suggested that it was not consistent with his policy as a non-co-operator to co-operate with the Government in the matter of his pension alone."

Rao Bahadur C. NATESA MUDALIYAR :—" It is hardly a matter in the option of the Government. It is not their money; and they are only trustees of his property. I belong myself to a family whose ancestors were owning jaghirs under the Nawab of Carnatic. In such cases the British Government cannot deprive them of it."

The hon. Sir ARTHUR KNAPP :—" My hon. Friend need not be afraid that the British Government will do any such thing. But I wish to refer to the legal point that my hon. Friend has raised with all due deference to his legal knowledge. I think the Government in these cases must be guided by the advice of their legal advisers and they support the view that was taken and expressed that these were grants which could be withdrawn if any recipient was guilty in the opinion of the Government of misconduct."

" Therefore, on behalf of the Government, I cannot accept the view of my hon. Friend that these stipends are the legal property of the persons concerned."

Rao Bahadur C. NATESA MUDALIYAR :—" Sir, if I may be excused, I may say, when a person is in power, might is right. I am speaking of the moral binding and I have not studied law. Are these subjects of British Government to be treated in this fashion? Are they not to be treated with sympathy? Are they to pay for the sins of their fathers for having befriended a nation? According to Sir Thomas Munro who was for some time the Governor of Madras, when the British Government owe their influence to the friendship of the Nawab of Carnatic, is it not a question of a moral binding more than anything else? I do not want to go into the details of how it was intended to be a perpetual grant by the Nawab."

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—" May I take it that the Government will restore the stipend if the gentleman says that he did not interfere with non-co-operation but he only took his legitimate share in the Khilafat movement which is a purely religious movement? "

The hon. Sir ARTHUR KNAPP :—" If the gentleman in question approaches the proper authority, it is quite conceivable in the present circumstances that his assurance can be obtained from him which will satisfy the Government."

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Mr. MUHAMMAD GHOUSE MIAN SAHIB :—"What is the kind of statement, Sir?"

The hon. Sir ARTHUR KNAPP :—"I can only say that it might be possible to arrive at a satisfactory conclusion and the order might perhaps be cancelled."

Rao Bahadur C. NATESA MUDALIYAR :—"Of course, the gentleman is not at all against the British Government. But if the British Government insist on his giving an undertaking that he does not any more conduct the paper of which he is the editor, probably he may not be willing to give such an undertaking to keep away from any political interference. If they are going to say that he should not in any manner identify with any political movements that will be a thing he may not with any self-respect accept."

The hon. Sir ARTHUR KNAPP :—"There is no such intention, Sir."

Rao Bahadur C. NATESA MUDALIYAR :—"In view of the statement made by the hon. the Home Member, I withdraw my resolution."

The motion was by leave withdrawn.

RELIEF TO FLOOD-AFFECTED AREAS.

Mr. T. M. NARAYANASWAMI PILLAI :—"I beg to move :

'That this Council recommends to the Government that the Government will be pleased to undertake the work of clearance of sand and silt at its own cost and through its own agency; or if for any reason such a course is not considered feasible, that the Government will be pleased to suspend the revenue payable on the lands adversely affected by the floods for a period of thirty years from the current fasli.'

"Sir, I am not moving the first portion of the resolution which raises substantially the same issues as were raised in the resolution moved at the meeting held on the 16th October last. I will confine myself with the second portion of the resolution, viz., the suggestion of an alternative remedy that is suggested there if the first part is not considered feasible. From a statement made the other day by the hon. the Revenue Member the Government have said that that course is not feasible.

"Now in moving the second portion of the resolution, I beg leave to make a small alteration in the wording of the resolution. The alterations I wish to make are these :—

'For the word "suspend" substitute the word "remit" and add the words "in the districts of Tanjore and Trichinopoly" after the word "lands".'

"With these amendments I beg for leave to move the resolution, only the second part of it."

The hon. the PRESIDENT :—"If the hon. Member wishes to vary the terms of his resolution he will have first to obtain the permission of the House to do so. I rather think it would be better that the hon. Mover of the resolution should formally move it; and then some other hon. Member might move the amendments that he wishes to incorporate in the resolution. That course, I believe, will concentrate discussion on the amendment. I therefore think that somebody else than the hon. Member in whose name the resolution

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stands should move the amendment and then we can conveniently proceed. I do not want the hon. Member to take upon himself to amend his own resolution."

Mr. T. M. NARAYANASWAMI PILLAI :—"I move my resolution. In doing so . . ."

The hon. the PRESIDENT :—"The hon. Member had better simply move the resolution. He will have an opportunity to make his speech on it later on."

Mr. T. M. NARAYANASWAMI PILLAI :—"I have already moved, Sir."

Mr. MUHAMMAD GHOUSE MIAN SAHIB :—"I second the motion."

Mr. B. MUNISWAMI NAYUDU :—"I now move, Sir, the following amendments to the resolution :—

'For the word "suspend" substitute the word "remit" and add the words "in the districts of Tanjore and Trichinopoly" after the word "lands".'

Mr. C. MUTTAYYA MUDALIYAR :—"I second it."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I object to the amendment, Sir. Apart from the other two things contained in the resolution, the amendment, specially that portion of it which restricts the relief to the two districts of Tanjore and Trichinopoly alone, is not at all fair to the other districts that have suffered in the same way as Tanjore and Trichinopoly. If the relief can be given, I beg to submit all the districts which have been affected ought to be treated in the same way. For instance in the Coimbatore district I believe about 1,200 acres have been affected in just the same way as in the districts of Trichinopoly and Tanjore. I, therefore, do not see any reason whatever why there should be any difference made between the lands in Tanjore and Trichinopoly and lands in the other districts. As a matter of fact the lands belonging to the Coimbatore district are adjacent to the lands in the Trichinopoly district and I do not see any reason whatever for the differential treatment in respect of lands affected by the same flood. I, therefore, object to the amendment."

The hon. the PRESIDENT :—"Standing Order 60 (1) says :

'If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the amendment to be moved.'

"The hon. Member from Coimbatore has raised an objection and I do not see my way to allow the amendment to go forward. I disallow it under Standing Order 60 (1).

DURATION OF COUNCIL SITTINGS IN DECEMBER 1924 AND JANUARY 1925.

"At this stage it is well for me to draw the attention of the House to the fact that it is now 1-30 and we should ordinarily adjourn now. But if it is the desire of the House as a whole that we should rise for the day at 2 o'clock or at any other hour, I am willing to consider the matter. I understand that it is the general desire of the House to rise for the day at 2 o'clock and to treat this as half of a non-official day, the other half to be taken in December in addition to the one day already admitted as due."

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Mr. G. RAMESWARA RAO :—"May I know, Sir, whether the sitting in December would begin with non-official business, in which case alone there is a chance of taking up the resolutions in the agenda? Otherwise they may lapse owing to the thirty-day rule of the ballot. I think we may come to some understanding with the Government by which it may be possible for us to save as many resolutions as can be discussed during the two days from lapsing by reason of the ballot rule."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The position is shortly this. I expect the third reading of the Irrigation Bill to take half a day or a day at the most. I am not quite sure whether the Civil Courts Bill would be ready for discussion. If it would not be ready, there is practically nothing else before the House and it will go on straight to the non-official business. If that Bill does come on, the non-official business may be deferred and I will go on with the Bill. But it is a matter on which we cannot come to any decision just now."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is it possible for us to have some idea as to the number of days the Council will have to meet in December and if possible also in January?"

The hon. the PRESIDENT :—"We shall have one and a half days for non-official business in December. The hon. the Law Member has said that he wants a day at most for the Irrigation Bill and if he is ready with the Civil Courts Bill that may take another two days. So that I do not think we shall require more than four or five days in December."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"So far as the January session is concerned, I believe we may meet on the 9th of January because the four years specified in the Government of India Act expire on the 8th."

The hon. the PRESIDENT :—"If the Government have work for the beginning of January, there need be no interruption on account of the election of a President; there will be the Deputy President."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Everything depends very much on the amount of business ready."

RELIEF TO FLOOD-AFFECTED AREAS—cont.

Mr. T. M. NARAYANASWAMI PILLAI :—"Sir, in commending this resolution to the House I do not propose to trouble the House with any harrowing details of the devastation and damages caused by the floods. They are too familiar now and the Members of this House are well acquainted with them. They need no recapitulation at my hands. It is sufficient for me to say that the difficulties of the ryot have been sufficiently recognized by all. The hon. the Revenue Member in his speech of the 15th October was fully alive to the seriousness of the question and to the heavy obligation on the part of the Government. It has been clearly recognized that the ryot would be absolutely helpless to repair the damage done. The question is, what is the sort of help which the Government ought to give. The hon. the Revenue Member has said that the Government were prepared to grant loans at 7 per cent interest and by a subsequent order the rate has been reduced to 4 per cent. Now I ask, will this kind of concession on the part of the

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Government—if Government want to treat it as a concession—satisfy the people concerned? Will it help the ryot in any way to repair the damage done? Now, after that order had been issued, have they enquired how many applications there were in the Trichinopoly district? I am sorry to say that there have been only two applications. The lack of applications for these loans is not due to the ignorance on the part of the ryots in regard to the grant of loans by the Government. For, I know, as a matter of fact, the officials have taken all possible steps to acquaint the ryots with the grant of loans offered by the Government. I, therefore, consider this lack of applications to be an index to show that the offer made by the Government is not suitable, is not satisfactory to the ryot. I believe there is a very good reason behind it. Suppose a person is offered loan at 4 per cent for the first two years and at 6 per cent later on. Now let us take the value of the land. The value of the land at present, compared with its value previous to the floods, is on a minus scale. That is, suppose the value of the land before the floods was Rs. 2,000 per acre. Now it will require more money to make it worth Rs. 2,000. The amount of productive capacity of the land before the floods occurred is one which has to be attained gradually in the course of some decades. Therefore, even assuming that the ryot was prepared to spend the money and reclaim the land all at once, it will not be restored to its former productive capacity. Therefore, the return from the land after the investment of the money will be much less than what it was before the floods. In addition to this the ryot will have to pay the additional burden of interest. Besides, the cultivation and other charges have doubled. Thus the ryot is placed in a peculiarly helpless condition. In view of the fact that the land will not be restored to its former productive capacity even assuming that the money is spent on the land, I say that the ryot is helpless to take advantage of the offer of loan on payment of interest.

"I have already said that the necessity for helping the ryot has been recognized. What I say is that the grant of loan on interest is not satisfactory. Government must see that all these lands are reclaimed. No prudent Government can afford to sit idle when all these lands are left to waste without any attempt being made to reclaim them. The Irrigation Member is anxious to pilot through the Council the Irrigation Bill which has for its object the bringing under cultivation of a great extent of uncultivated land. But those are schemes which have not yet been tried. But there are here vast acres of land which have been tried and which have been commended by good irrigation systems and in my opinion, nothing is too great a cost to reclaim these lands. The suggestion I make is, I think, a very modest one and that is the remission of revenue on these lands for a period of thirty years. I confine my observations at present to the Tanjore and Trichinopoly districts, though they may be relevant to the lands in the other districts also. Why I want remission of revenue for 30 years is this. The period of thirty years is a normal period during which the ryot by gradual labour will be able to restore the land to its former condition. The Government also will not lose much of their revenue. Suppose a land has been paying an assessment of Rs. 10. Now, after the floods, surely the land cannot be placed under the original category. The assessment will be far less and it must be at least one-third or one-fourth the original assessment. Thus the loss of revenue to the Government on account of my suggestion will not be very appreciable, and I say thirty years will be the period required for restoring the land to its former condition.

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"I am requesting the Government to remit the revenue for a period of 30 years. Taking the average at Rs. 10 per acre, it comes to only Rs. 300 at the end of 30 years. Government have to see what is the present value of Rs. 300 now which will mature after 30 years. It will be less than Rs. 100. Therefore either taking the assessment value which has to be revised in view of the floods or taking into account the present value of the loss which would actually accrue, I think the loss which the Government will have to bear is not too much. While the loss to the Government is not too great, the incentive to the ryots will be very great. The necessity for reclaiming lands if once recognized will afford sufficient incentive to the ryots; in fact it is the minimum which the Government ought to give.

"It is a well-recognized principle that the State has the proprietorship of the soil. While the financial conditions make it possible to grant loans which they are bound to give, at least they may say, 'I am not in a position to give you as much money as you want, but I will remit as much of the revenue as you are entitled to.' So the period of 30 years is a very modest suggestion. Therefore in view of the helplessness of the ryots and in view of the fact that this is the minimum which the Government ought to give, I trust that this resolution will meet with the unanimous acceptance of the House."

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—"Mr. President, Sir, in rising to support the resolution which has been moved by my hon. Friend, Mr. T. M. Narayanaswami Pillai, I have only one or two remarks to offer in addition to the many strong points urged in favour of it by my hon. Friend. First of all, Sir, I beg to draw the attention of the House to the claim very often made by Government, viz., the claim for absolute ownership of all land in India. It cannot be denied that Government have advanced that claim; Government have always said that all land belongs absolutely to them and the ryot is only a tenant thereof holding a lease permanently from the Government. If the Government are the absolute owners of the soil, does it not logically follow, Sir, that they must set right what has befallen to the soil? Are not Government bound to reclaim the land which have become unfit for cultivation on account of natural causes for which the ryot is not personally responsible and which the ryot could not himself avoid? Apart from this question, there is another very important point to be considered in connexion with this matter. I am speaking from my own experience of what took place in the Trichinopoly district. There are about six thousand acres of land there which have been affected adversely by the recent floods. Of these six thousand acres, the major portion has been so devastated that it is not easily possible to reclaim it unless the owners thereof are in a position to invest lots of money over it. Even according to Government calculations, it is taken to cost Rs. 250 to Rs. 500 per acre and I may assure the Government that if the tenant is driven to the necessity of finding the money himself and if he acts wisely, he won't invest that money in reclaiming the portion so devastated but will invest it in buying fresh lands. If, as I said, the tenant acts wisely and purchases new lands, it is needless for me to point out that Government will lose its revenue from those particular lands eternally. The present suggestion is to remit the revenue payable for a period of thirty years. The point raised is this: if the tenant is left to himself unhelped he will be only induced to purchase fresh lands and certainly not to reclaim the land that has been destroyed. This, I submit, is certainly not to the interest

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of the Government. Government looking to the interest of the general public is bound to see that all the land is reclaimed. In addition to the revenue which they are realizing in respect of other lands, they will save the revenue on the land that has been devastated by the floods. This is a very strong ground for the Government to come forward and favour the resolution, and I hope the House will unanimously accept it."

Mr. E. W. LEGH :—"I take it that the main argument which the hon. Members who moved and seconded this motion wished to advance is the proposal for the grant of remission of revenue for thirty years on lands which have been rendered unfit for cultivation owing to silting up. I wish to reply as briefly as I can to the arguments adduced in support of this resolution. In the first place I would point out, with regard to the grant of remission, that portion of the request has already been provided for and no one has been asked to pay anything if there is no crop. Now, Sir, the first argument which was advanced on behalf of this motion is that no advantage has been taken of the loan offered so far and the hon. Member interprets it by saying that the offer made to the ryots is not satisfactory or acceptable, and that therefore the Government must make another offer. Now, Sir, I think, if the hon. Members are entitled to interpret facts according to their lights I am also entitled to interpret them according to mine. I know the people of Trichinopoly very well; I know both the people owning dry lands and wet lands. I think I shall not be wrong in saying that as long as the ryot knows that the work will be done for him by others he won't spend his own money. I am speaking not only from my knowledge of the people but also from a knowledge of human nature."

Mr. M. R. SETURATNAM AYYAR :—"The people seem to be afraid of paying double tax, more or less. They have to pay the kist as well as the interest on the loan. That is why they are keeping quiet."

Mr. E. W. LEGH :—"I am only claiming the right to interpret the facts as the hon. Member has done. I don't want to claim that it is a final interpretation. I would point out, the attitude of the hon. Member is like that of a patient refusing to take the medicine which is offered to him as not being to his taste and asking for some other medicine to suit his taste. I don't know whether this is a position which can anywhere be maintained. The medicine has to be adjusted to the circumstances and the needs of the patient and it is not always possible to find a medicine which is according to the patient's taste. He asked for remission of revenue for thirty years; but how is that going to help him to reclaim his land? What he wants now is money to finish the work of reclaiming the land. We have already offered loans at a reduced rate of six per cent; and the rate for the first two years has been further reduced to four per cent. I don't think the ryot is going to pay heavily for the money advanced to him. The most extraordinary argument that is put forward on behalf of this resolution is that if the ryots are to do the work themselves, they won't reclaim the lands at all. If it won't pay the ryot to reclaim his land, surely Government cannot throw away their money. What they say is that it does not pay the ryot to reclaim his land and this money would be much better spent in buying fresh lands. I do not think this is an argument which can induce the Government to spend their money. I think the result would be the very opposite, and I don't think the hon. Member will press that. The reason why Government is not doing the work at their own cost is primarily that we do not know what the cost

[Mr. E. W. Legh]

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will be of such a large undertaking. The hon. Members will know if the Government make an estimate and hire the labour that may be necessary, the cost of the work will be infinitely greater than if individual ryots combining together and using local labour can manage to do it themselves; because local labour is very much cheaper than that which Government can hire. And hon. Members will know that in all districts there are large landholders who have paid men of their own and these men are paid and fed whether they do any work or not. Even supposing that Government were to take up that work and it is not to be done by these particular men, the landholders would not be released of the necessity of keeping these men. This is a factor that has to be taken into consideration. I need not again draw the attention of the House to the proposal which has been made. We have not received from the officer at Trichinopoly any definite report as to the result of the proposals. The officer of the Co-operative Department is, I believe, getting things ready and I hope, by this time he has done something, and in due course we shall hear that he has succeeded in getting the work actually started, but I am not able at present to submit any facts before the House.

"There is another argument, the argument that the State claiming ownership of lands should bear the cost. The answer may be put in several ways. But we will suppose the case of a man who owns a house and has leased it to a tenant. If by some accident, the house is burnt down, is he to go to the landlord and claim that the landlord shall bear his losses as well as the loss of the house? The State loss by the floods has been very great; many irrigation works have been injured, and what is being asked is that the whole loss should be borne by the State and no portion of it should be thrown on the landholders. Now, Sir, the ordinary practice in commercial life is if a man has a large amount of merchandise, he insures his goods in an insurance company in order that in case some accident occurs which cannot be prevented, he can safeguard himself against loss. I think that is the real answer to that argument. The practice of insuring is very common in other countries, and if that practice is observed here also, it would save the ryots from many of the liabilities and losses to which they are subject."

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"All that I meant to say was that the Government claimed ownership of the land itself. If that is the case, I do not think the distinction which my hon. Friend, Mr. Legh, made between the house and the contents thereof would hold good in this case which I have put forward."

Mr. E. W. LEGH:—"Once the land is passed into the hands of a pattadar, Government have no interest in it except that of the collection of revenue. As the time is up I have only briefly replied to some of the arguments which have been advanced by the Mover."

Mr. K. KOTI REDDI:—"Sir, this is a subject which involves many important principles. Some of the principles enunciated are so important that we request to be allowed an opportunity of discussing them. The importance of this resolution consists not so much in the particular case now under discussion as in the principles involved in it. Therefore, further discussion on this resolution may be adjourned to the next day on which non-official business will be conducted."

The hon. the PRESIDENT:—"If that is the sense of the House we shall adjourn further discussion on this resolution accordingly, in which case this

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[The President]

will be taken up as the first item of business on the next non-official day. The House will now adjourn and re-assemble on Wednesday the 3rd December."

The House then adjourned at 2-5 p.m. to meet again at 11 a.m. on Wednesday, the 3rd December 1924.

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

APPENDIX A.

[Vide item III (1) Communications to the Council on page 443 supra.]

List of posts on Rs. 500 per mensem and above created during the quarter ending September 1924.

A.—PERMANENT.

Department.	Designation of the post.	Pay per mensem.	Date of creation.	Remarks.
<i>Medical.</i>				
	Bio-Chemist, Medical College, Vizagapatam.	Rs. 500—50—900	1st July 1924.	Posts created on account of the opening of the second-year class in the Medical College, Vizagapatam.
	Professor of Physiology, Medical College, Vizagapatam.	Do.	Do.	
	Professor of Materia Medica, Medical College, Vizagapatam.	Do.	Do.	

B.—TEMPORARY.

(1) Extension of previous sanction.

Department.	Designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
<i>General Administration.</i>				
Chief Secretariat.	Special Officer for examining questions connected with the Mapilla rebellion convicts.	Grade pay in the Indian Civil Service cadre (superior time-scale) plus special pay of Rupees 200 per mensem.	Up to the 4th October 1924.	Originally created in May 1924.

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B.—TEMPORARY—cont.

(2) Temporary posts newly created.

Department.	Designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
<i>General Administration.</i>				
Finance Secretariat.	Special Officer for the preparation of the Madras Financial Codes.	Rs. Grade pay of an Assistant Accountant-General plus special pay of Rupees 200 per mensem. 2,650	For a period of 18 months from the 1st August 1924.	Post created for the period the Hon'ble Mr. W. G. McFarland, I.C.S., was nominated to the Council of State.
	Collector and District Magistrate.		From the 15th August 1924 to the 1st October 1924.	
<i>Administration of Justice.</i>				
	Additional Sub-Judge, Nellore.	650—50—800	From the 15th September 1924 to the end of March 1925.	
	Additional Sessions Judge, Coimbatore.	1,500	For 4 months from the 10th July 1924.	
	Additional Sessions Judge, Tinnevely.	1,500	For 2 months from the date on which the court was opened.	
<i>Medical</i>				
	Special Officer for formulating proposals in connexion with the opening of a School of Indian Medicine.	600	From the 16th September 1924 to the 16th November 1924.	

R. W. DAVIES,
Secretary to Government, Finance Department.

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APPENDIX B.

[Vide item III (2) Communications to the Council on page 448 supra.]

The following correspondence between the Government of Madras and the Government of Assam on the subject of the recent exodus of labourers from the tea gardens in Assam is published :—

I

Telegram from the Government of Madras, to the Government of Assam, dated 29th July 1924.

Hindu newspaper of Madras in leader July 25th writes :—

"The *Times of Assam* brings to light the sad fate of a group of over 400 labourers who were brought under false promises as recruits for work in a tea garden in Assam, etc."

Swarajya newspaper of Madras in leader July 26th writes :—

"News of the unfortunate plight of Madras labourers in the tea plantations of Assam has just reached us. They were taken there under false pretences and now have been left to starve on the streets, neither the Assam Government nor the planters having even the common humanity to repatriate them to their homes, etc."

Madras Government would be glad to know whether there is any foundation for the suggestion that Madras labourers are involved in case referred to.

II

Telegram from the Government of Assam, to the Government of Madras, dated 31st July 1924, No. 548-C.

Certain labourers recently recruited from Madras for Assam tea gardens refused to work and left the gardens. They have been repatriated. The Government are enquiring into the matter. Number repatriated 171, chiefly from Cuddapah and Anantapur. Further report will follow by letter.

III

Letter from the Government of Assam, to the Government of Madras, dated 1st August 1924, No. 551-C.

In continuation of my telegram No. 548-C., dated the 31st July 1924, I am directed to report, for the information of the Government of Madras, the following facts regarding the Madrasis alleged

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to have been recruited under false promises for work on tea gardens in Assam. On the 7th July, 139 Madras labourers of the Tiphuk tea estate left the garden and went into Dibrugarh where they were joined by other Madras coolies from Ethelwood tea estate. When questioned by the Deputy Commissioner, they alleged that they were afraid of 'head-hunters' and did not like the climate or the work. Apparently some baseless rumour that there were 'head-hunters' about had been spread. In spite of the assurances given them that this rumour was false, only a few returned to the garden. Four of the party, three men and a woman, who were not of the labouring classes, were at once repatriated by the manager to their homes. The others were apparently of the labouring classes and there was no ground for supposing that their recruitment had been irregular. The Deputy Commissioner therefore hoped that they would listen to reason and return to the gardens from which they came. As already stated, however, only a few returned. The remainder refused all offers of work elsewhere and insisted on returning to their homes. As they could not be allowed to remain in Dibrugarh without means of subsistence, the Government of Assam ordered that they should be repatriated at the expense of Government and accordingly 171 coolies have been despatched to their native district of Cuddapah, intimation having been sent to the Deputy Commissioner of that district by the Deputy Commissioner, Lakhimpur.

2. The Government of Assam are enquiring whether there is any ground for supposing that any irregularity occurred in the recruitment of these men. As already stated, no such complaint was made before the Deputy Commissioner, but before the Police some said they had been told they would receive Rs. 15 or Rs. 20 as wages. Even if no irregularity occurred, it is possible that the men were of an unsuitable type for recruitment to Assam. This question is also being enquired into by this Government. Enquiries are being made also by the Assam Labour Board and the Tea Districts Labour Association, and the Madras Government may have confidence that any grievances of the labourers in the matter of recruitment or treatment will be thoroughly investigated. As soon as Government are in possession of full information, they will address the Government of Madras again.

IV

Telegram from the Government of Madras, to the Government of Assam, dated 11th August 1924.

Your letter No. 551-C, dated 1st August. This Government would be obliged if the Assam Government can say how long the coolies had been on the tea gardens before they deserted.

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V

Telegram from the Government of Assam, to the Government of Madras, dated 13th August 1924, No. 582/C.

Your telegram dated 11th instant. Coolies had been on garden for period from one to three months. A further batch of 45 coolies since repatriated from Ethelwood tea estate. Had been on garden for periods varying from three days to four months.

VI

Letter from the Government of Assam, to the Government of Madras, dated 18th August 1924, No. 586-C.

I am directed to invite a reference to the correspondence ending with this Government's telegram No. 582-C, dated the 13th August 1924, regarding the Madras coolies, and to state that the total number of coolies repatriated from the Tiphuk and Ethelwood tea estates is 226, of whom 116 came from Tiphuk and 110 from Ethelwood. Of these 177 were repatriated at Government expense and the rest at the cost of the gardens.

2. I am to add that Government have been informed that other coolies from the same locality have been repatriated by the gardens direct without the intervention of Government officers, and a few also have absconded and are untraced. This Government have no reason to believe that any of these persons were induced to emigrate by coercion, undue influence, fraud or misrepresentation so as to bring them within the scope of section 161 of Act VI of 1901, but it is undoubtedly the case that some of the immigrants were not of the labouring class and probably had come to Assam with no intention of working on the tea gardens but in the hope of being sent back to Madras as garden sardars and making a handsome profit on commission. The Government of Assam are informed that there are still some 300 labourers of these classes on the Ethelwood garden working contentedly, and that on other gardens which have imported labour of the same class there is at present no trouble.

VII

Letter from the Government of Assam, to the Government of Madras, dated 25th August 1924, No. 612-C.

In continuation of this Government's letter No. 586-C., dated the 18th August 1924, I am directed

* Not printed.

to enclose a list * containing the names, etc., of 15 coolies who have since been repatriated by the Deputy Commissioner of Lakhimpur with the consent and at the expense of the managers of the gardens concerned.

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2. I am to add that certain other labourers have applied to the Deputy Commissioner for repatriation but their applications have been rejected as they could show no reason why they should be repatriated.

VIII

Letter from the Government of Assam, to the Government of Madras, dated 30th August 1924, No. 620-C.

In continuation of this Government's letter No. 612-C, dated the 25th August 1924, I am directed

* Not printed. to enclose a list * containing the names, etc., of 20 additional coolies who were repatriated. Of these 16 belonged to the Tiphuk tea estate and were repatriated at the expense of the estate. It was not known to which garden the other four coolies had belonged and they were repatriated at the expense of Government.

IX

Telegram from the Government of Assam, to the Government of Madras, dated 10th September 1924, No. 655-C.

Some 800 coolies recruited this year from Ceded districts have left their gardens and in spite of all offers and persuasion persist in marching homewards. Food and medical attendance are being supplied to infirm and sick.

X

Telegram from the Government of Assam, to the Government of Madras, dated 11th September 1924, No. 657-C.

Reference my telegram 655-C of 10th instant. The coolies are being repatriated by the Tea Districts Labour Association.

XI

Letter from the Government of Madras, to the Government of Assam, dated 12th September 1924, No. 3056-A-1.

[Exodus of coolies from tea gardens in Assam. Your telegram No. 655-C, dated 10th September 1924, and correspondence ending with your letter No. 620-C, dated 30th August 1924.]

I am directed to request you to be so good as to furnish this Government with information regarding the statements made by the coolies themselves as to their reasons for leaving the estates and in particular regarding any specific statements alleging that undue influence, fraud, or misrepresentation had been practised.

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XII

Telegram from the Government of Madras, to the Government of Assam, dated 13th September 1924.

Your telegram 655 tenth and 657 eleventh regarding coolies. Former telegram states that food and medical attendance are being supplied to infirm and sick only; latter adds that coolies are being repatriated by Labour Association. In view of apprehensions here Governor in Council will be glad to have assurance of Assam Government that matters are well in hand and that pending repatriation all steps necessary to prevent avoidable suffering and danger to life of coolies are being taken by your Government.

XIII

Telegram from the Government of Assam, to the Government of Madras, dated 14th September 1924.

Your telegram yesterday. All the coolies were repatriated on the 12th instant by Tea Districts Labour Association.

XIV

Letter from the Government of Madras, to the Government of Assam, dated the 16th September 1924, No. 3165 A-1.

[Exodus of coolies from the estates in Assam—Your telegram, dated 14th September 1924, and in continuation of my letter No. 3056 A-1, dated 12th September 1924.]

I am directed to enclose an extract * from the *Swarajya*, dated 4th September 1924, under heading, "Bellary labourers' agony at Jorhat" and to request you to be so good as to offer your comments on the statement that the food and pay given to each adult man were not only insufficient for their maintenance, but left nothing for their dependants.

XV

Letter from the Government of Assam, to the Government of Madras, dated 15th September 1924, No. 663-C.

I am directed to refer to the correspondence ending with my telegram No. 657-C, dated the 11th September 1924, on the subject of the exodus of some 800 coolies from tea gardens in Assam. The coolies there referred to had been recruited from the Bellary, Anantapur and Cuddapah districts in the Madras Presidency and had been employed on the Lakwa and Meleng tea estates in the Sibsagar district.

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The Lakwa coolies first left the garden and marched into Jorhat, the headquarters of the district, and were followed later by the Meleng coolies. On their arrival an enquiry was held by the Divisional Commissioner and the Deputy Commissioner assisted by the Superintendent of the Tea Districts Labour Association. The coolies had no complaint to make of any irregularity or misrepresentation in their recruitment or of any ill-treatment on the gardens. They disliked the climate and the conditions of life and work in Assam in the rains and desired to return home. An offer was made to them that they should return to their gardens and work there for three months after which period they would be repatriated. Some of the Meleng coolies returned to their garden but the main body refused to listen to reason and left Jorhat and proceeded on the march, and eventually arrived at Jakhlabandha in the Nowgong district. By telegraphic instructions from Jorhat arrangements were made for the supply of medical attendance and food to all who required them while they were on the march. Similar arrangements had been made during their halt at Jorhat. The Divisional Commissioner followed the labourers to Nowgong and the whole body of coolies which then numbered about 850 were repatriated on the 12th September from Samaguri station in that district by the Tea Districts Labour Association. On their march from Jorhat six deaths occurred and a few deaths are believed to have occurred on the march to Jorhat. The leaders of the party refused to allow the sick and infirm to stay behind for treatment or be repatriated separately, and insisted on their proceeding on the march.

2. In this case there can be no doubt that home-sickness and the dislike of Assam climate were the main reasons for the exodus. Conditions in Assam are totally different from those to which they were accustomed in their own homes and they appear to have disliked the change. Rumours had been spread among them that the scarcity in their home districts was over and this belief made them all the more anxious to return home. Enquiries that have been made show that at any rate in the Meleng garden conditions were exceptionally good as regards the accommodation and wages of these labourers. On the Lakwa tea estate the coolies had been restless and home-sick for some little time, but it was believed that with the repatriation of a few of the malcontents the rest had settled down. The Meleng coolies on the other hand had shown no sign of trouble and were apparently quite content with their lot. The news, however, of the exodus of the coolies from the Tiphuk and Ethelwood tea estates in the Lakhimpur district and of their repatriation, which was reported to the Government of Madras in the correspondence ending with my letter No. 620-C, dated the 30th August 1924, undoubtedly led the coolies at Lakwa and Meleng to believe

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that they also would be able to obtain a free passage back to their homes, and this consideration together with home sickness and general dislike of Assam conditions led them to leave the gardens.

XVI

Telegram from the Government of Madras, to the Government of Assam, dated 17th September 1924.

Articles appearing in Madras newspapers suggest (that) only some coolies who deserted gardens are repatriated while considerable number still left (to) find their own way home. Government will (be) glad (to) know if there is (any) foundation for this and (to) have accurate numbers (of) coolies deserted and repatriated.

XVII

Telegram from the Government of Assam, to the Government of Madras, No. 673-C, dated 19th September 1924.

Your telegram of 17th, Madras coolies. Exact numbers who deserted gardens not known. Main body repatriated as already reported. A few have passed through Gauhati by train having apparently paid their own way while others have returned to their gardens. A further body of 300 coolies left their gardens in Sibsagar district on 15th and are now reported to be moving in scattered batches to Jorhat. Action to be taken in regard to them will be decided on arrival at Jorhat. Apart from this body no other Madras coolies known at present to be at large trying to find way home.

XVIII

Telegram from the Government of Madras, to the Government of Assam, dated 20th September 1924.

Your telegram 673, dated 19th. This Government will be glad to know detailed arrangements made for coolies from Sibsagar marching to Jorhat.

XIX

Telegram from the Government of Assam, to the Government of Madras, dated 25th September 1924, No. 697-C.

Reference my 673-C., dated 19th. District officers are arranging repatriation through Tea Districts Labour Association of all coolies from Ceded districts who have not returned to gardens and are still trying to get home. Number absent 230.

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XX

Letter from the Government of Assam, to the Government of Madras,
dated 25th September 1924, No. 698-C.

I am directed to refer to your letter No. 3165 A-1, dated the 16th September 1924, on the subject of the extract from the *Swarajya* on the wages earned by the Bellary coolies on certain tea estates in the district of Sibsagar. In reply I am to say that the statements made in the extract are incorrect. The officiating Divisional Commissioner at the time of his enquiry into the causes of the exodus visited the Lakwa and Meleng tea estates and made a thorough enquiry into the question of the wages earned by these coolies. He found that on the Meleng tea estate they were generously treated and earned very good wages. On the Lakwa tea estate, although the conditions were not so good as at Meleng, most of the labourers had earned a decent living wage sufficient to maintain themselves and their families. He found further that all the coolies could have done so, had they chosen to do even a moderate amount of work. In the second half of August and in September after the exodus many of the remaining labourers did as little work as possible and some did not do enough work to earn a decent living wage. This, however, was not the fault of the management.

2. The Commissioner also ascertained that for the first six or eight weeks in which a new Madras labourer was employed on the Lakwa tea estate an extra compassionate allowance of two annas a day was granted to every man and woman in addition to the pay earned by them. In addition all new coolies were allowed rice at concession rates.

XXI

Telegram from the Government of Madras, to the Government of Assam,
dated 30th September 1924.

Reference your letter No. 663-C. of the 15th instant. This Government would be glad to have some idea of the wages actually earned on the Meleng estate by the labourers who deserted.

XXII

Letter from the Government of Assam, to the Government of Madras,
dated 9th October 1924, No. 710-C.

I am directed to refer to your telegram, dated the 30th September 1924, on the subject of the wages earned on the Meleng tea estate of the labourers who deserted. In reply I am to enclose a copy of the report of the enquiry held by the officiating Commissioner on 4th September 1924 shortly after the exodus.

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ENCLOSURE

Note.

At Meleng tea estate after taking the Manager's statement I examined the pay books. The wages are on a monthly basis 7 for men and 6 for women. Taking 26 working days in a month, this works out at about 4 annas 2 pies for a man, and 3 annas 8 pies for a woman per day. The *hazira* or fixed minimum daily task is paid for at the above rate; any extra or overtime work (*ticca*) done over that, is paid for at the rates given by the Manager in his statement as regards plucking and hoeing which are the main works. As the garden is a clean one and the soil soft, the tasks for hoeing are not unduly high. I am told that in some gardens in the neighbourhood 40 *nals* is not unusual. The comparative lightness of the hoeing task is shown by the fact that on an examination of the Register of *ticca* work done by the new coolies during the present rains, I found that most of them usually did one *ticca* task in addition to the *hazira*. There were many who did two *ticcas* and cases of three *ticcas* were not uncommon. There were also some men who did four *ticcas*. The Manager says that hoeing task was often done in 1½ hours. If this is so the task is distinctly light. It is more difficult to judge the plucking earnings. The quantity of leaf available on the bushes and the number of coolies who are plucking are two important factors. The quantity of *ticca* leaf plucked daily is written up against each woman and she is paid for this weekly. Looking through the women's pay books I think it would be correct to say that on the average a woman by doing *ticca* plucking doubled her earnings. Children also made good earnings. I have no hesitation in saying that the Meleng coolies are well paid and that the new Madras could have no grievance on that score.

V. T. KRISHNAMA ACHARIYAR,
Acting Secretary to Government, Law Dept.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 3rd December 1924.

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

I

NON-OFFICIAL BUSINESS.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, will you permit me to ask a question of you arising out of the agenda paper? We understood from what fell from you the other day that non-official business had been placed first in order to save the inconvenience of re-balloting. But at the same time hon. Members on the other side of the House, at all events some of them, have told me that relying upon the order in which the agenda is printed they have not got ready for the official business. May I know from you—I take it you will also ascertain the sense of the House—which is going to be proceeded with now? If we know this, we might get our papers ready."

The hon. the PRESIDENT :—" We shall discuss it when we come to it as an order of the day."

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 the 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.]

Boilers.

Boiler Inspectors in the Presidency.

1264 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) the total number of Boiler Inspectors in the Presidency, how many of them are Indians and of what community ;

(b) the number of applications received for the vacancy to which Mr. Fearn was appointed recently ;

(c) the minimum qualifications required of the holder of that office and those of Mr. Fearn ; and

(d) whether any and, if so, how many of the other applicants possessed qualifications as good as or superior to those of Mr. Fearn ?

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A.—(a) Six (including one Chief Inspector of Boilers). All of them are Europeans.

(b) Mr. F. H. P. Fearn was first appointed to officiate as Boiler Inspector in a leave vacancy for which he was the only applicant. Subsequently, a permanent vacancy occurred. For this, and for a temporary post of Boiler Inspector, the creation of which was then under contemplation, applications were called for by advertisement. In response to this, 110 applications were received of which Mr. Fearn's also was one.

(c) An Inspector of Boilers shall be a Mechanical Engineer with practical experience of boilers, prime-movers and machinery, the possession of a first-class Board of Trade certificate or equivalent qualification being desirable though not absolutely essential.

Mr. Fearn's qualifications are stated below :—

- (i) He is a qualified Mechanical Engineer and holds a second-class Board of Trade certificate (Glasgow) and a first-class Engineer's certificate of competency under the Bombay Boiler Act.
- (ii) Has experience of Marine and Land boilers together with machinery of general types.
- (iii) Has been an Engineer in the service of Messrs. Ralli Brothers for a period of 21 years and 9 months.
- (iv) Has served in the Madras Engineering Works, Limited, for a period of about five years as Assistant Works Manager and as Works Manager prior to the amalgamation of this company with Messrs. Massey & Co., Limited.
- (d) Thirteen possess the first-class Board of Trade certificate of whom one has also the first-class certificate under the Bombay Boilers Act, two are Engineering graduates of California and Manchester Universities, so that 14 possess qualifications as good as, and one superior to, those of Mr. Fearn so far as the possession of certificates alone is concerned, but none of them had such wide practical experience of boilers, prime-movers, and machinery as Mr. Fearn.

Mr. S. SATYAMURTI :—“ May I ask the hon. the Member for Revenue how is it that all the six gentlemen happen to be Europeans? Is it a mere accident? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—“ It is an accident due to the fact that no Indian gentlemen possessing the qualifications specified therein had offered themselves as candidates.”

Mr. S. SATYAMURTI :—“ With reference to the last two lines of the answer to clause (b), viz., In response to this, 110 applications were received of which Mr. Fearn's also was one, may I know how many Indians were among the applicants? Sir, if I may put one more question at the same time, I would ask whether Mr. Fearn's application was really the best one or he possessed the very best qualifications among all of them? ”

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—“ As regards the exact number of Indians who applied, I am afraid I am not ready with the information; but I shall furnish it to the hon. Member probably before we disperse.

“ As regards the other question, I may assure the hon. Member that it was the distinct opinion of the Chief Inspector and the Sanitary Engineer who control this establishment that Mr. Fearn's was the best.”

Constitution of districts, divisions and taluks.

The Collector of Nilgiris and his official duties.

1265 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Member for Revenue, the hon. the Home Member, the hon. the Law Member and the hon. the Member for Finance be pleased to state—

- (a) the official duties discharged by the Collector of Nilgiris, in 1904, 1914 and in 1924 and his salary at those periods;
- (b) what is the total area of the district of Nilgiris, of the reserved forests therein and of the plantations in that district;
- (c) how many revenue divisions and taluks are there in that district;
- (d) what district officers are there now for that district besides the Collector; and
- (e) whether the Government have at any time considered the advisability of amalgamating the districts of Nilgiris and Coimbatore, and if so, when and with what result?

- A.—(a) The official duties discharged by the Collector during those periods were those of the Collector, District Magistrate and Additional Sessions Judge. The pay in 1904 was Rs. 2,000 and in 1914 and 1924 the pay of the officer posted to the district depended on his rank in the Indian Civil Service.
- (b) The area of the district is 982 square miles. The area of the reserved forests is 411 square miles and 624 acres.
- (c) The hon. Member is referred to page 115 of the Administration Report for 1921-22.
- (d) The District Forest Officer, Superintendent of Police and District Medical Officer.
- (e) On the suggestion of the Retrenchment Committee the question whether the Nilgiri district could be amalgamated with Coimbatore has been considered, and it has been decided that the amalgamation is neither practicable nor desirable.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As regards clause (e), will the Government have any objection to publish their order on this matter? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—“ It will soon be published.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Was it before or after the budget discussion that the decision was arrived at? ”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—“ It was after the last budget discussion.”

Depressed Classes.

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The use of water from the Kunnie for irrigational purposes by the depressed classes of Jayakondam village.

1266 Q.—Mr. R. SRINIVASAN: Will the hon. the Member for Revenue, the hon. the Home Member and the hon. the Law Member be pleased to state—

(a) whether the Tahsildar of Chidambaram taluk, South Arcot district, has been fining the depressed class tenants of the patta land survey Nos. 253 to 259 of Jayakondam village No. 29 of Chidambaram taluk for using the water from the *Kunnie* from the Nathumedu channel and whether he has threatened to bring the land to public auction;

(b) whether the said patta land has been irrigated from the Nathumedu channel for a considerable number of years;

(c) whether it was shown in the Jayakondam village plan and also noted in the revision survey of pattas granted to the depressed classes men;

(d) whether it is a fact that the caste villagers closed the *Kunnie* from the Nathumedu channel and objected to the land in question being irrigated from the channel; and

(e) (i) whether the Collector received petitions from the depressed classes on the subject, and

(ii) if so, what action he has taken?

A.—The Government have no information.

Mr. S. SATYAMURTI:—"In view of the importance of the matter raised by this question, may I ask the Government to be so good as to call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"As the Collector has already received petitions from the aggrieved party and as he has passed no orders on them, I think the proper time to get the information will be after he has passed orders if they are found to be prejudicial to the interests of the parties concerned."

Mr. S. SATYAMURTI:—"I quite appreciate it."

Deputy Collectors.

Total strength of the cadre of Deputy Collectors in 1921 and 1924.

1267 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) the total strength of the cadre of Deputy Collectors in October 1921 and 1924, respectively; and the reasons for the difference, if any, in the respective strengths;

(b) the total number of acting Deputy Collectors in the year 1912 and 1924, respectively, and the reasons for the difference in numbers, if any; and

(c) the number of acting Deputy Collectors who have put in more than three years' service as such but have not yet been confirmed, with the reasons for their non-confirmation?

A.—(a) The strength of the Deputy Collectors' cadre in October 1921 and 1924 was 160 and 136, respectively. The difference is due to the abolition of (1) the posts of personal assistants in some districts, (2) the Agency division and (3) the leave reserve.

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(b) The number of acting Deputy Collectors in October 1912 and 1924 was 9 and 38, respectively.

The number of acting Deputy Collectors depends upon the demands of other departments and the number of officers on leave.

(c) Twenty-two. The reason for their non-confirmation is mainly want of vacancies.

Mr. C. V. VENKATARAMANA AYYANGAR:—"With reference to clause (b) of this question, may I ask if the Government have any idea of the number of Deputy Collectors who have been acting for a long time and if it is not possible to confirm some of them?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I have already given the number 22 as acting for over three years."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Do not the Government consider the desirability of making at least a portion of that number permanent as attempts are being made to do in the judicial line?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"The difficulty is that vacancies do not exist; and Government find it very difficult to create new vacancies for the confirmation of acting men."

Mr. C. V. VENKATARAMANA AYYANGAR:—"The number of permanent men may be increased?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I welcome the suggestion and I shall see if I can adopt it."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Thanks."

Mr. A. RANGANATHA MUDALIYAR:—"The answer to clause (c) is 'want of vacancies'. May I take it that there are no vacancies now?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"Quite recently twelve vacancies have been filled up."

Mr. A. RANGANATHA MUDALIYAR:—"Are there none now?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"None at the present moment. All the available vacancies were filled up quite recently. The hon. Member may know that, with effect from the 1st April 1924, we have decided not to fill up vacancies occurring in the cadre of Deputy Collectors as every vacancy which occurs will have to be absorbed on account of the abolition of the leave reserve."

Temporary appointments of Deputy Collectors.

1268 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether half-yearly reports from Collectors are required in the case of all acting Deputy Collectors without any regard to the length of their acting service and, if so, the reasons for such reports being required even in the cases of officers who have been four times in succession favourably been reported upon as satisfactory officers;

(b) the number of temporary appointments with reference to which 24 new posts were added to the cadre of Deputy Collectors in the year 1911;

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(c) the number of temporary appointments to which Deputy Collectors are now normally being posted;

(d) if the number of such temporary appointments shows an increase between 1911 and now, the reasons for not making any permanent addition to the cadre of Deputy Collectors since 1911; and

(e) whether the Government propose to convert any of the temporary posts now held by Deputy Collectors into permanent appointments?

A.—(a) Half-yearly reports are obtained in respect of acting Deputy Collectors until they are confirmed with a view to decide their continued fitness for confirmation. The Government do not consider it desirable to limit the reports to a particular number of half-years only.

(b) Twenty-two.

(c) Twenty-two.

(d) & (e) The questions do not arise.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, to clause (e) of the question, viz., 'whether the Government propose to convert any of the temporary posts now held by Deputy Collectors into permanent appointments,' the answer is: 'The question does not arise.' I do not think that has anything to do with clauses (a), (b) or (c). I just want to know whether it is the intention of the Government now or very soon to make them permanent."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"The permanent cadre of the Deputy Collectors has been fixed by the Secretary of State and permission is given to the Local Governments to recruit temporary Deputy Collectors for any emergency which may arise. The gentlemen referred to in this question are merely holding appointments of a temporary nature and if they are now confirmed it may so happen that on occasions there will be no place to post them and no work to do."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Is there any idea of reducing the number of Indian Civil Service officers in view of the Lee Commission Report?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I cannot answer that question until the orders passed on the Lee Commission Report are known."

Irrigation.

Disposal of wet lands of the depressed classes in Gudivada and Kaikalur taluks.

1269 Q.—Mr. P. PEDDIRAJU: Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether it is a fact that the settlement of wet lands recently excluded from the ayacut in the Gudivada and Kaikalur taluks mostly belong to the depressed classes;

(b) whether the said lands are being purchased by rich and influential people at nominal prices;

(c) the extent of lands so excluded in the Kaikalur taluk; and

(d) whether it is a fact that rich Government waste lands in the wet blocks are being granted to the alienees from the depressed classes; if so, what is the extent thereof; and if not, whether the Government will be pleased to call for information?

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A.—(a) No.

(b) No.

(c) 22.06 acres.

(d) Out of the extent shown against (c) land in exchange was granted only in respect of 7.54 acres. In regard to the remaining extent no exchange was granted as the pattadars sold the land and water-rights or water-rights alone to others.

Classification of settlement irrigable dry lands as wet.

1270 Q.—Mr. P. PEDDIRAJU: Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether the attention of the Government is drawn to the fact that the Revenue officers in the Kistna district are refusing to classify settlement irrigable dry lands as wet though the ryots apply for it, when such lands have been irrigated for more than five consecutive years in spite of G.Os. No. 372, dated 7th April 1903, and No. 540, dated 27th May 1903;

(b) if not, whether the Government will inquire into the matter and direct the Collector of the district to obey the instructions contained in the said Government Orders; and

(c) whether the Government are aware that the insurance or inducement rate of Re. 1, additional water-cess is being collected in excess where the lands are irrigated for more than five consecutive years?

A.—(a) Neither G.O. No. 372, Revenue, dated 7th April 1903, nor G.O. No. 540, Revenue, dated 27th May 1903, contains a direction that during the currency of a settlement, lands which have been continuously irrigated for five years should be converted into wet. The re-settlement notification laid down that lands which, in the opinion of the Collector, are unfit for dry cultivation will be transferred to wet. But with a view to the fixation of the wet ayacut the Government directed in G.O. No. 129, Revenue, dated 21st January 1916, that 'in transferring lands from dry to wet . . . the factor of the ultimate supply available should not be ignored.'

(b) The question does not arise.

(c) The inducement rate of one rupee is levied on all irrigated dry lands to which the differential water-rate system applies, but this will cease on the formal inclusion of any land in the wet ayacut.

Mr. P. ANJANEYULU:—"With reference to clause (a), may I know if all lands have been converted into wet to reach the entire ayacut?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I want notice, Sir."

Criminal Tribes Act.

Various tribes under the Criminal Tribes Act.

1271 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Home Member and the hon. the Law Member be pleased to state—

(a) the various tribes booked under the Criminal Tribes Act in the Presidency, with their localities and the police stations within the limits of which they are living and expected to operate;

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(b) the date of their being booked, the number of offences in the last five years within the limits of the said station;

(c) whether there are any among those booked that own lands and pay any assessment to the Government;

(d) whether there is any limit to the castes or creeds to which the Act can be extended; and

(e) whether there is any special report as regards the working of the Act and, if so, whether it would be placed on the table of this House?

A.—(a) A list of tribes* and gangs which have been registered is placed upon the table. The list shows the district in which each tribe or gang is located. The Government have not compiled information as to the police stations under which the villages inhabited by the several tribes or gangs fall.

(b) The date of imposing the Act is given in the list. The other information is not readily available.

(c) The information is not available.

(d) The hon. Member is referred to the provisions of the Criminal Tribes Act VI of 1924.

(e) The working of the Act is dealt with annually in the Police Administration Report which is published by Government.

Mr. G. RAMESWARA RAO:—"With reference to clause (b) asking for the number of police stations within the limits of which these gangs are living and expected to operate, the answer is that the information is not readily available. May I suggest that it is the only method of knowing whether the Criminal Tribes Act is satisfactorily working without prejudice of the people or is simply an Act in name? Therefore, may I request for information with regard to statistics as regards the number of offences committed by these gangs?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I cannot quite see how the actual date, for example, on which each criminal tribe was registered is going to throw very much light on the satisfactory working of the Act or otherwise."

Mr. G. RAMESWARA RAO:—"Sir, if we can have a comparative idea of the number of offences committed before and after the Act was introduced, it will give us a fair idea of the working of the Act, instead of a simple statement in the Police report that the Act is working tolerably well or satisfactorily."

The hon. Sir ARTHUR KNAPP:—"I am afraid I still do not quite follow my hon. Friend's suggestion that the total number of offences committed in a particular year by a particular class of persons will throw any light on the working of the Act. It cannot be said that when once a certain class is registered under the Act the commission of crime by that particular class will disappear altogether."

Mr. G. RAMESWARA RAO:—"My idea of the underlying theory of the Criminal Tribes Act is that the largest number of offences in a particular locality is committed by a particular class of people and that if it is not proved the Act is useless."

* Printed as Appendix I on pages 593-600 infra.

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The hon. Sir ARTHUR KNAPP:—"I am afraid my hon. Friend has not correctly stated the principle. It is not that the largest number of offences in a particular locality is probably committed by a particular criminal tribe. It is that a particular criminal tribe commits a large number of offences. From that point of view it will be seen that the information required by the hon. Member will not enable us to come to a conclusion whether the Act was or was not working satisfactorily."

Mr. G. RAMESWARA RAO:—"May I know the test by means of which we can decide whether the Act is working satisfactorily or not?"

The hon. Sir ARTHUR KNAPP:—"I am afraid the only test we can apply is whether the individuals concerned, the members of the tribe, have by means of the operation of the Act been restrained from committing offences."

Sriman SASIBHUSHAN RATH Mahasayo:—"In answer to clause (a), a list of Criminal Tribes is furnished and in that list are included Dandasis. I wish to know in this connexion whether it is a fact that talaiyaris and vettis are exclusively drawn from this class in the district of Ganjam?"

The hon. Sir ARTHUR KNAPP:—"I want notice."

Sriman SASIBHUSHAN RATH Mahasayo:—"Very well. Is it a fact that many of these Dandasis own lands and pay assessment to the Government?"

The hon. Sir ARTHUR KNAPP:—"I ask for notice."

Sriman SASIBHUSHAN RATH Mahasayo:—"Is the hon. Member aware, Sir, that the Dandasis are not a wandering tribe and that they form an inevitable adjunct to village communal life in Ganjam?"

The hon. Sir ARTHUR KNAPP:—"On that point also I must have notice."

Sriman SASIBHUSHAN RATH Mahasayo:—"Is it the policy of the Government to include permanent residents owning large landed properties in the class of criminal tribes?"

The hon. Sir ARTHUR KNAPP:—"It is not the policy of the Government to distinguish between one member of a criminal tribe and another on the ground of his property."

Sriman SASIBHUSHAN RATH Mahasayo:—"Is it the policy of the Government to include in the Criminal Tribes a class which is not a wandering class but which owns landed property and the members of which, many of them, are Government servants such as vettis and talaiyaris?"

The hon. Sir ARTHUR KNAPP:—"I would like to invite my hon. Friend's attention to the entry in the remarks column of the list furnished. Against the first item in that list there is the sentence which runs: 'Registration is restricted to known criminal males, and their relatives and associates'. So if any person whether owning property or not is a relative of a known criminal, he may be registered."

Sriman SASIBHUSHAN RATH Mahasayo:—"If it is to be left as it is, it would cover a very large number of persons who would either be relatives or associates. If it can be confined to known criminal males, that would be something. Will the Government consider the advisability of restricting the operation of the Act to known criminal males only?"

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The hon. Sir ARTHUR KNAPP :—" I cannot undertake to do that. We find that the whole basis of the effective operation of the Act is that it should embrace those who are associates and relatives of known criminals."

Mr. S. SATYAMURTI :—" With reference to clause (b), may I ask the hon. the Home Member to call for statistics of the number of offences committed by men belonging to those tribes to whom the Act has been applied in the last five years ? "

The hon. Sir ARTHUR KNAPP :—" With a view to find out whether those persons have been registered ? "

Mr. S. SATYAMURTI :—" Yes, Sir."

The hon. Sir ARTHUR KNAPP :—" I have no objection to obtain the information."

Mr. S. SATYAMURTI :—" With reference to clause (e), may I ask whether in publishing the report of the working of the Act the Government do nothing more than merely publishing it, I mean, whether the Government consider the report and pass orders or are they merely publishing the report ? "

The hon. Sir ARTHUR KNAPP :—" The Government pass such orders as they consider necessary."

Sriman SASIBHUSHAN RAH Mahasayo :—" Will the Government be pleased to call for the information so far as the Dandasis are concerned ? "

The hon. Sir ARTHUR KNAPP :—" I do not think any public purpose will be served by calling for that information."

Emigration.

Names of local agents of Bellary, Anantapur and Kurnool appointed to recruit coolies.

1272 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state the names of the local agents appointed for each coolies working under each of them, and the names of those, if any, whose licences have had to be cancelled so far for malpractices ?

A.—No local agent has been appointed for the Kurnool district. There is one local agent for Bellary and one for Anantapur. The Government have no information regarding the names of the local agents and the garden sardars and of the sardars whose licences have been cancelled in the Anantapur and Bellary districts. The Government understand that the licences of two sardars were cancelled in the Anantapur district.

Mr. A. RANGANATHA MUDALIYAR :—" I shall explain myself. Some time back when I was making enquiries about recruitment of labour to Assam, I came across two people who showed me that they were given licences for sardar coolies. They said that the police or some other people were troubling them that if they did not recruit labour, they would be sent back to Assam. So, if their names are published we could find out how far these people were bona fide sardars and how far they could be trusted by the public to do their work properly."

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The hon. Sir ARTHUR KNAPP :—" If my hon. Friend could give me details as to how far the police or other people interfered with these garden sardar, I could follow the matter up."

Mr. A. RANGANATHA MUDALIYAR :—" I have got the licences given to these two sardar coolies with me."

The hon. Sir ARTHUR KNAPP :—" The hon. Member has taken the responsibility of stating that the police amongst others were interfering with these sardar coolies."

Mr. A. RANGANATHA MUDALIYAR :—" I am not quite positive on that point. But it is a fact that some people are putting pressure on them whether with the help of the Agents of the Estate or with the help of the Police, I am unable to say at present. I have got with me the licences of these two sardar coolies and I am quite willing to place them on the table."

The hon. Sir ARTHUR KNAPP :—" If my hon. Friend is willing to give me the names of those who troubled these sardar coolies, I am quite prepared to make enquiries as to whether the licences were cancelled on account of malpractices or merely because the sardar coolies were not willing to send coolies to Assam."

Mr. A. RANGANATHA MUDALIYAR :—" But I may assure the hon. Member on the Treasury Bench that these sardar coolies were threatened by some people."

Diwan Bahadur P. KESAVA PILLAI :—" May I ask a supplementary question? I think the hon. Member will be pleased to call for a list of sardars and publish it so that these villagers may be beware of them."

Mr. S. SATYAMURTI :—" With reference to the last two or three lines of the answer, may I ask the hon. the Home Member to tell us what were the reasons for cancelling the licences of the two sardars ? "

The hon. Sir ARTHUR KNAPP :—" I am afraid I have not got the detailed reasons why they were cancelled."

Mr. A. RANGANATHA MUDALIYAR :—" I am sorry the names of the recruiting sardars have not been published. If that had been done the House would have been in a position to have some idea of the respectability of those people and their suitability for the work. Will the Government be pleased to call for the information ? "

The hon. Sir ARTHUR KNAPP :—" I cannot for one moment see how the publication of the name will enable one to form an opinion as to his respectability."

Forests.

Village forest panchayats and class V panchayats.

1273 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state—

(a) whether the panchayats for class V reserves could not be organized by Forest subordinates ;

(b) whether the experiment was ever tried ;

(c) whether it is not possible to bring under one control both village forest panchayats and class V panchayats ;

(d) whether the Forest Panchayat Officer is trained in forest conservation and whether his subordinates also are similarly trained people ;

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(e) how the special staff is specially qualified to teach ryots better management of forests;

(f) whether the village forest panchayats are at present under a definite organization and whether forest subordinates are supervising their panchayats satisfactorily; and

(g) what is the difference between the management of village forest panchayats and class V reserves and even if there is a difference, whether forest subordinates cannot work them satisfactorily?

A.—The question of the management and control of forest panchayats is under consideration. The points raised by the hon. Member have been referred to the Chief Conservator for report.

Mr. T. ADINARAYANA CHETTIYAR :—“ In view of the importance of this question, will the hon. the Home Member be pleased to say what are the points that have been referred to the Chief Conservator for his decision? ”

The hon. Sir ARTHUR KNAPP :—“ The answer is contained in the answer already given.”

The ‘ reserve ’ and the ‘ unreserve ’ forests in Salem district.

1274 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state—

(a) whether Government have received representations from the people of Karipatti, Karumapuram, Mettupatti, Yerumpalaiyam agraaharam, Minampali, and others, requesting Government to transfer to the ‘ unreserve ’ the recently reserved portion of the western part of Jalluth reserve in the Salem district;

(b) whether it is a fact that Adi-Dravidas and other poor ryots of the hamlet of Sethukuttai were cultivating portions of the land north of Jalluth reserve for twenty years up to the year 1905;

(c) whether the Collector of Salem transferred the abovesaid unreserve to reserve in 1906;

(d) whether in consequence of reserving as above, the reserve boundary line touches the patta lands of the village and causes the ryots great hardship;

(e) whether the land newly added to the reserve as stated above is bereft of trees and yielding almost no income to Government; and

(f) if the facts are as stated above, whether he has any objection to consider the advisability of conceding the prayer of the ryots as stated above?

A.—(a) Yes.

(b) to (f) The Government have called for the information.

Renovation of a kuttai in the Jalluth reserve forest.

1275 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state—

(a) whether the District Forest Officer, Salem (Central), in reply to a memorial from the ryots of Zariipatti, Karumangalam, etc., dated 2nd June 1923, promised to inspect a kuttai situated in the Jalluth reserve and then pass orders about its deepening and renovation, so that it might be useful to the cattle of the ryots of the above villages;

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(b) whether it is a fact that he has not as yet done so; and

(c) the reasons why orders have not yet been passed regarding the kuttai as the ryots are reported to have lost several cattle owing to want of drinking water?

A.—The Government have no information.

Mr. T. ADINARAYANA CHETTIYAR :—“ Will the Government be pleased to call for the information? ”

The hon. Sir ARTHUR KNAPP :—“ No, Sir.”

Mr. T. ADINARAYANA CHETTIYAR :—“ May I request you to call for the information? ”

The hon. Sir ARTHUR KNAPP :—“ If no order was passed by the District Forest Officer, the people concerned can stir him up and get an order.”

Mr. T. ADINARAYANA CHETTIYAR :—“ The people have got their own defence.”

The hon. Sir ARTHUR KNAPP :—“ My suggestion is that our interference at this stage would be something like bringing a very large hammer to strike on a very small nail. If my hon. Friend cannot get anything done by making representations to the District Forest Officer himself, then I shall be perfectly willing to make inquiries.”

Extension of Forest Panchayat system.

1276 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to refer to the answer given to question No. 480 given on 22nd August 1924, regarding the extension of the Forest Panchayat system to certain areas and to obtain and give information on clauses (4), (5), (6), (7) and (8) of the question?

A.—The Government have called for the information.

The entertainment in service of students qualifying from the Forest College, Dehra Dun.

1277 Q.—Sriman SASIBHUSHAN RATH Mahasayo : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that students coming out of the Forest College, Dehra Dun, and Forest College, Madras, with Lower Standard certificates were formerly being confirmed in the VI grade of Rangers below the Higher Standard men of their year;

(b) whether it is a fact that Higher Standard men were not hitherto allowed to supersede Lower Standard men who were their seniors except for inefficiency or some similar good reason;

(c) whether it is a fact that, contrary to the previous practice, students who came out with Madras Rangers Lower Standard certificates in 1918 and 1919 were not confirmed in the VI grade;

(d) whether it is a fact that G.O. No. 1684, Revenue, dated 4th September 1919, has been wrongly applied to the case of men recruited before the Government Order in question was passed;

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(e) whether it is a fact that students who passed out of College in 1917 with Lower Standard certificates were given preference to Higher Standard men who passed after them; if so, why the same procedure was not adopted in the case of the Lower Standard men of 1918 and 1919;

(f) whether the G.O. No. 1310, Development, dated 10th September 1923, which is to come into force from 1925, will adversely affect the men of 1918-1919 with Lower Standard certificates by making them wait for nearly ten years for promotion;

(g) whether the Government contemplate giving relief to the senior men with Lower Standard qualification (1918-1919 candidates) either by giving retrospective effect to G.O. No. 1310, Development, dated 10th September 1923, or by taking individual cases into consideration; and

(h) how many men of 1918 and 1919 have been affected by G.O. No. 1684, Revenue, dated 4th September 1919, in the matter of promotion?

A.—(a) No. Prior to 1919, they were confirmed in the lowest grade of Deputy Rangers.

(b) Under section 42 (2) of the Forest Code, promotion to the three highest grades of Rangers is restricted to men with Higher Standard certificates unless they were in the Rangers' class on 1st January 1897 or in cases of really exceptional merit. This restriction on the promotion of Lower Standard men will be abolished with effect from 1st June 1925.

(c) Lower Standard men of 1918 and 1919 were not confirmed in the VI grade on leaving the College. This was not contrary to the previous practice.

(d) The Government are not aware of any misapplication of the Government Order in question.

(e) Lower Standard men of 1917 were in the ordinary course appointed to the Ranger class as vacancies arose before the Higher Standard men of later years. Lower Standard men of 1918 and 1919 had not been confirmed as Rangers in the old VI grade at the time of the reorganization. They were therefore confirmed in the new VII grade. Higher Standard men of 1918 and 1919 and subsequent years were confirmed in the new VI grade under G.O. No. 1684, Revenue (Special), dated 4th September 1919.

(f) Under the arrangements in force at present, men with Higher Standard certificates are appointed to the VI grade and men with Lower Standard certificates to the VII grade. Under this arrangement, men with Lower Standard certificates appointed to the VII grade continue in that grade without any chance of promotion to the higher grade for a long time to come. In order to obviate this hardship, the Government have directed in G.O. No. 1310, Development, dated 10th September 1923, that from 1st June 1925 students with Higher Standard and Lower Standard certificates should be appointed as Rangers in the VII grade but that the latter should lose promotion for one year, i.e., those who obtain a Lower Standard certificate will be placed on the graded list immediately below the Higher Standard students of the following year and that subsequently no distinction should

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be made between two classes in the matter of promotion up to the highest grade in the Rangers' cadre. These orders are intended to improve the position of men with Lower Standard certificates.

(g) No.

(h) Three men of 1918 and five of 1919, who are in the VII grade.

Sriman SASIBHUSHAN RATH Mahasaya:—"The answer given to clause (b) is that 'promotion to the three highest grades of rangers is restricted to men with Higher Standard certificates unless they were in the Rangers' class on 1st January 1897 or in cases of really exceptional merit'. In answer to clause (g) the Government say 'no'. May I know the reasons for that discrepancy? May I know why individual cases are not taken into consideration?"

The hon. Sir ARTHUR KNAPP:—"I think that possibly the answer is too general. I think the answer 'no' was mainly directed to the enquiry whether we are going to make a general order or not. In so far as the answer 'no' to the second part of (g) is inconsistent with the answer to (b) hon. Member may take it that the answer 'no' is not quite correct."

Prohibition of removal of green manure leaves from the reserve forests of North Arcot.

1278 Q.—Diwan Bahadur W. VIJAYARAGHAVA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the system of allowing ryots to remove green manure leaves from reserve forests on permits has been discontinued and absolutely prohibited in the district of North Arcot;

(b) whether the system continues in the neighbouring district of Chittoor and ryots there are allowed to have green manure from reserve forests on payment of the usual fees; and

(c) in view of the great hardship and loss which this wholesale and absolute prohibition entails on the poor ryots of North Arcot district, whether the Government will be pleased to allow the removal of green manure leaves on permit system in the North Arcot district also?

A.—(a) The hon. Member is referred to the answer given to clauses (b), (c) and (d) of question No. 1216 asked by Mr. Adinarayana Chettiyar at the meeting of the Council, held on 17th November 1924.

(b) Yes.

(c) A report has been called for.

Mr. C. V. VENKATARAMANA AYYANGAR:—"As regards the answer given to clause (c), may I know if the Government will make enquiries into the matter and pass favourable orders regarding all districts?"

The hon. Sir ARTHUR KNAPP:—"I can assure my hon. Friend that after consideration of the case if Government find that North Arcot alone has been given a differential treatment from that which is given to the neighbouring district of Chittoor, the Government will certainly go into the matter and do the needful."

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Civil Justice.

Deputation of the hon. Mr. Justice Wallace to enquire into the working of district and sub-courts at Chittoor and Vellore.

1279 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether the hon. Mr. Justice Wallace was deputed to enquire into the working of the district and sub-courts at Chittoor and Vellore in August last;

(c) whether the instructions given to him permitted a recommendation for the abolition of any of the four superior courts in Chittoor and North Arcot districts or restricted him to recommend only the abolition of one or more of the sub-courts in the districts; and

(c) whether the Government are in possession of the recommendations made by Mr. Justice Wallace and whether, before the Government came to any conclusion thereon, the Legislative Council will be given an opportunity to express its opinion on them?

A.—(a) Yes, by the High Court.

(b) The Government requested the hon. the Judges of the High Court in 1923 to consider whether or not it would be possible to abolish the temporary sub-court at Vellore and to redistribute its work between the three superior courts in the districts of North Arcot and Chittoor.

(c) As all the Bar Associations concerned have been heard and also the sections of the public interested, the Government do not consider it necessary to adopt the course suggested.

Mr. S. SATYAMURTI:—"With reference to the answer given to clause (c), may I ask if the Government are in possession of the recommendations made by Mr. Justice Wallace?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"They are."

Mr. S. SATYAMURTI:—"May I ask if the Government do not propose to give an opportunity to the Legislative Council to express its opinion on these recommendations, especially as I am sure the hon. the Law Member concedes that all sections of the public are represented in this Council?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Government have passed orders on this matter."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Can the opinion of the High Court be published along with the orders of the Government?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I shall consider the matter."

Mr. T. ADINARAYANA CHETTIYAR:—"Have they been published?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am not quite sure."

Mr. T. ADINARAYANA CHETTIYAR:—"Will not the Government consider the desirability of reallocating the work of the district munsifs' courts?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"They cannot, because the High Court have no jurisdiction in the matter of reallocation of the work of the district munsifs' courts."

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Mr. A. RANGANATHA MUDALIYAR:—"May I know what the order is?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not carry it in my mind. We shall very soon publish it."

Disposal of civil and criminal work by district and sub-courts at Chittoor from 1910 to 1917.

1280 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether from 1910 to 1917 the whole of the civil and criminal work of North Arcot and Chittoor districts was being disposed of fairly satisfactorily by the district and sub-courts at Chittoor?

A.—The arrangement in question led to the accumulation of arrears, to deal with which additional sub-courts were at first provided in 1917 and in 1918 but as this measure proved inadequate the present establishment of courts was introduced in 1920.

Mr. A. RANGANATHA MUDALIYAR:—"May I know if the accumulation of arrears began in the year 1910?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The accumulation has been going on for some time. I cannot give the exact figures but the accumulation has been fairly heavy."

Mr. A. RANGANATHA MUDALIYAR:—"If the accumulation was towards the latter part of the period, does it not mean that the accumulation is due more to personal factors than to anything else?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Arrears accumulate partly on account of the increase or heaviness of litigation and partly on account of personal factors, because judicial officers are not always of equal merit."

Establishment of district and sub-courts in Vellore.

1281 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether public opinion was consulted in any way and if so, how, before new district and sub-courts were established in Vellore;

(b) the period for which the temporary sub-court at Vellore has been sanctioned;

(c) whether it is proposed to make it permanent or to extend its duration; and

(d) whether, before the Government decides either way, they will give the Legislative Council an opportunity to express its opinion in the matter?

A.—(a) The District Court was established as growth of litigation made it necessary. The establishment of the court formed the subject of interpellations in the Legislative Council. Several memorials from the litigant public were addressed to the Government, and in November 1919 a resolution urging the necessity for the immediate establishment of a district court at Vellore was moved in the Legislative Council by a non-official Member and accepted by the Government. The sub-court at Vellore was established for the clearance of accumulated arrears caused by the rapid growth of the civil and criminal file of the district.

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- (b) For a year from the 8th February 1924.
- (c) Proposals for the permanent retention of the Vellore Sub-Court and the conversion of the permanent sub-court at Chittoor into a temporary one have been received from the High Court and are under the consideration of the Government.
- (d) The hon. Member's attention is invited to the answer to clause (3) of question No. 1279.

Criminal Justice.

Alleged communal disputes in Tinnevely.

1282 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether the Maruthuvar community in Tamil districts, especially in Tinnevely, are being harassed and persecuted by the Vellalar community on account of the refusal of the former to do some obsequial service to the latter;

(b) whether it is a fact that the Vellalars have been resorting to an organized economic and social boycott of Maruthuvars and assaulting the members of that community and that many cases are pending in the criminal courts of Tinnevely;

(c) whether it is a fact that an attempt to deprive the Maruthuvars of worship in the local temple at Tiruchendur was prevented only by the timely intervention of the local authorities;

(d) whether the Maruthuvars have been petitioning the district authorities and the Government for protection and a resolution praying for an enquiry passed at a Maruthuvar Conference has been forwarded to the Government; and

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

A.—(a) to (e) The Government understand that there has been a movement for social amelioration amongst the Maruthuvar community in Tinnevely which has met with some opposition from other castes owing to the stoppage of customary services hitherto rendered by the Maruthuvars. But they are not aware that there has been any persecution of either side by the other, nor have they received any reports to show nor is there any reason to suppose that either the life or the property of the Maruthuvars has been endangered. The District Magistrate long ago issued instructions that all complaints were to be carefully and impartially investigated. As the Government see no reason to suppose that their instructions are not being observed, they do not perceive that any action on their part is called for.

Mr. T. ADINARAYANA CHETTIYAR:—"I have got information to show that recently certain village officers oppress these Maruthuvars."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If hon. Members who are in possession of such information will place it before the Government, they will pay attention to such reports and see that any grievances that might exist are remedied."

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Mr. T. ADINARAYANA CHETTIYAR:—"I received a communication about this fact. Does the hon. Member for the Government want me to give the name of the particular village officer who oppressed these people?"

Rao Bahadur C. NATESA MUDALIYAR:—"It is said that the District Magistrates long ago issued instructions that all complaints were to be carefully and impartially investigated. May I ask whether any petitions were received after the District Magistrate issued orders?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Yes, Sir."

Rao Bahadur C. NATESA MUDALIYAR:—"Is it not a sufficient indication that the instructions of the Collector were not observed?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Not always."

Mr. S. SATYAMURTI:—"With reference to the answer given to this question that 'the Government understand that there has been a movement for social amelioration amongst the Maruthuvar community in Tinnevely which has met with some opposition from other castes', may I know if these castes include castes other than Brahmans?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not remember, Sir. But I think there were complaints from this particular community, i.e., Maruthuvars of ill-usage or rather inadequate perception of their place in the social polity by other castes."

Mr. T. ADINARAYANA CHETTIYAR:—"May I know whether the Government are not aware that there is a social boycott of these people and there is oppression on account of this boycott?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I have heard there have been some cases."

Mr. T. ADINARAYANA CHETTIYAR:—"Is it not a sufficient indication that they are being oppressed? Is the Government aware that on account of this oppression these people are driven to the necessity of embracing other religions?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am afraid that this particular allegation did not come to my notice. But I take it that the hon. Member is making that statement with some authority."

Mr. T. ADINARAYANA CHETTIYAR:—"There were references in the 'Madras Mail'. I would invite the hon. Member to make a note of that."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Of the hon. Member's allegation?"

Mr. T. ADINARAYANA CHETTIYAR:—"Of the statement in the 'Madras Mail'."

Appointment of the Public Prosecutor for the East Tanjore District Court.

1283 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. K. C. Subrahmanya Chettiyyar, Bar-at-Law, was appointed Public Prosecutor for the East Tanjore District Court;

(b) whether it is a fact that after some time his appointment was cancelled;

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- (c) the reason for doing so ;
 (d) whether any Government Order was violated in appointing his successor ; and
 (e) whether it is a fact that Mr. K. C. Subrahmanya Chettiyar was recommended both by the Collector of Tanjore and the District Judge ?

- A.—(a) The answer is in the negative.
 (b) The answer is in the negative.
 (c) Does not arise.
 (d) As Mr. K. C. Subrahmanya Chettiyar was not originally appointed, no question arose of appointing his successor ; in the appointment that was made, no Government Order was violated.
 (e) Government consider that it is not in the public interest to disclose the communications between the district officials and the Government.

Rao Bahadur C. NATESA MUDALIYAR :—" May I understand that Mr. K. C. Subrahmanya Chettiyar never did the work of the Public Prosecutor, not even for a day ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I would earnestly ask my hon. Friend not to pursue this matter further in the interests of Mr. Subrahmanya Chettiyar himself."

Rao Bahadur C. NATESA MUDALIYAR :—" I want to know whether he was not strongly recommended by the District Judge ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I can only again ask my hon. Friend not to pursue this matter further because the result will not be in the interests of the hon. gentleman concerned."

Rao Bahadur C. NATESA MUDALIYAR :—" I want to know whether the District Judge did not recommend this gentleman ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I cannot answer this question because I think it is my duty to safeguard public interests and also the interests of Mr. Subrahmanya Chettiyar."

Construction of religious institutions in private sites.

1284 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Law Member be pleased to state—

- (a) whether the Government are armed with the necessary powers created by statute or otherwise to stop the construction in private sites of religious institutions such as temples, mosques, churches, etc., wherever any such construction is likely to cause breach of peace ; and
 (b) whether any previous sanction is now being obtained or insisted upon before the construction of such ?

A.—(a) The hon. Member is referred to the provisions of Chapter XI of the Code of Criminal Procedure, to section 191 (2) (b) of the Madras District Municipalities Act, 1920, and to section 232 (2) (b) of the Madras City Municipal Act, 1919.

- (b) As the likelihood of a breach of the peace will not arise beforehand, the hon. Member will, no doubt, perceive that it would not be appropriate to require previous application for sanction on that ground.

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Expenditure on the sedition cases against Messrs. Subrahmanya Siva and Ramaswami Nayakar.

1285 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

- (a) the sums spent by the Government in sedition cases against (1) Mr. Subrahmanya Siva, and (2) Mr. Ramaswami Nayakar ;
 (b) whether it is a fact that both cases were withdrawn after some statements made by them ; and
 (c) whether any attempt was made to get any statements from them before the prosecution was launched or before the cases were proceeded with ?

A.—(a) The Government incurred no special expenditure on the cases. It is not possible to work out the proportionate cost of different establishments which might be debited to a *pro forma* cost of any particular case.

(b) Yes.

(c) Certainly not.

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to the answer given to clause (c), may I ask the hon. Member whether it would not have been a saving of expenditure to the Government if they had made some attempt through their local authorities to get some statement from the persons before they were prosecuted ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Government were advised by those whose duty it is to advise them that the utterances of these persons fell within the law and after consideration prosecution was sanctioned. It is not the duty nor would it, I think, be right on the part of Government to go and say 'will you apologize'. After the prosecution had been launched, they took a certain course and as a result of that course the Government withdrew the prosecution."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is it a desirable fact that after the money was spent and after the persons concerned made certain statements that Government should withdraw their prosecution ? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I think my hon. Friend overlooks the fact that Government incurred no special expenditure. Government can't go about fishing for apologies ; it is for the people to offer them."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The information of the Government must be wrong. There must have been some expenditure. Government must have paid their Public Prosecutor, their Magistrates and the Police who must have spent some time in the investigation of this question."

Irrigation.

Construction of the Girisola reservoir in Ganjam district.

1286 Q.—Sriman BISWANATH DAS Mahasaya : Will the hon. the Law Member be pleased to state the work turned out in the construction of the Girisola reservoir (Goomsur, Ganjam district), up to the end of June 1924 ?

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A.—Estimates amounting to Rs. 2,75,209 for the proposed Girisola channel are ready for sanction. The sanction is held up pending verification whether water would be available after the demand of the existing Rushikulya system is met.

Head sluice and channel, Kanigiri main canal.

1207 Q.—MR. B. RAMACHANDRA REDDI: Will the hon. the Law Member be pleased to state with reference to the answer to the question No. 376, dated 21st August 1924—

(a) whether plans and estimates, etc., with regard to the widening of head sluice and channel (Kanigiri main canal, Nellore district), have been received by the Government; and

(b) if the answer to clause (a) is in the negative, whether the Government will be pleased to call for them?

A.—(a) & (b) As already stated in answer to question No. 376, dated 21st August 1924, gauge readings of the channel are being taken for the purpose of widening the head sluice to the channel and the channel itself. No definite conclusions have been arrived at on the readings hitherto taken and the readings are therefore being continued.

The Hagari river.

1288 Q.—MR. A. RANGANATHA MUDALIYAR: With reference to the hon. the Law Member's reply to the last supplementary question to question No. 1106 answered on 23rd October 1924, regarding the period for which observations should be made of the flow of water in the Hagari river before deciding whether Bairavani Tappa project should be taken up for detailed investigation, will the hon. Member be pleased to state whether the period during which such observations have already been taken were taken into account when it was decided that the investigations should be continued up to 1927?

A.—The observations made so far not being conclusive owing to the failure of the monsoons in 1923, orders have been issued to continue observations for a further period of three years from 1st September 1924 to 31st August 1927.

Formation of a new drainage division for the Godavari.

1289 Q.—SRIMAN SASIBHUSHAN RATH Mahasayo: Will the hon. the Law Member be pleased to state—

(a) whether there are any proposals for the formation of a new drainage division for the Godavari;

(b) whether the Government are convinced that there is really a need for the creation of this new division;

(c) what the extra cost of the new division is likely to be per year and how such extra cost is proposed to be met;

(d) in view of the abolition of certain divisions in Waltair Circle in 1922, what the special reasons are for creating this new division; and

(e) the stage at which the proposal for formation of this new division stands at present?

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A.—(a) Yes.

(b) & (d) The proposal to form the division is in accordance with, and in response to, the views of the many members of the Legislative Council which have been frequently pressed on the attention of the Government. A few examples of these views are contained in motion No. 63 on the budget estimate for 1923-24 moved on 14th March 1923; question No. 43 at the meeting of 14th December 1923; question No. 253 at the meeting of 7th February 1924; motion No. 33 on the budget estimate for 1924-25 moved on 21st March 1924; motion No. 35 moved on the same date; answer to question No. 591 at the meeting of 10th October 1924. Notices of resolutions have also been received for the formation of committee to enquire into and report on the necessity and urgency of repairs to irrigation works, and to frame a scheme of improvements of irrigation and drainage.

It has been found by experience that with the reduced staff it is not only impossible to effect the improvements the need for which has been so strongly pressed upon Government but also to attend to the maintenance of existing works and to distribution.

(c) & (e) The matter is under consideration.

The Mettur project.

1290 Q.—MR. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether the Government of India have directed the Local Government to submit revised plans and estimates for the Mettur project;

(b) if so, on what date and for what reasons; and

(c) if not, at what stage the matter stands?

A.—(a) No.

(b) Does not arise.

(c) Sanction of the Secretary of State is awaited.

MR. S. SATYAMURTI:—"With reference to the answer to clause (c), may I know if the plans and estimates have been sent to the Secretary of State through the Government of India?"

The hon. MR. C. P. RAMASWAMI AYYAR:—"Yes."

MR. S. SATYAMURTI:—"May I know if the Government of India have made any recommendations thereon?"

The hon. MR. C. P. RAMASWAMI AYYAR:—"I believe so."

MR. S. SATYAMURTI:—"Have the Government of India approved and recommended the project?"

The hon. MR. C. P. RAMASWAMI AYYAR:—"I believe so."

MR. C. V. VENKATARAMANA AYYANGAR:—"Was any telegraphic communication sent?"

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"Yes; in pursuance of what passed in this Council when I was instructed to ask the Secretary of State to expedite this matter in view to certain circumstances brought to light by the hon. Member for Coimbatore."

Breaches in the Cauvery delta.

1291 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether the breaches in the Cauvery delta have been closed and, if so, when;

(b) if not, the reasons for the delay and the time when the breaches are expected to be closed; and

(c) the probable loss caused to the ryots of Trichinopoly and Tanjore districts by the non-closing of the breaches in time?

A.—(a) & (b) The breaches have been closed except an opening left in the stop bund at the Grand Anicut, which will be closed in December.

(c) The losses which have been sustained were due to the occurrence of breaches, not to any delay in closing them.

Mr. S. SATYAMURTI:—"With reference to the answer to clause (c), may I take it that there was no delay in closing the breaches or that the delay such as it was did not cause any damage to the ryots in those districts?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"There was some delay due to causes solely beyond our control; but the losses were not occasioned by the delay."

Mr. S. SATYAMURTI:—"Was any attempt made to calculate the amount of loss which could have been saved, if the breaches had been closed earlier?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"No such attempt was made."

Mr. S. MUTTAYYA MCDALIYAR:—"What are the dimensions of the opening left unclosed at the Grand Anicut?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I cannot give the figures at the present moment."

Removal of a groyne in Muttarasanallur village.

1292 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a groyne situated about a furlong to the west of the village of Muttarasanallur in the Trichinopoly district was removed by the Public Works Department this year and if so, the reasons; and

(b) the reasons why the Public Works Department lowered the height of the embankment of the river by about 2 feet?

A.—(a) Government have no information as to the removal of a groyne.

(b) The question presumably relates to a portion of the embankment which was intentionally kept at a low level in order to provide an emergency escape in case of abnormal floods in Korayar and Kodamurti.

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This was effective during the floods of this year and relieved the situation arising from the flood water from the Murungapet breach, which would otherwise have done much more damage.

Wastage of water in the South Pennar river.

1293 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Law Member be pleased to state whether any investigation has been made as to the quantity of water in the river Pennar (South) which runs waste into the sea year after year, and, if so, how much water has been so running waste into the sea during the last ten years?

A.—A statement * showing the available unutilized quantity of water at the bridge at Cuddalore during each year, as calculated from the surplus quantity of water overflowing the Tirukkoyilur anicut, for the ten years ending 1922-23 is placed on the table. The figures given in the statement are only approximate.

Legislative.

Consideration by Government of Resolutions passed by the Andhra Gowda Mahajana Sabha, Mangalagiri.

1294 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Law Member be pleased to state—

(a) whether the Government have received the list of resolutions passed by the Andhra Gowda Mahajana Sabha, Mangalagiri, Guntur district, held on 21st September 1924; and

(b) if so, whether the Resolutions Nos. 16 and 17 regarding the extension of franchise to persons holding tree-tapping licences and paying a tree-tax of Rs. 10 and above will be considered favourably by the Government?

A.—(a) The Government have received copies of Resolutions Nos. 12, 16 and 17 passed at a meeting of the Andhra Gowda Mahajana Sabha, Peravali, held on 21st September 1924.

(b) The hon. Member's proposal involves an amendment of the Madras Electoral Rules issued by the Governor-General in Council with the sanction of the Secretary of State: his attention is invited to sections 72-A and 129-A of the Government of India Act.

List of Members of the Council who have entered into any subsisting contract with Government.

1295 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased to give a list of the Members of this Council who have entered into any subsisting contract with any department of the Government (a) in Madras and (b) in the mufassal with the nature of the contract and the period of its duration?

A.—The Government have no information. The hon. Member is referred to the answer given to question No. 381 at the meeting of the Legislative Council held on the 21st August 1924.

* Printed as Appendix II on page 600 infra.

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Mr. C. V. VENKATARAMANA AYYANGAR :—"Have Government any objection to call for some information as to whether there are any such Members?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I think a similar question was addressed some time ago and I then pointed out that unless there were one or two cases from which it is fairly evident that there are such contracts held by hon. Members of this Council there is no reason for any general inquiry extending not only to Madras but also to the mufassal with reference to the nature of the contract, the period of the contract, etc. If there is reason to think that hon. Members of this Council have got such contracts, then there might be some foundation for an enquiry."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The Chief Engineer may be asked to give some information."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I shall bear that point in mind."

Mr. S. SATYAMURTI :—"In view of the persistent allegations made, some of us feel uncomfortable; and may I suggest to the hon. the Law Member whether he cannot issue a private letter to every Member of this Council to that effect? I trust that all of us or most of us will say that we have no such contracts."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I take note of that statement."

Police.

Post mortem report in the St. Thomas' Mount tragedy.

1296 Q.—Mr. SAMI VENKATACHALAM CHETTI : With reference to the tragedy at the railway station at St. Thomas' Mount, will the hon. the Law Member be pleased to state—

- (a) if any bullets were extracted from the body of any one of or all the victims;
- (b) if so, what was the nature of the bullet used;
- (c) whether it is a fact that Mr. V. T. Ramachandra Ayyar, the husband of the deceased Tripurasundari Ammal, was refused a copy of post mortem report which he had wanted; and
- (d) if so, the reason for such refusal?

A.—(a) & (b) The Government understand that a 450/476 bullet was extracted from the body of Sundarammal.

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

Mr. S. SATYAMURTI :—"With reference to the answer to clauses (a) and (b), may I ask if the Government have ascertained whether the bullet was of the same make as that used by the Indian sepoys stationed there?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That seems to be so."

Mr. P. ANJANEYALU :—"With reference to the clauses (c) and (d), will the Government be pleased to call for the information?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Yes."

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Lee Commission.

Report of the Madras Government on the Lee Commission Report.

1297 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : With reference to the answers relating to the Lee Commission Report (question No. 601 and supplementary questions) made on the 10th day of October 1924, will the hon. the Member for Finance be pleased—

- (a) to state whether the Government have ascertained whether the Government of India published the report of this Government; and
- (b) if so, to lay that report on the table of this Council?

A.—The hon. Member is referred to the answer to question No. 1199.

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, we are here referred to a previous question. Government want us to purchase the proceedings of the Legislative Assembly. May I ask whether Government cannot give us at least their report to the Government of India?"

The hon. Mr. R. A. GRAHAM :—"I have not got the answer to the previous question. I think it was stated there that a copy would be found in the Library."

Mr. C. V. VENKATARAMANA AYYANGAR :—"It was also stated that a copy would be available at the Government Press at Delhi. What I ask is whether the Government cannot give 127 copies to the Members of this Council so that each Member may have one."

The hon. Mr. R. A. GRAHAM :—"If there is a general desire for copies, it can be met."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The number of questions on that point is so large that there can be no doubt on the matter."

Salt.

Production and consumption of salt in the Presidency.

1298 Q.—Rao Bahadur CRUZ FERNANDEZ : Will the hon. the Member for Finance be pleased to state—

- (a) the quantity of salt produced and consumed in the Presidency exclusive of the imported salt for the calendar year 1923 or for the official year 1923-24 and also the quantity of stock at the end of that year;
- (b) whether any minimum has been fixed by Government to be kept in reserve to meet any contingency of a failure of season in salt manufacture, and, if so, what that minimum quantity is;
- (c) whether the stock of 14.68 millions of maunds of salt said to be in reserve on the 15th November 1923 in reply to question No. 735 (d) answered on the 24th March 1924 was in excess or less than the minimum so prescribed;
- (d) whether it is necessary to maintain such a large reserve equal to seventeen months' consumption;
- (e) whether there was any partial or complete failure of season in salt manufacture within the last twenty years; and
- (f) if the answer to question (e) above is in the negative, what is the necessity for maintaining such a large reserve in stock?

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- A.—(a) The total quantity of salt produced in 1923–24 in this Presidency was 13·55 million maunds. Separate figures showing the consumption of salt within the Presidency are not available. The total quantity of salt issued from factories in this Presidency during 1923–24 was 12·07 million maunds. The stock at the end of that year excluding wastages was 10·06 million maunds.
- (b) The answer is in the negative.
- (c) & (d) These do not arise.
- (e) Almost every year there is a partial failure of manufacture in one or more factories owing to untimely rain.
- (f) This does not arise.

Local Boards and Municipal Councils.

The Municipal High School at Tiruvannamalai.

1299 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

- (a) whether it is a fact that the Municipal High School at Tiruvannamalai was recognized some two years back;
- (b) whether there is another high school maintained by the mission;
- (c) whether the people petitioned the Director to recognize the municipal high school as it is non-sectarian, whether the recognition was delayed for three years and the Minister had to interfere;
- (d) whether the municipal school is not self-supporting, what is the net cost for the year 1922–23 for the municipal high school;
- (e) what is the amount of contribution paid to the municipality on this account and what is the amount of grant given to the mission school;
- (f) what is the amount of building and equipment grants given to both the mission high school and municipal high school after recognition as high schools up to date; and
- (g) whether it is a fact that the municipal high school applied for equipment grant after recognition and it was refused; if so, why?

A.—(a) The Government approved the opening of forms IV and V in the Municipal Secondary school, Tiruvannamalai, on the 14th October 1922. No application has yet reached the Director of Public Instruction for the recognition of form VI.

- (b) Yes.
- (c) No.
- (d) No; the net cost (deficit) of the high school for 1922–23 was Rs. 2,760.
- (e) The Municipal Council receives a fixed subsidy of Rs. 492 a year towards the cost of maintenance of the Municipal High school. The teaching grants paid to the Mission High school, the strength of which is 450 as against 150 pupils in the Municipal school, are given below:—

	RS.
1922–23	5,058
1923–24	5,472
1924–25	5,776

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- (f) No building or equipment grants have been given to either school since the 14th October 1922 when Government approved the opening of forms IV and V in the Municipal school.
- (g) The answer to the first part of the question is in the negative.

Construction of bridges over the drainage crossings in the Mopidevi and Masulipatam Road.

1300 Q.—S. R. Y. ANKINEDU PRASAD Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) what amount has been recently sanctioned for the construction of bridges over the drainage crossings in the Mopidevi and Masulipatam road in the Divi taluk, Kistna district, and at what places;
- (b) what action has been taken by him with regard to the representations made to him from time to time for the immediate improvement of this useful road;
- (c) whether it is a fact that the amount already allotted for the construction of bridges at certain places in the road last year and the year before last have lapsed on account of the differences existing between the Executive Engineer and the district board; and
- (d) if so, what action has been taken by the hon. the Minister to prevent lapses arising from such causes?

A.—The report* received on the subject from the President, District Board, Kistna, is placed on the table.

Treatment of the representative of the depressed classes at the Singanallur Union Board meeting.

1301 Q.—Mr. L. C. GURUSWAMI: With reference to the answer given by Government to question No. 47 put at the meeting of the Council on the 18th August 1924 regarding the treatment of the representative of the depressed classes at the Union Board meeting, Singanallur, will the hon. the Minister for Local Self-Government be pleased to state—

- (a) who informed the Government that Mr. Mari himself is unwilling to sit with the other members;
- (b) whether Mr. Mari had intimated to the President of the Singanallur Union Board his unwillingness to sit with the other members in writing;
- (c) whether Mr. Mari was ever a member of the Coimbatore District Board or Coimbatore Taluk Board;
- (d) if the answer to the above is in the affirmative, whether even then he sat separately and at a lower seat than the other members of these boards; and
- (e) if the Government have no information, whether they will at least be pleased to call for and place them on the table?

A.—(a) The President of the Union Board submitted a report to that effect to the President, Taluk Board, Coimbatore.

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

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- (d) The question does not arise.
 (e) The Government do not consider it necessary to call for the information.

Mr. R. VEERIAN :—“ With reference to the answer to clause (e) that Government do not consider it necessary to call for the information, may I know whether the Government are going to allow the depressed classes to take care of themselves even after realizing all their difficulties in the public affairs ? ”

The hon. the RAJA OF PANAGAL :—“ Government considered that in this case calling for information was not necessary.”

Transfer of a municipal area from Saidapet to the Madras Corporation.

1302 Q.—Mr. MUHAMMAD MOOSA SAIT : Will the hon. the Home Member and the hon. the Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that a part of the area from under the jurisdiction of the Saidapet municipality has been transferred to Madras Corporation ;
 (b) if so, on what reasons and on whose suggestions ;
 (c) whether it is a fact that the Saidapet municipality agreed to the transfer of the said area provided Alandur is annexed to the Saidapet municipality ; and
 (d) what are the objections to the Alandur area being included in the Saidapet municipality and what are the proposals of the Government in respect of the same ?

- A.—(a) The answer is in the affirmative.
 (b) The transfer was necessary in order to enable the Madras Corporation to prepare and execute a town-planning scheme in respect of the Mambalam area. The Government decided on the transfer.
 (c) & (d) The Council's request was that if the transfer of the Mambalam area to the Madras Corporation was found absolutely necessary it should be compensated by the addition of Alandur to the Saidapet municipal area. The Government did not, however, consider the question as Alandur is included in the cantonment of St. Thomas' Mount.

Nominations of the members of the Maruthuvakula community in the local boards and municipalities.

1303 Q.—Mr. B. OBALESAPPA : Will the hon. the Minister for Local Self-Government be pleased to state how many persons belonging to the Maruthuvakula community have been nominated as members of the local boards and municipalities in this Presidency since November 1923 ?

- A.—The attention of the hon. Member is invited to the answer given at the meeting of the Legislative Council held on 11th October 1924 to question No. 680.

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Payment from contingencies in the Anantapur municipality.

1304 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) whether it is allowable for a municipality to pay from contingencies for a special man deputed to fill up the bills for municipal dues in addition to the establishment charges ;
 (b) whether the ordinary staff of the office is not expected to do this work ;
 (c) whether the practice indicated in (a) above prevails in the Anantapur municipality and, if so, for how long has it been so ; and
 (d) whether this practice prevails in any other municipality ?

- A.—(a) Yes, under the proviso to section 73 of the Madras District Municipalities Act, 1920, and article 18 of the Municipal Account Code.
 (b) Ordinarily the bills should be written by clerks in the municipal office. If this is not found possible, section-writers may be specially appointed for the purpose under article 134 of the Municipal Account Code.
 (c) & (d) The Government have no information.

Introduction of Charka spinning in schools.

1305 Q.—Mr. K. SARABHA REDDI : Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

- (a) how Charka spinning is a subject of educational value in schools ;
 (b) whether it is a fact that certain local boards have introduced Charka in their schools ;
 (c) whether the introduction of spinning has the approbation of the parents ;
 (d) whether spinning work in schools has the sanction of the Director of Public Instruction ; and
 (e) whether the Government will be pleased to place all records relating to the introduction and sanction by the Government of Charka spinning in the several schools in the Presidency and to state whether the Government continue to give its aid to such schools ?

- A.—(a) In its relation to the teaching of weaving.
 (b) Yes.
 (c) The Government have no information.
 (d) The approval of a District Educational Council suffices for the introduction of spinning in elementary schools. The sanction of the Director of Public Instruction is not required. Proposals for introducing spinning in secondary schools are supported by the department of Public Instruction only when and in so far as it is ancillary to instruction in weaving.
 (e) The undermentioned Government Orders * are placed on the table :—

G.O. No. 2015, L. & M., dated 14th October 1921.
 G.O. No. 2073, L. & M., dated 21st October 1921.
 G.O. No. 2065, L. & M., dated 29th July 1924.

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Provided that the course of practical instruction is approved by the District Educational Council, the Government continue to pay subsidies to the local body for elementary education.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (a), may I ask the hon. the Minister for Local Self-Government or the hon. the Minister for Education to be good enough to explain a little more clearly what the answer 'In its relation to the teaching of weaving' means? Is it suggested that Charka spinning apart from that has no educational value at all?"

The hon. Rao Bahadur Sir A. P. PATRO :—" Apart from the general education, it has not got a separate value. It is for the training of the eye and the hand; as part of that training that these charkas are used."

Mr. S. SATYAMURTI :—" Therefore, Sir, since the charka trains the hand and the eye, has it not got a value apart from its relation to the teaching of weaving?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The hon. Member can draw his inference."

Mr. S. SATYAMURTI :—" May I know what is the inference of the hon. the Minister for Education?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The reply gives it."

Mr. S. SATYAMURTI :—" Sir, with reference to the answer to clause (e), we are referred to certain Government Orders printed as appendix. With your leave, Sir, I may quote one sentence from that: 'It is, however, open to the District Educational Council . . . to refuse recognition or to cancel or suspend recognition if it is found that the teaching of spinning by wheels is used for purposes of political propaganda.' There is also a similar provision in the Government Order printed below. May I know from the hon. the Minister for Education what is the political propaganda which a spinning wheel is supposed to help to carry out?"

The hon. Rao Bahadur Sir A. P. PATRO :—" Whatever political propaganda that can be carried out with it is prohibited."

Mr. S. SATYAMURTI :—" That is hardly an answer, Sir. May I ask the hon. Member what he means when he uses the phrase 'if it is found that teaching of spinning by wheels is used for the purpose of political propaganda'? What is the nature of the political propaganda which can be helped by this horrible machine, the spinning wheel, and which they are so anxious to prevent?"

The hon. Rao Bahadur Sir A. P. PATRO :—" Any political propaganda other than educational."

Mr. P. ANJANEYULU :—" If by so much spinning and weaving we lessen the importation of foreign cloth, is it in the opinion of the hon. the Minister for Education a political propaganda?"

Mr. J. A. SALDANHA :—" May I ask what is the meaning of 'political propaganda'?" (Laughter.)

The hon. Rao Bahadur Sir A. P. PATRO :—" I would ask the hon Member to refer to the dictionary."

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Mr. S. SATYAMURTI :—" May I ask the hon. Minister whether Swadeshi, i.e., trying to clothe oneself with the clothing produced in one's own country is part of that objectionable political propaganda which he wants to save our children from?"

The hon. Rao Bahadur Sir A. P. PATRO :—" If it is economic, then it does not come under political."

Mr. S. SATYAMURTI :—" I don't want answer to be obvious. I am simply asking whether teaching boys and girls that they should wear only the clothing made in our own country to the exclusion of all foreign clothing is in the opinion of the hon. the Minister, political propaganda and ought to be prevented in schools recognized and aided by Government?"

The hon. Rao Bahadur Sir A. P. PATRO :—" It is a hypothetical case and does not arise from the answer."

The representation of the depressed classes in the district board of South Arcot.

1306 Q.—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any representations were made to him to nominate to the district board of South Arcot Swami Sahajananda, Municipal Councillor, Chidambaram, and Member, District Educational Council, and President of the South Arcot Adi-Dravida Mahajana Saba, and if so, the reason for not nominating him in a recent vacancy;

(b) whether in the district board of South Arcot there is adequate representation of the depressed classes;

(c) the number of Adi-Dravidas who are members of the South Arcot district board; and

(d) whether it is the intention of Government to nominate members of the backward classes and minorities in the vacancies to arise shortly?

A.—(a) No such representations were made.

(b) & (c) There are two Adi-Dravidas on the District Board—one a Hindu, the other a Christian.

(d) An Adi-Dravida, an Indian Christian (Adi-Dravida), a European and a Vannia were appointed in the vacancies referred to.

Mr. R. SRINIVASA AYYANGAR :—" With reference to the answer to clauses (b) and (c), will the hon. the Minister tell us whether Christians come under the category of Adi-Dravidas?"

The hon. the RAJA OF PANAGAL :—" In some cases Adi-Dravidas baptized claim to have their caste distinctions. In such cases they are Adi-Dravida Christians."

Mr. R. SRINIVASA AYYANGAR :—" Will the hon. Member give us the names of such Christian Adi-Dravidas?"

The hon. the RAJA OF PANAGAL :—" I cannot give the names of any individual; I only gave my answer in general terms."

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Nominations to the District Board, South Arcot.

1307 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that the three gentlemen recently nominated to the district board of South Arcot had been twice nominated without a break and they were being re-nominated for a third time;

(b) for how many years Rev. Father Verdure has been a nominated member of the said district board;

(c) whether it is intended not to nominate the same person for more than two periods of three years each; and

(d) whether the Government satisfied themselves before re-nominating these three members, that other suitable members of the community to which they belong were not available?

A.—(a) & (b) The information as to the number of years the gentlemen referred to served on the district board is given below:—

(i) M.R.Ry. G. Devanayagam Avargal—three years and seven months.

(ii) M.R.Ry. P. Pushpanathan Avargal—three years.

(iii) Rev. Father P. Verdure—three years and two months.

(c) Persons who have already served on a local body continuously for six years are re-appointed only for special reasons.

(d) No.

Mr. R. SRINIVASA AYYANGAR:—“With reference to the answer to clauses (a) and (b), may I ask the hon. the Minister whether the period referred to is in relation to the period of his Ministership or whether he has taken into consideration the pre-Reform period also?”

The hon. the RAJA OF PANAGAL:—“The period during which he served as a member of the board.”

Mr. R. SRINIVASA AYYANGAR:—“Then this includes the pre-Reform days also, prior to 1919?”

The hon. the RAJA OF PANAGAL:—“Yes; it does.”

Mr. R. SRINIVASA AYYANGAR:—“I should like to know whether the hon. the Minister is definite about that?”

The hon. the RAJA OF PANAGAL:—“I cannot say, but that is my information.”

Mr. R. SRINIVASA AYYANGAR:—“With reference to the answer to clause (d), may I ask whether the Government made any attempts to find out whether any other suitable members were available for nomination or not?”

The hon. the RAJA OF PANAGAL:—“It was not found necessary.”

Extent of taluks, maintenance of roads, etc., in South Arcot.

1308 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the extent of each taluk in South Arcot district;

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(b) the length of first and second-class roads and other roads, respectively, in each taluk maintained by the district and taluk boards; and

(c) the amount spent by the taluk and district boards in each taluk separately for maintenance?

A.—The information available in the administration report of the South Arcot District Board for 1923–24 is given below:—

Name of revenue taluk.	Extent in square miles.	Length of			Expenditure.		
		First class or trunk roads.	District roads including second class roads.	Other roads.	Trunk roads.	Second class roads.	Other roads.
Cuddalore Taluk Board—					RS.	RS.	RS.
Cuddalore	448	19½	97½	18½	..	..	5,997
Tindivanam Taluk Board—							
Tindivanam	446	22	88½	14½			
Villupuram	467	17½	116½	33	..	..	17,461
Gingee	410	..	43½	16½			
Chidambaram Taluk Board—							
Chidambaram	402	..	135½	20½	..	..	18,854
Vriddhachalam Taluk Board—							
Vriddhachalam	576	18½	93	4½	..	..	3,506
Tirukkoyilur Taluk Board—							
Tirukkoyilur	585	57½	142½	24½	..	..	3,220
Ka. lakurishi	873	..	67	21½			
South Arcot District Board ..	..	..	..	..	93,486	2,48,496	96,609

Nomination of a member of the depressed classes to the Tiruppur Municipal Council.

1309 Q.—Mr. R. VERRIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the reason for not considering the petition submitted by one Mr. Palaniswami Boyan of Tiruppur, Coimbatore district, requesting to appoint him as a member of the Tiruppur Municipal Council to represent the backward classes;

(b) why Mr. Valliappa Chettiyar, a member of the Nattukottai community, was nominated as a member of the said Council;

(c) why no member belonging to the depressed classes was appointed to the Tiruppur Municipal Council;

(d) whether any of the members of the depressed classes were summoned in order to find out whether they would like to serve on the Municipal Council; and

(e) if the Government have no information with regard to clauses (a) to (d), whether they will be pleased to call for the information?

A.—(a) The petition referred to was not received by the Government.

(b) The Government considered Mr. Valliyappa Chettiyar suitable for nomination as a Municipal Councillor.

(c) No suitable member of the depressed classes was available for nomination.

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(d) The Government have no information.

(e) The Government do not consider it necessary to call for the information.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ With reference to the answer to clause (c), may I know whether the Collector said that there was no man of the depressed classes available for nomination, or what the information of the Government is on that point?”

Mr. R. VEERIAN :—“ With reference to the answer to clause (c), may I know whether any particular member of the depressed classes was consulted by the local officials and whether such a member of the depressed classes ever declined to serve on the municipal council?”

The hon. the RAJA OF PANAGAL :—“ Government have no information. The Collectors ought to know that.”

The RAJA OF RAMNAD :—“ Did the Government ascertain from the Collector whether any other member of the depressed classes was not available?”

The hon. the RAJA OF PANAGAL :—“ The Collector is required to ascertain if there are any members who are willing to serve as members of the municipal council. He is expected to have made that enquiry.”

Mr. R. VEERIAN :—“ With reference to the answer to clause (e), may I know whether it is the policy of the Government to nominate Mr. Valliappa Chettiyar, a member of the Nattukottai community, who represents only a handful of men, not more than ten or twelve?”

The hon. the RAJA OF PANAGAL :—“ It is the policy of Government to nominate persons who are considered fit to be members of the boards or municipal councils. In this particular case, the nominee was recommended by the president of the district board.”

Mr. R. VEERIAN :—“ What are the general educational qualifications of Mr. Valliappa Chettiyar?”

The hon. the RAJA OF PANAGAL :—“ The Government have no information.”

Mr. R. VEERIAN :—“ Will they be pleased to call for the information?”

The hon. the RAJA OF PANAGAL :—“ They do not think it is necessary to call for the information.”

Nominations to Saidapet taluk board.

1310 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Local Self-Government be pleased to state whether the Government are aware of the fact that for four seats reserved for nomination on the Saidapet taluk board in Chingleput district two Brahmans, one non-Brahman Hindu, and only one Adi-Dravida and no Muhammadan or Christian has been appointed?

A.—The Government have no information.

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Treatment of the representative of depressed classes at Union Board meeting, Singanallur.

1311 Q.—Mr. R. VEERIAN : With reference to the answer given by Government to question No. 47 put at the meeting of the Council on the 18th August 1924 regarding the treatment of the representative of the depressed classes at the Union Board meeting, Singanallur, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Mr. Mari intimated in writing to the President of the Singanallur Union Board, Coimbatore taluk, his unwillingness to sit equally with the other members in writing;

(b) if so, whether the Government will be pleased to place on the table a copy of the letter of Mr. Mari addressed to the President of the Union Board;

(c) who informed the Government that Mr. Mari himself was unwilling to sit with the other members; and

(d) whether at the time of appointment of Mr. Mari to the Union Board any conditions were laid down that he should sit separately at the time of Union Board meetings?

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

(b) The question does not arise.

(c) The President, Union Board, submitted a report to that effect to the President of the Coimbatore Taluk Board.

Mr. R. VEERIAN :—“ Sir, with reference to the old question, Sir, may I know whether the Government will be pleased to take any action if the letter is produced by the person himself saying that owing to the caste oppression, he is bound to sit in a lower seat?”

The hon. the RAJA OF PANAGAL :—“ Yes, if the Government receive any such information, they will enquire into the matter.”

Use of public latrines in Papanayakanpalaiyam.

1312 Q.—Mr. R. VEERIAN : With reference to the answer given to question No. 609 put at the meeting of the Council on the 10th October 1924, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the members of the depressed classes intimated to the Chairman of the Coimbatore municipality about their unwillingness to use the public latrines built at Papanayakanpalaiyam within the municipal area out of respect to the caste people; and

(b) if so, whether the Government will be pleased to place a copy of such a mahazar addressed to the Chairman, Municipal Council, Coimbatore, on the Council table?

A.—(a) There was no memorial presented to the Chairman but the fact was ascertained on inquiry by the Municipal Health Officer.

(b) Does not arise.

Mr. R. VEERIAN :—“ Sir, with reference to the old question, again, may I know whether the Government will be pleased to take necessary action if a memorial signed by all the members of the depressed classes is produced?”

The hon. the RAJA OF PANAGAL :—“ If any such representation is made, the Government will consider whether it is necessary for them to enquire into the matter or not.”

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Elected chairmen for municipalities

1313 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many municipalities have not been given the power of electing their chairmen and what are their names; and

(b) whether Pollachi is one of them; whether it has ever elected its chairman; whether the municipality has prayed for the right to be given to it and the public of Pollachi have made a similar prayer?

A.—(a) Four, viz., Anantapur, Pollachi, Palacole and Dindigul.

(b) The answer is in the affirmative; the Council never elected its chairman, nor did it ask for the grant of the privilege. A telegram from certain municipal councillors and residents of Pollachi was received in November 1923 asking for the grant of this privilege.

Mr. C. V. VENKATARAMANA AYYANGAR:—"Was the Council of Pollachi ever asked to elect its chairman?"

The hon. the RAJA OF PANAGAL:—"I remember that there was a telegram to that effect. But the Government thought that it was not desirable to allow the privilege."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am referring to the first portion of the answer, Sir. I wish to know whether the Council was ever given the opportunity to elect its chairman till now."

The hon. the RAJA OF PANAGAL:—"No."

Mr. C. V. VENKATARAMANA AYYANGAR:—"As for the telegram was there not a public meeting as a result of which the telegram was sent?"

The hon. the RAJA OF PANAGAL:—"It might have been, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Will the Government be pleased to refer the matter now once again?"

The hon. the RAJA OF PANAGAL:—"The Government do not think it necessary that they should do so at present."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Is there any other municipality where the joint magistrate and sub-collector is chairman?"

The hon. the RAJA OF PANAGAL:—"No, I do not think there is any."

The RAJA OF RAMNAD:—"With reference to the answer to (a), may I ask the hon. Minister whether these municipalities were never given the power of electing their chairmen? At any rate, with reference to one of them, the power given was but recently withdrawn."

The hon. the RAJA OF PANAGAL:—"In the case of Dindigul, the power was recently withdrawn."

Mr. C. V. VENKATARAMANA AYYANGAR:—"In the case of Anantapur also?"

The RAJA OF RAMNAD:—"I thought the divisional officer was the chairman of the Dindigul Municipal Council."

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The hon. the RAJA OF PANAGAL:—"Yes. But he is not a sub-collector. The previous question of the hon. Member was with reference to councils presided over by sub-collectors. In the case of Dindigul the president is the deputy collector."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"May I know why Pollachi was not given this privilege?"

The hon. the RAJA OF PANAGAL:—"Under the conditions prevailing there, the Government thought that it was not desirable that the Council should be given the privilege."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Do the Government think that the conditions that existed at the time when the privilege was denied continue to exist even now?"

The hon. the RAJA OF PANAGAL:—"I cannot say whether they continue till now. But when the last election took place, the Government were told that it was not desirable to allow the Council this privilege."

Mr. T. ADINARAYANA CHETTIYAR:—"May I know what the unfavourable conditions are?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Will the Government now re-consider the matter?"

The hon. the RAJA OF PANAGAL:—"When the term of the present chairman expires, the question will be considered."

Mr. C. V. VENKATARAMANA AYYANGAR:—"There is no question of the expiry of the term of the chairman at all. With every change in the sub-collector the term expires. So, I should like to know whether the Government will be pleased to reconsider the matter if the Council sends up a request."

The hon. the RAJA OF PANAGAL:—"I have already answered the question, Sir. If the question is again raised by the Council when the present chairman vacates his seat, it will be considered."

Mr. K. KOTI REDDI:—"May I know if the denial of the privilege has anything to do with the criminality of the people of the locality?"

Medical.*The opening of Ayurvedic and Unani dispensaries in the Presidency.*

1314 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state whether the question of opening 300 additional dispensaries in the Presidency has been under contemplation; if the answer be in the affirmative, whether the Government propose to open Ayurvedic and Unani dispensaries also?

A.—The attention of the hon. Member is invited to the notification No. 1062 published in Part I-A of the *Fort St. George Gazette*, dated 28th October 1924, regarding the opening of new village dispensaries. The answer to the second part of the question is in the negative.

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Mr. P. ANJANEYULU :—" Will the Government have any objection to adopt the Ayurvedic or Unani treatment to the people in the dispensaries to be newly opened ? "

The hon. the RAJA OF PANAGAL :—" The question is under consideration."

Mr. P. SIVA RAO :—" May I know whether the hon. Minister proposes to subsidise the Ayurvedic and Unani practitioners in his scheme for spreading medical relief in the rural areas ? "

The hon. the RAJA OF PANAGAL :—" The question does not arise out of the answer given."

Active service of the Sub-Assistant Surgeons in the Great War.

1315 Q.—Rao Bahadur O. M. NARAYANAN NAMUDRIPAD: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any assurance was given by the Government in 1916 to sub-assistant surgeons who went for active service in the Great War that they will be given special consideration in the matter of promotion if they were reported on by the Military authorities for meritorious service; and

(b) whether it has been recently decided by Government that, in future, all vacancies among such Civil Assistant Surgeons as have been promoted from sub-assistant surgeon grade, will be filled up by promoting sub-assistant surgeons if efficient men are available ?

A.—(a) The following were among the concessions promised in 1916 to civil sub-assistant surgeons who volunteered for field service out of India and on expeditions based on the frontiers of India during the Great War :—

(1) Permanent promotion without departmental examination to the next higher grade should such promotion become due whilst in military employment, provided that the sub-assistant surgeons concerned had a good record of service generally and were reported on by the Military authorities as fit for promotion.

(2) The civil prospects of such sub-assistant surgeons would not be adversely affected provided their conduct whilst in military employment was satisfactory in every respect. The fact of undertaking liability for field service would be taken into account as conferring a special claim to consideration should prospects of promotion offer for which they were otherwise fit.

(b) The Government have approved the Surgeon-General's proposal that such vacancies may be filled up by promoting sub-assistant surgeons provided there are capable officers of that grade fit for promotion.

Sub-assistant surgeons and extension of medical aid in rural areas.

1316 Q.—Mr. B. RAMACHANDRA REDDI: With reference to the Government policy of extending the medical aid in rural areas, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the sub-assistant surgeons now serving under the Government will be at liberty to take to the new subsidised service without prejudice to their pension; and

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(b) if the answer is in the negative, whether at least after ten or fifteen years of service they can take to the new subsidised service with the hope or assurance of getting a proportionate pension as per Civil Service Regulations ?

A.—The question is under the consideration of the Government.

Practice of retired medical officers in rural areas.

1317 Q.—Mr. B. RAMACHANDRA REDDI: With reference to the Government policy of extending the medical aid in rural areas, will the hon. the Minister for Local Self-Government be pleased to state whether retired medical officers will be allowed to practise in rural areas receiving the Government subsidy, etc. ?

A.—The answer is in the affirmative.

Rao Bahadur C. NATESA MUDALIYAR :—" Sir, it is stated that retired medical officers will be allowed to practice in rural areas receiving the Government subsidy. Will the Government be pleased to give preference in the matter to those people who passed recently and not to retired medical officers ? "

The hon. the RAJA OF PANAGAL :—" As far as possible preference will be given to those who have passed recently."

Mr. A. RAMASWAMI MUDALIYAR :—" May I ask the Chief Minister whether the discretion is not going to be allowed to the presidents of local boards ? "

The hon. the RAJA OF PANAGAL :—" Yes."

Mr. P. SIVA RAO :—" May I know whether the Ayurvedic and Unani practitioners will be subsidized ? "

The hon. the RAJA OF PANAGAL :—" I have already said, Sir, that the question does not arise."

Mr. P. SIVA RAO :—" It arises in this connexion, Sir."

Segregation of consumptive patients proceeding to Madanapalle.

1318 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether consumptive patients proceeding to Madanapalle for treatment are allowed to travel freely in the same compartment with other passengers;

(b) whether any special accommodation is arranged for them by the railway company;

(c) whether medical opinion has been taken on the advisability of segregating the consumptive patients from other passengers in the railway trains; and

(d) what, if any, are the steps taken or proposed to be taken by the Government to protect the health of the travelling public from being exposed to the risks of catching the contagion ?

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

(c) Yes. The Government are informed that during the short time the patients remain in the train the chance of fellow-passengers being infected is very small.

(d) None.

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Scholarships to students for medical training.

1319 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether students for medical training are taken on scholarships; if so, whether the Government will be pleased to place figures showing under different classes as L.M.P., M.B.B.S. and L.M.S. degrees the number of students reading from Ceded districts; and

(b) whether guarantees of employments are still given to such students; if not, when the notification refusing such a guarantee was published?

A.—(a) A limited number of stipends and free studentships are awarded annually in the medical colleges and schools. These are restricted to lady-students and to students from the backward and depressed classes. The number of Ceded districts students reading in the medical schools and colleges who are in receipt of stipends or scholarships is twenty in the L.M.P. class and two in the M.B.B.S. or L.M.S. class.

(b) Guarantee of appointment has never been given to such students in medical colleges. No such guarantee has been given to stipended students in medical schools since July 1923—vide paragraph 8 of the Notification published on pages 457-458 of Part I-B of the *Fort St. George Gazette*, dated 8th May 1923.

Rao Bahadur C. NATESA MUDALIYAR:—"Sir, may I know what the difference is between stipends and studentships?"

The hon. the RAJA OF PANAGAL:—"The students who are given stipends are given not only school fees but also an allowance for boarding and lodging."

Rao Bahadur C. NATESA MUDALIYAR:—"Sir, were not these stipends intended as an inducement for people to join at a time when people were not available in the medical schools for service in the Military and Civil departments? But now as long as there are no appointments guaranteed to these people, why should this difference between scholarships and stipends be allowed to exist?"

The hon. the RAJA OF PANAGAL:—"Sir, I have already pointed out the difference between the two."

Rao Bahadur C. NATESA MUDALIYAR:—"As long as they are not guaranteed any appointments, there is no difference between students receiving stipends and those receiving scholarships. So, will the students receiving scholarships be treated equally with those receiving stipends?"

The hon. the RAJA OF PANAGAL:—"In what respects, may I know, Sir."

Rao Bahadur C. NATESA MUDALIYAR:—"In medical schools the students are treated very severely if they do not pass their examinations in one or two attempts; they are dismissed while in the medical colleges students receiving scholarships are treated differently. Why should not the medical students be treated in the same way as the medical college students?"

The hon. the RAJA OF PANAGAL:—"The question is a complicated one, Sir. I must enquire into the matter and I should like to have notice."

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Rao Bahadur C. NATESA MUDALIYAR:—"Then, Sir, it is said that twenty scholarships are given to the pupils of the Ceded districts. May I know the number of scholarships for the whole Presidency?"

The hon. the RAJA OF PANAGAL:—"I must have notice of that too."

Rao Bahadur C. NATESA MUDALIYAR:—"It is then said, Sir, that studentships are given to backward and depressed classes. May I know, Sir, whether there is any community among the non-Brahmans that is not backward?"

The hon. the RAJA OF PANAGAL:—"There are communities among non-Brahmans which are not backward."

Rao Bahadur C. NATESA MUDALIYAR:—"Does the hon. Minister mean to say that the Vellalas and Balijas of Madras are not backward?"

The hon. the RAJA OF PANAGAL:—"That question does not arise out of the answer."

Rao Bahadur C. NATESA MUDALIYAR:—"I mean to say, Sir, that there are many non-Brahman communities which are backward and which are not included in that category. In fact among the scholarships awarded Madras receives nothing almost."

Officer in charge of the Headquarter Hospital, Tanjore.

1320 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the qualification of the officer in charge of the Headquarter Hospital at Tanjore;

(b) whether he has received complaints about his inefficiency; and

(c) what action the Government have taken or propose to take?

A.—(a) The officer in charge of the Tanjore Headquarter Hospital is a senior I.M.S. officer of the rank of Lieutenant-Colonel; he possesses the following qualifications:—

M.R.C.S. (Eng.).

L.R.C.P. (Lond.).

(b) A complaint has recently been received.

(c) The Government, after full enquiry, have satisfied themselves that the complaint is without foundation.

Mr. S. SATYAMURTI:—"With reference to the answer to (c), may I know, Sir, whether the full enquiry was conducted after receipt of the complaint referred to in my question?"

The hon. the RAJA OF PANAGAL:—"Yes."

Mr. S. SATYAMURTI:—"May I know, Sir, the nature of the enquiry, who conducted the enquiry, whether witnesses were examined and whether the Lieutenant-Colonel himself was examined and what was the result of the enquiry?"

The hon. the RAJA OF PANAGAL:—"The enquiry is confidential and the Government are not prepared to make it public."

Mr. S. SATYAMURTI:—"May I ask, Sir, if even the name of the person who conducted the enquiry and the place of the enquiry are confidential?"

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The hon. the RAJA OF PANAGAL :—" I have no objection to give the names of persons who conducted it. The Surgeon-General conducted the enquiry and afterwards the Minister himself made a personal enquiry."

Mr. S. SATYAMURTI :—" May I ask if the enquiry was conducted at Tanjore? "

The hon. the RAJA OF PANAGAL :—" Yes."

Mr. S. SATYAMURTI :—" May I know, Sir, if in the enquiry any officials were examined? "

The hon. the RAJA OF PANAGAL :—" Some of the assistant surgeons of the place were examined."

Mr. S. SATYAMURTI :—" May I know whether anybody else besides the assistant surgeons was examined? "

The hon. the RAJA OF PANAGAL :—" The Colonel himself was examined."

Mr. S. SATYAMURTI :—" May I infer therefore that only the person complained against and his assistants were examined and nobody else? "

The hon. the RAJA OF PANAGAL :—" The assistants who complained against the Colonel were also examined."

Mr. S. SATYAMURTI :—" They are also his subordinates."

The RAJA OF RAMNAD :—" May I ask whether there were others who complained against him who were not examined? "

The hon. the RAJA OF PANAGAL :—" There were no others except students and Government thought that it was not proper to take evidence from students."

The transfer of Medical Officers.

1321 Q.—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Indian Medical Service officers, District Medical and Sanitary Officers and Assistant Surgeons transferred in 1923-24 (financial year); and

(b) the amount of transit and travelling allowances paid to them?

A.—

	Number posted and transferred in 1923-24.	Transit pay paid.			Travelling allowance paid.		
		RS.	A.	P.	RS.	A.	P.
Indian Medical Service officers.	10	3,346	3	0	5,347	4	0
District Medical Officers (including Civil Surgeons).	10	833	13	0	2,676	3	0
Assistant Surgeons ...	157	7,257	3	0	14,981	0	0
Total ...	177	11,437	3	0	23,004	7	0

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Mr. R. SRINIVASA AYYANGAR :—" In view of the large amount of expenditure by way of transit charges and travelling allowance, may I ask the hon. the Minister for Local Self-Government whether he would view with favour the question of making transfers of these officers less frequent? "

The hon. the RAJA OF PANAGAL :—" The question is under consideration; the Government would minimise transfers as far as possible."

Medical aid to victims of St. Thomas' Mount tragedy.

1322 Q.—Mr. SAMI VENKATACHALAM CHETTI : Will the hon. the Minister for Local Self-Government be pleased to state whether there was any delay in giving prompt and necessary medical aid to the poor victims of St. Thomas' Mount tragedy in the General Hospital on the night they were brought there?

A.—Information is not available but has been called for.

Mr. S. SATYAMURTI :—" May I know if the information has since been received? "

The hon. the RAJA OF PANAGAL :—" No."

Religious and Charitable Endowments.

The Madras Hindu Religious Endowments Bill.

1323 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has heard from the Government of India or the Governor-General about the stage at which the Madras Hindu Religious Endowments Bill now stands; and

(b) whether the Bill has been assented to by the Governor-General?

A.—(a) No.

(b) The assent of the Governor-General has not been received.

Mr. S. SATYAMURTI :—" May I know if the answer is correct up to this minute? "

Mr. P. L. MOORE :—" Yes."

Mr. A. RANGANATHA MUDALIYAR :—" May I take it that when the hon. Minister says 'No' in his answer, he means that he has not officially heard from the Government of India? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Has there been any correspondence between the Government of India and this Government after the matter was discussed in this Council some months ago? "

The hon. the RAJA OF PANAGAL :—" There has been no correspondence between the Government of India and this Government."

Mr. S. SATYAMURTI :—" May I know whether any suggestion has been given by His Excellency the Viceroy that if the hon. Minister will undertake to introduce an amending Bill putting forward his suggestions, he will consider the question of giving his assent to it but that otherwise, he will not give his assent? "

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The hon. the RAJA OF PANAGAL :—" I cannot answer that question at this stage."

Mr. C. V. VENKATARAMANA AYYANGAR :—" To follow up my question, Sir, may I know whether there has been any correspondence between the Viceroy and this Government?"

The hon. the RAJA OF PANAGAL :—" There has been no correspondence of the kind."

Mr. S. SATYAMURTI :—" May I ask whether there has been any between the Governor-General and the hon. Minister?"

The hon. the RAJA OF PANAGAL :—" No; neither."

Education.

Progress regarding the establishment of Andhra University.

1324 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Education be pleased to lay on the table a statement about the progress made with regard to the question of "Andhra University" since March 1924 until now, and about the action in contemplation by the Government towards its early realization?

A.—A draft Bill for the establishment of an Andhra University is being examined by the Director of Public Instruction. Government propose to obtain the opinion of the University on the draft Bill. The Public Works Department has been asked to make a preliminary survey of certain sites required for the location of the University and submit a site plan. After the report is received, the Government will consider whether an officer can be deputed to prepare detailed plans and estimates for the construction of buildings for a college hostel and laboratory in connexion with the proposed Andhra University, when approved. The financial aspect of the subject was examined under Devolution Rules and a grant was asked for to begin preliminary work. It is unnecessary to point out, however, that the early execution of the scheme will depend upon the extent to which Provincial contribution will be released, as advised by the Finance Committee.

Mr. K. KOTI REDDI :—" May I know, Sir, whether the location of the University has been decided?"

The hon. Rao Bahadur Sir A. P. PATRO :—" No, not yet."

Mr. K. KOTI REDDI :—" If the location has not yet been decided, how is it possible for the Public Works Department to make the preliminary survey as stated in the answer?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The survey is with reference to the sites recommended by the Committee."

Mr. P. ANJANEYALU :—" May I know at what places?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The report was laid on the Editors' Table."

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Mr. S. SATYAMURTI :—" With reference to the last three or four lines of the answer may I ask, if according to the hon. Minister, unless the provincial contribution is going to be reduced, there is no chance of the scheme coming to fruition?"

The hon. Rao Bahadur Sir A. P. PATRO :—" I have stated that that is the opinion of the Finance Committee."

Mr. S. SATYAMURTI :—" May I take it that that is not the opinion of the hon. Minister?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The recommendation of the Finance Committee has been stated there."

Mr. S. SATYAMURTI :—" May I know what is the opinion of the hon. the Minister?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The question does not arise."

Salaries of officers in Subordinate Educational Service.

1325 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government are contemplating an increase in the scale of salaries of the officers in the Subordinate Educational Service;

(b) if not, why not; and

(c) if the answer to clause (a) is in the affirmative, whether definite proposals will be made by the Government before the next Budget Session?

A.—(a) & (b) The subject is under consideration.

(c) There is no likelihood of the question being considered for the budget of 1925-26.

Observance of gazetted holidays by aided institutions.

1326 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

(a) whether the gazetted holidays, including Sundays, are observed in all Government schools and colleges, municipal and district and taluk board schools; and

(b) with reference to answer to question No. 699 given on 11th October 1924, whether Government contemplate passing orders that aided institutions should observe all gazetted holidays, as well as any others required by the religion of the majority of the pupils in each school?

A.—(a) Holidays in educational institutions under public management are governed by rule 77 of the Madras Educational Rules which lays down separate sets of holidays for Hindu and Muhammadan schools. Almost all the gazetted holidays find place in both or either of these sets.

(b) The answer is in the negative.

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Alleged compulsory recitation of certain Christian creeds by the boys of the M.E.L.M. school at Ambur.

1327 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) whether his attention has been drawn to the letter of the Rev. D. G. M. Leith and the Rev. A. S. Woodburne, President and Secretary of the Missionary Educational Council of South India, published at page 11 of the issue of the *Daily Express* of 13th September 1924;

(b) whether he has taken any steps to prevent the compulsory recital by the boys of the school of this creed; and

(c) if not, why not?

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

(b) & (c) Students of the school are not now compelled to recite the creed.

Mr. S. SATYAMURTI:—“With reference to the answer to (c) and (b), I want some light. Hon. Members will remember that last time it was the accidental sickness of the member that prevented the recital of the creed. Is it still dependent upon that human infirmity or is it by any change in the discipline of the school by which the boys are not compelled to recite the creed?”

The hon. Rao Bahadur Sir A. P. PATRO:—“The latter, Sir.”

Mr. S. SATYAMURTI:—“I am very glad to hear this.”

Kamalapuram Board elementary school and depressed class pupils.

1328 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government are aware that the Kamalapuram (Salem district) Board elementary school is now located in a tiled rented shed in the village owned by a member of the non-depressed classes surrounded by private lands on all sides owned by non-depressed classes preventing the pupils of the depressed classes from passing through their lands from the village to attend the school;

(b) whether the Government are aware that the pupils of the depressed classes are not now attending the school for want of a pathway to go to the school; and

(c) whether the Government propose to take necessary steps to remove the above disabilities?

A.—The Government have no information but will call for a report from the President, Taluk Board, Sankari.

Mr. T. ADINARAYANA CHETTIYAR:—“Are the Government aware that the village munsif of Kamalapuram is still hostile in his attitude towards the depressed classes so far as the school is concerned?”

The hon. Rao Bahadur Sir A. P. PATRO:—“The Government are not aware of any such hostile attitude of the village officer.”

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Excise.

Report of the Excise Advisory Committee.

1329 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) whether he has received the report of the Excise Advisory Committee;

(b) if not, the reasons for the delay; and

(c) whether, when the report is received, an opportunity will be given by the Government to the Council to discuss the same?

A.—(a) No.

(b) The Committee has not yet finished examination of witnesses.

(c) The question will be considered when the Committee's report is received.

Registration.

Licences to document-writers.

1330 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government have any intention of having any scheme of issuing licences to document-writers and of fixing the qualifications for obtaining such a licence; and

(b) whether the Government have received any reports or mahazars on this matter; and if so, to what effect?

A.—(a) The Government have no such scheme under consideration.

(b) No.

Agriculture.

Abolition of the Ongole cattle farm at Chintaladevi.

1331 Q.—Mr. B. MUNISWAMI NAYUDU: Will the hon. the Minister for Development be pleased to state—

(a) whether it is proposed to abolish the Ongole cattle farm at Chintaladevi; if so, for what reasons;

(b) what is the amount spent on the farm till now on (1) acquisition (2) buildings, (3) current expenditure and (4) establishment charges;

(c) what the Government intend doing with the farm and buildings at Chintaladevi; and

(d) what was the annual expenditure and returns on the farm?

A.—(a) No.

(b) (1) Rs. 13,582-10-9.

(2) Rs. 2,20,240-3-4.

(3) Rs. 1,50,410-1-1

(4) Rs. 12,309-12-8.

(c) The question does not arise in view of the answer to clause (a).

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(d) The following statement gives the expenditure and receipts :—

Year.	Expenditure.			Receipts.		
	RS.	A.	P.	RS.	A.	P.
1918-19	27,716	6	3	...		
1919-20	24,093	2	5	617	10	0
1920-21	26,863	6	6	806	1	5
1921-22	39,017	6	3	3,185	15	11
1922-23	32,722	7	7	2,731	3	1
1923-24	33,737	1	9	5,513	0	0

Mr. K. KOTI REDDI :—“ I want to know why the Government decided to continue the farm in spite of the large outlay that is necessary to be incurred every year and the little income that is coming out of it. What is the actual benefit that the Government hopes to derive by continuing this farm ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ These questions are not decided on financial grounds. The cattle farm is maintained and continued for the improvement of the cattle of the Presidency.”

Mr. K. KOTI REDDI :—“ May I take it that for the attainment of that object, no question of cost need be considered ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ The thing is carried out as economically as possible.”

The hon. the PRESIDENT :—“ Hon. Members would have noticed that the clock has struck 12 and if they limit themselves to the questions which they may consider to be absolutely indispensable, we can make an attempt to finish the rest of the questions on this paper within five minutes.”

The Deputy Director of Livestock.

1332 Q.—Mr. B. MUNISWAMI NAYUDU : Will the hon. the Minister for Development be pleased to state—

(a) whether the present Deputy Director of Livestock has been confirmed ; whether he has passed his vernacular tests ; whether he is going to be exempted ; if so, for what reasons ;

(b) what is the special work turned out by the special officer since his appointment ;

(c) what is the necessity for increasing the expenditure in this section by the appointment of an Assistant Director ;

(d) whether the person appointed has any previous experience in ‘ cattle-breeding ’ ; if not, why was not a man who has had previous experience in this section be appointed ; what about the person who has acted twice as Deputy Director of Livestock ;

(e) whether one of the clerks of the Deputy Director of Livestock is under criminal prosecution ; if so, for what reasons ;

(f) whether there were several such defalcations before ; and

(g) whether there was any letter regarding this affair to the Accountant-General urging the necessity of a public auditor instead of a departmental inspector ?

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4.—(a) He has not yet been confirmed. He has not passed the vernacular test and has been exempted as his duties are of a special nature which do not require direct dealings with ryots.

(b) The work of the Deputy Director, Livestock, will be described in the Administration Report of the Agricultural department for 1923-24 which will shortly be published.

(c) Expansion of work in the Livestock section consequent on the opening of the new farm at Hosur has necessitated the addition of an Assistant Director.

(d) The officer appointed to the post has had dairy-training at the Agricultural College, Coimbatore. The officer who previously acted as Deputy Director of Agriculture, Livestock, was not reappointed as he was found unsuitable.

(e) Yes, for forgery and defalcation.

(f) No.

(g) No.

Expenditure on Chintaladevi cattle farm.

1333 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Development be pleased to state—

(a) what portion of the budget (1924-25) allotment of Rs. 33,000 has been spent till now for the construction of buildings for the Chintaladevi cattle farm ; and

(b) whether the Government will not stop further expenditure on the buildings in question in view of the proposed discontinuance of the farm at Chintaladevi ?

4.—(a) A sum of Rs. 9,573 was spent up to the end of October 1924.

(b) The Government have decided to retain the farm.

Abolition of the Chintaladevi cattle farm.

1334 Q.—Mr. YAHYA ALI SAHIB : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the Government are contemplating the abolition of the cattle farm at Chintaladevi, and if so,

(1) from what date,

(2) for what reasons,

(3) whether any reports have been received from the Deputy Director of Agriculture and Livestock, and the Director of Agriculture, regarding its closure, and, if so, do the Government propose to lay the same on the table of the House,

(4) what is the purpose for which the numerous cattle-sheds, officers' quarters, office buildings and other buildings, etc., including the extensive lands, will be employed,

(5) whether in arriving at the said conclusion regarding its closure and utilization in other ways, the Government have already consulted or propose in future to consult at least the representatives of the district in the Legislative Council ; if not, why not,

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(6) in what ways do the Government propose to preserve the Ongole breed of cattle and to carry out their avowed object of 'assisting the ryots and cattle-breeders' ;

(b) whether the Government are aware of the fact that one of the railway construction schemes under the contemplation of the Nellore District Board at present is that of connecting Chintaladevi with Kavali on the one hand, and Mopad on the other, and that it is also proposed to build a shorter road to the same place from Kavali via Pedda Pavani ;

(c) the amount invested so far in the acquisition of lands, construction of buildings etc., purchase of tools, plants and machinery, and purchase of cattle for the said farm ;

(d) the total capital and ordinary expenditure incurred for the farm every year, since its institution in 1918, under the various detailed items of expenditure comprising its budget ;

(e) whether even now a new shed for stores and a new dipping trough are under construction and new roads are being laid in the farm, and if so, what are the amounts sanctioned and those so far spent, respectively, therefor ;

(f) whether before the final selection of the site for the farm, a thorough examination had not been made of the different varieties of black, red, gravelly and sandy soils found in the farm lands ;

(g) the amount of the main fodder crops grown every year since 1918 on the farm, including grain and straw ;

(h) the amount of annual rainfall on the farm since 1918 ;

(i) the number now on the farm, the milking capacity (wherever observed) and the breeding results (in the case of breeding animals) of

(i) the Ongole breed,

(ii) other breeds of—

- (1) dry cows,
- (2) dry cows nearing parturition,
- (3) milching cows,
- (4) suckling calves,
- (5) weaned heifer calves,
- (6) young bulls,
- (7) breeding bulls,
- (8) work animals,
- (9) virus producing calves,
- (10) cattle of any other description ;

(j) whether any attempts were made—

(1) to improve the quality of the poorer varieties of the soil,
(2) to improve the pasture land by the removal of undergrowth of shrubs, etc., and by tillage and manuring,

(3) to enlist the services of persons familiar with the local agricultural conditions for the aforementioned purposes as also to secure for the farm breeding animals of a better type ;

(k) whether it is a fact that—

(1) the ground in Hosur is uneven and unsuitable for an efficient cattle farm,

(2) the soil in Hosur is, on the whole, poorer than that of Chintaladevi for the growth of fodder crops suitable for cattle,

(3) the climatic, physical and environmental conditions at Hosur are not congenial to the successful nurture of the Ongole breed of cattle ; and

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(l) whether the Government propose to enlist non-official co-operation in the matter of examining the numerous points involved before arriving at or putting into effect any decision regarding the closing of the Chintaladevi cattle farm and making use of it in any other manner ?

A.—(a) It is proposed to continue the Chintaladevi farm.

(b) Yes.

(c) to (k) The Government have not full information.

(l) Does not arise in view of the answer to (a).

Mr. A. RANGANATHA MUDALIYAR :—" Sir, with reference to clause (a) (3) of the question, is it not a fact that one of the Deputy Directors of Agriculture, Livestock, did recommend that this farm should be abolished ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I must look into the papers before I can answer it."

Co-operation.

Reorganization of Co-operative Department.

1335 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Development be pleased to state—

(a) whether he has considered the question of prescribing qualifications for the post of Assistant Registrars of Co-operative Societies as referred to in his answer to interpellation No. 544 at the meeting of the Legislative Council, dated 22nd August 1924 ;

(b) whether the scheme of reorganization sent by the Registrar of Co-operative Societies has been considered and accepted by him ;

(c) whether opportunity was given to the important co-operative organizations in this Presidency to express their opinions on the scheme ;

(d) whether the Advisory Board was consulted in the matter and their opinion recorded ;

(e) whether he will be pleased to lay it on the table of this House ; and

(f) if not, why not ?

A.—(a) Yes.

(b) Orders on the reorganization of the department will issue shortly.

(c) No.

(d) & (e) The matter was placed before the Standing Advisory Committee who accepted the scheme.

(f) Does not arise.

Arni-Kolathur Co-operative Society.

1336 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that Arni-Kolathur society in the district of North Arcot was compelled to affiliate itself to Arni Union ;

(b) whether the society was disaffiliated from the Polur Union by the interference of the Assistant Registrar, Vellore Section ;

(c) whether it is a fact that the society refused to affiliate itself to Arni at three successive general body meetings, but preferred to be with the Vellore Union ;

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(d) whether it is a fact that the Vellore Union expressed a desire to have it affiliated to itself but subsequently refused to do so only after the active interference of the Assistant Registrar;

(e) whether amendments of rules and loan applications sent by this society were refused to be considered by the Assistant Registrar until and unless the society affiliated itself to the Arni Union; and

(f) for what length of time loan applications have been pending and whether this has adversely affected the working of the society?

A.—The Government have called for a report.

Refusal of sanction by Assistant Registrar, Coimbatore, for a long-term loan.

1337 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the Assistant Registrar, Coimbatore, refused to sanction a long-term loan to a new society in Perundurai union on the score that district banks cannot lend long-term loans;

(b) whether the above society was one organized by his Inspector and registered by himself and whether at the time of organization of societies long-term loans are actually promised to societies;

(c) whether it is a fact that the Assistant Registrar refused to sanction the loan even without consulting the wishes of the financing bank, viz., Coimbatore District Urban Bank, Limited;

(d) whether the society complained to the Registrar of Co-operative Societies on the subject; and

(e) if so, what was the result of that complaint and after what interval of time did the society get its loan?

A.—The Government have called for information.

Building grant for the Vadamalapuram Elementary school.

1338 Q.—MR. P. N. MARTHANDAM PILLAI: Will the hon. the Minister for Development be pleased to state—

(a) whether it is true that the Ramnad District Educational Council sanctioned a building grant of Rs. 2,500 at its meeting on 5th February 1924 to the Vadamalapuram Elementary school after the purchase of the building;

(b) whether the said building was constructed by the Vadamalapuram Co-operative Credit Society at a cost of more than Rs. 6,000 with a special loan raised from the co-operative bank and the collections of members due from the society;

(c) whether the said use of collections was without the permission of concerned authorities and against the by-laws of the society rules framed under the Co-operative Societies Act and the provisions of the Act itself;

(d) whether it is a fact that the said society has not yet repaid the loan got from the bank or remitted the collections improperly used by it to the bank;

(e) if the answer to the above question is in the affirmative, what action the Government propose to take in the matter for recovering the amount so unauthorizedly utilized and to prevent the recurrence of such things in future; and

(f) whether the irregular use of the money and the construction of the building was condoned by the Director of Public Instruction and why?



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A.—(a) It is understood that the Ramnad District Educational Council sanctioned the payment of Rs. 2,500 as a grant-in-aid of the purchase of a building by the management of the Vadamalapuram Edward Memorial Elementary School.

(b) & (c) A building was constructed at a cost of Rs. 6,824 by the Vadamalapuram Co-operative Society for its own use and not for the purposes of a school. Afterwards a proposal was made to obtain a grant from the Ramnad District Educational Council and to allow the use of the building by the Vadamalapuram Elementary School. It was then pointed out by the Registrar of Co-operative Societies that a grant of this nature could not legitimately be accepted by the co-operative society. Certain representatives of the society interviewed the Registrar and after the position had been explained to them agreed to drop the proposal. The expenditure of part of the money used in the construction of the building was duly sanctioned before it was incurred. As regards the balance, the action of the office-bearers of the society who incurred the expenditure was subsequently ratified by the general body of the society. There is nothing in the by-laws of societies nor in the rules framed under the Co-operative Societies Act nor in the Act itself which stands in the way of a society using its general funds in the construction of a building for its own use.

(d) The Government have no information.

(e) & (f) Does not arise in view of the answer to clauses (b) and (c).

Fisheries.

Government Fish Cannery at Chaliyam.

1339 Q.—MR. C. GOPALA MENON: Will the hon. the Minister for Development be pleased to state—

(a) what improvements were effected by the Special Officer, Mr. H. L. Prager, engaged as a full-time officer at the Government Fish Cannery at Chaliyam in 1919;

(b) how many skilled artizans and expert managers have been trained at the Chaliyam Cannery as was anticipated in the communiqué published in 1919 in regard to the retention and improvement of the fish cannery;

(c) with reference to G.O. No. 1491, dated 22nd August 1924, wherein the present Director states that the cannery should be retained for investigating some problems connected with the processes which are still under investigation, whether the Government will be pleased to state the investigations made and the results obtained between the first communiqué issued by the late Director Mr. Hornell and the one now proposed; and

(d) whether the further investigations proposed are to be undertaken by the present manager, and, if so, what are his special qualifications for this special work?

A.—(a) Mr. Prager systematized the business side of the concern. He effected an increase in the output as will be seen from the figures in the margin. As a result of the experiments he carried out, the manufacture of Boneless Sardines in Oil and Mackerel in Oil was introduced and improved

	TONS.
1919-20 ..	59,586
1920-21 ..	67,524
1921-22 ..	70,510

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- recipes in the manufacture of pastes were adopted. Some experiments in the manufacture of curry powder and vinegar were also tried, of which the former proved a success.
- (b) It is not understood to what communiqué the hon. Member refers. Four persons have been trained at the cannery since 1919.
- (c) The experiments conducted and the results obtained during Mr. Prager's time have been noted in (a) above. Experiments have also been made in the canning of mullets and soles.
- (d) Further experiments and investigations are being conducted by the present Superintendent in collaboration with the Director of Fisheries. The Superintendent has undergone training under Mr. Prager and subsequently under Mr. Hornell.

Mr. C. GOPALA MENON :—"Sir, in the answer to clause (b) it is stated that it is not understood to what communiqué I am referring. I mean the communiqué of the Publicity Bureau, the communiqué issued by Dr. Slater, the then Publicity Officer. Then, it was said that four persons had been trained at the cannery since 1919. I wish to know how many were from this Presidency."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"Two of them were from this Presidency, from the Masulipatam side."

Rao Sahib P. V. GOPALAN :—"With reference to the answer to clause (d), it is stated that the Superintendent has undergone training under Mr. Prager. Was it not a fact that Mr. Prager was only a salt officer appointed as the business manager of the Government Cannery and that he had practically no experience whatsoever in the manufacture of canned goods at the time he joined the Fisheries?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"That is not the information furnished by the reports."

Rao Sahib P. V. GOPALAN :—"With reference to the answer given by the hon. the Development Minister that of those trained, two were from this Presidency and two from outside, may I know whether the former are the subordinate officers of the Government or private persons?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"They are from the municipalities, if I remember right."

Rao Sahib P. V. GOPALAN :—"Were the other two taken from any Native State?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—"Yes, from Travancore."

III

RE-ARRANGEMENT OF SEATS IN THE COUNCIL CHAMBER.

The hon. the PRESIDENT :—"Hon. Members will have noticed on coming into the House that the seats have been re-arranged so as to bring the several parts of the House closer to one another as well as to the Chair, particularly in the matter of audibility as to which frequent complaints have been made especially by hon. Members occupying the blocks below the gangway. It is not pretended that the re-arrangement aims at anything like an ideal either from an acoustic or from an artistic standpoint. It is an experiment pure and

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simple and is intended to enable hon. Members to compare the advantages and drawbacks of different possible re-arrangements of which this is one. Hon. Members will notice that not only are the farthest seats nearer to the Chair now than they were before by about eight feet, but that in the case of the most remote seats an arrangement has been made whereby they will ordinarily remain vacant. I am much indebted to His Excellency the Governor and the hon. Members of his Government, particularly the hon. the Law Member and the hon. the Minister for Development, who have assisted me in carrying out the change; I must add that I have freely drawn upon every hon. Member who happened to visit the Council Chamber during the adjournment for advice on the subject and I am thankful for the suggestions which hon. Members have severally made."

Mr. S. SATYAMURTI :—"Sir, may I make one suggestion with regard to the seating of the Press reporters as a result of the changes made in the seating arrangements now?"

The hon. the PRESIDENT :—"Yes."

Mr. S. SATYAMURTI :—"I find that the two papers printed in the mother-tongues of this Presidency—Tamil and Telugu—are now relegated to a position somewhat more distant than the position given to the reporters of the English newspapers. I believe that most of us are returned by electorates, the vast majority of whom are unacquainted with English but are only acquainted with Tamil or Telugu. We are anxious that the proceedings of this House should be followed to the extent to which newspaper reports can enable them to do, by people who know only their mother-tongues. I take it, Sir, that you will appreciate it as one who knows both Tamil and Telugu very well; in these newspapers we find that the proceedings of the Council are reported nearly as accurately as they are in the English newspapers, and very often they are even better reported. I may say from my knowledge of the mufassal that in the districts to which these newspapers go, the reports of the Council Proceedings are read with avidity and interest by all those people who have sent us here. May I therefore suggest that you may make some arrangement by which the representatives of those papers may be seated along with the representatives of the English newspapers?"

"So far as the change in the seating arrangement of members is concerned, I am glad you have said that it is an experiment. But personally I think this new arrangement has brought us together as in a class-room. It seems to me that now there is the difficulty of our not being able to face the whole House as we were able to do before, at least partially. For instance, those of us standing here must turn our backs to you, if we want to face the Members on the left side. We cannot address that portion of the House. So it seems to me that it will be much better, if the old arrangements were continued, because at any rate, though the acoustic properties were not so good as they are under the new system, still we had the possibility of all members looking at one another. I may also add that the acoustic properties may be improved by other methods, by putting up galleries and hangings going right up to the ceiling or by other means which may serve the purpose. So, Sir, with regard to this experiment, I submit it may be watched, and, if after gaining experience of it no improvement is found, we may go back to the old arrangements."

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IV

AMENDMENTS TO STANDING ORDER No. 3—ASSENT OF HIS EXCELLENCY
THE GOVERNOR.

The hon. the President announced that the amendment to Standing Order No. 3 passed at the meeting of the Council held on the 17th November 1924, received the assent of His Excellency the Governor on the 26th November 1924.

V

COMMUNICATION TO THE COUNCIL.

The Secretary laid on the table copies of the notification* regarding the withdrawal from the Dindigul Municipal Council of the privilege of electing its Chairman.

I.—NON-OFFICIAL BUSINESS—cont.

The hon. the PRESIDENT :—“ We shall now proceed to the question raised by the hon. the Law Member. As mentioned by him, it was not intended by me in any case to use to-day either in its entirety or as to a considerable portion of it as a non-official day. But I think I explained to the House the last time that I would take some step in order to save the resolutions already ballotted for from lapsing. The step taken has been to put down the non-official business as the first item of business to-day and to leave it open to hon. Members, particularly to the Government, to move for an adjournment of that business until the Government business is over. I understood the hon. the Law Member to say that hon. Members had been rather handicapped by the agenda paper having been printed in this particular manner, and that they are not prepared to go on with the Irrigation Bill this morning. It seems to me that as we have to get through some other business before we take up the Irrigation Bill, even if we agree to pass over the non-official business, we would in any case not be able to take up the Irrigation Bill till after lunch and that would give hon. Members the time they desire in regard to that Bill.”

The hon. MR. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, more with a view to elicit the opinion of the House rather than to express any definite preference one way or the other, I formally move under Standing Order No. 34, I think, that the non-official business may come after item No. VII, the Madras Irrigation Bill printed on the agenda paper. May I, with your leave, make one or two remarks? I do not think that the official business in any case will take very long because the demands for supplementary grants are such that not much debate would ensue thereon, and so far as the amendments of the Standing Orders of the Legislative Council are concerned, the discussion of them may take an hour at the most. And in regard to the Irrigation Bill itself, after having perused the amendments, I may say that the bulk of the amendments, practically all excepting three, relate to re-numbering or adding a few words like definite articles, in re-arranging the language, so that, that by itself would not take more than an hour or an hour and half. There are one or two amendments—three amendments I think—of substance as to which I propose to ask for your ruling on the particular question as to whether at this stage anything more than verbal amendments can be permitted. In any case, I do not think that official business would last more than half a day or a day at the most, and therefore non-official business would have sufficient time. In that view it seems to me that it would conduce to convenience, subject to

* Printed as Appendix V on page 604 infra.

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the state of preparedness or otherwise of hon. Members as to which I desire to say nothing, and in regard to which I am entirely willing to abide by the decision that they may arrive at. It seems to me that that would be the better plan, but if hon. Members assert that they are not prepared in order to make general observations on the Irrigation Bill, I do not wish to stand in their way. At the same time, I may venture to observe that so far as the amendments are concerned, they cannot take any time because about 45 of them are merely for the substitution of ‘5’ for ‘4’ or ‘6’ for ‘5’ and things of that kind. In that view I move my adjournment motion, to take up non-official business later, and I am content to abide by what the majority of my hon. Friends decide.”

12-15 p.m.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—“ I second it.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ It seems to me, Sir, that there is no objection to the course suggested by the hon. the Law Member provided, of course, the difficulties regarding non-official motions do not stand in the way.”

The hon. MR. C. P. RAMASWAMI AYYAR :—“ The very fact that they are on the agenda and are adjourned will prevent any lapse.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ Provided that that is guaranteed, I have no objection.”

Mr. S. SATYAMURTI :—“ Mr. President, I am very sorry I have to oppose the motion for adjournment. I put it purely on personal grounds. I know, Sir, several Members of my party are anxious to proceed with the Bill. Although I plead guilty to having been absent at the time when you made the announcement that you just now referred to, I confess that when I received the agenda paper I took it to mean as it is ordinarily taken to mean that to-day would be devoted to non-official business. I have not come prepared to discuss the Irrigation Bill. I have not got the copy of the amendments. If hon. Members think that it is not presumption on my part to have said this and if they think that they can show indulgence to any man, the same indulgence I ask for and request the House not to treat this question as one of a majority or a minority but to protect a fellow Member who has been *bona fide* misled into believing that it will not come up to-day. I may also add that even in the journal which you are graciously circulating now, I do not find, or rather I do not remember having read, any statement to the effect that you intended to do official business to-day. There has been no intimation, official or un-official, as to whether the Irrigation Bill will come up to-day or not. It seems, therefore, that even for the sake of one Member the House should be obliged to allow him to take part in the discussion of a measure of this important kind.”

The hon. MR. C. P. RAMASWAMI AYYAR :—“ I am quite alive to the argument that has proceeded from the hon. Member for the University. But there is one aspect which I am sure he as well as other hon. Members will consider. Just as he says that he did not make himself ready for the Irrigation Bill, I think I must plead guilty not only on my behalf but on behalf of my colleagues on this bench that we are not also prepared for the resolutions by reason of the debate that took place here on the last day. None of us has got the papers here. Of course we can brush up our ideas, but I must say that that is our position.”

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The hon. the PRESIDENT :—" I must say that while the House will be prepared to extend to the hon. Member for the University a benevolent consideration after his appeal for sympathy, there is another feature of his complaint to be considered, namely, that we should alter our arrangements with reference to the wishes of Members who were absent when the arrangements were made. If a Member has been unfortunately absent, he has, I think, to take the consequences. Not merely this but many another thing might happen in the absence of an hon. Member and he could not fairly demand that it should be done over again for his sake. It is a matter however which I shall leave entirely to the House. But I must say this in addition that, so far as the Irrigation Bill is concerned, the hon. the Law Member has assured the House that his amendments will not take much time. There are certain rulings no doubt to be given."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, Sir, I am sorry I have to oppose the motion on two or three grounds. One is that it will create a very inconvenient precedent. When Members come here, they come prepared and make their own arrangements with reference to their other work. If the Council were to take up something else, it will cause serious inconvenience. Unfortunately they cannot devote all their time, though desirable, as they have to be elsewhere also. (Hear, Hear.) Secondly, Sir, I think Government have a hand always, in fact they have a voice in the preparation of the agenda. It is left to them to give a particular day for the non-official business or not. But having given that, to say that they will have to go on with that some other day will be causing inconvenience to the Members while showing that the Government have no mind to go on with it on a particular day. Nobody can gainsay or say a word against what the hon. the President has said. But it is somewhat surprising to learn from the hon. the Law Member that they are not prepared to go on with the work."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Because it was distinctly stated that it would be placed on the agenda formally and that the Irrigation Bill would be taken up. I think it was distinctly put from the Chair and agreed upon."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am sorry I was not present on the occasion. But I wish to know why it was not so stated in the agenda paper itself. (Hear, hear.) Government have in their power to see that alterations are made in this paper before it reaches our hands."

The hon. the PRESIDENT :—" I think hon. Members who were present in the House when all this took place will agree with me that we arrived at a very definite understanding as to the course we were to pursue. I am sorry that certain hon. Members were not present and if the House wishes to oblige them I have no objection. But it seems to me that hon. Members who were unfortunately absent are certainly bound by what has been already decided. It was decided by the House that this should be put down to-day as the first item but not irrevocably as such. It could not have been put down so as to effectuate the object we had in view, unless it was put down first. I suppose the proceedings are in the hands of hon. Members. They will find that I said :

"The ballot was held on the 5th of November and it will hold good till the 5th December exclusive. The House will assemble on the 3rd December as at present proposed and we shall put down all this business for the 3rd December."

"The intention all the same was that we should go on first with the official business."

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Mr. A. RANGANATHA MUDALIYAR :—" I was one of those who made a request to you that the resolutions already ballotted for should be preserved for this meeting. It was very good of you to accede to that arrangement. I was definitely under the impression that the Irrigation Bill would be taken up first and that the non-official business would be given the next place. But I do not want to stand in the way of any protection being given to my hon. Friend. I hope by 12 o'clock we will be able to take up the resolutions."

The motion was put and carried.

VI

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant VIII.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I move for a supplemental grant on the recommendation of His Excellency for :

- (1) *An additional sum of Rs. 6,64,150 for the repair of damages caused by the recent floods in the Cauvery delta system and in the Pollachi subdivision, Coimbatore division.*
- (2) *An additional sum of Rs. 40,000 for the repair of cyclone damages of last year in the Srivaikuntam anicut system, the amount being met from the reserve provision of Rs. 6,95,700 under "47. Miscellaneous and Unforeseen Charges" (Grant XXXV).*
- (3) *An additional sum of Rs. 35,000 for the investigation of the Bellary west canal project.*

"I may say that the expenditure will be met by reappropriation from Grant XXXV. Sir, few words indeed are necessary from me to commend this motion to the acceptance of this hon. House. So far as the Cauvery damages are concerned I may summarize them thus: It involves the rebuilding of the breached portion of the Cauvery delta at the upper anicut; realignment of the flood bank and trunk road at Murungapet; realignment of the Cauvery left flood bank (exclusive of land compensation); construction of masonry floor with retaining walls below Cauvery bridge; extension of regulation bridge at Uthamacheri; closing the Kilikudu breach above Grand Anicut, re-opening the old Vennar head at Uthamacheri regulator; other breaches near the Grand Anicut at Edayathimangalam, Mangalapuram, Kohoor and Ambil; breaches at Koiladi, Karuvur and Vaduvakkudi; breaches in the Coleroon below the lower anicut at Seepiliyur and Agara Elattur. The total amount required is 12 lakhs of which we have already voted six lakhs in pursuance of a previous demand. So far as the damages at Srivaikuntam are concerned the Superintending Engineer applied for Rs. 60,000 of which Rs. 20,000 was granted already. With regard to the flood repairs in Pollachi a sum of Rs. 35,000 has been voted by the Legislative Council. The Superintending Engineer has since applied for a further grant of Rs. 21,250 required urgently and has asked for permission to proceed with the work in anticipation of allotment. The permission sought has been granted and extra amount asked for is included in the supplementary demand. A further grant of Rs. 25,000 is required and it is asked for to investigate the Bellary west canal irrigation scheme. I may mention that the investigation was stopped on account of the recommendations of the Retrenchment Committee but has been started again on account of the representations made on behalf of the people concerned. This is quite irrespective of the bigger schemes already on hand and only to relieve a large area subjected to famine conditions. The

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demand asked for will serve to irrigate about 60,000 acres. We hope to be able to construct an anicut across the Tungabhadra below its junction with the Wardha. It is in view to conduct these investigations that I have the honour to ask for this supplementary grant."

12-30 p.m. Mr. C. GOPALA MENON:—"May I ask for information if all the 12 lakhs are to be applied this year?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I have already said that six lakhs have been spent and another six lakhs are being applied for."

Diwan Bahadur W. VIZIARAGHAVA MUDALIYAR:—"May I ask the Government whether arrangements will also be made to close up the breach across the river Cauvery at Sivasamudram?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I believe it does not come in my port folio. But, Sir, what has fallen from the hon. Member will be borne in mind by the Government and I shall mention it to my hon. Colleague."

The demand was then put to the House and carried and the grant was made.

Grant XI.

The hon. Mr. R. A. GRAHAM:—"Sir, on the recommendation of His Excellency the Governor, I move:

'That the Government be granted an additional sum of Rs. 21,660 under "22-C. General Administration—Civil Secretariats—Law Secretariat" on account of the pay of—

(1) the Law Secretary (Rs. 16,826); and

(2) the establishment newly sanctioned for the Education section of the Law Secretariat (Rs. 4,834) in the current year.'

"This grant also can be met by appropriation from grant XXXV. The reason why it is necessary to ask for it is this. With regard to the Secretary, provision was made in the budget under non-voted charges as Mr. Ramachandra Rao was then the Secretary. But now Mr. Krishnama Achariyar is Secretary, and it is necessary to provide funds under the voted head. If this grant is made there will be a corresponding reduction under non-voted charges.

"As regards the establishment, it was found that the Education section was considerably over-worked, and, last January, sanction was given for the employment, temporarily, of one Superintendent and three clerks. That sanction expired in July and had to be extended because it was found that the permanent staff could not carry on the work. After careful examination we have decided that it is quite impossible to disband the establishment altogether and that a portion, namely, one Superintendent and one clerk, is necessary permanently. This accounts for Rs. 4,834 out of the total."

The demand was put to the House and carried and the grant was made.

VII

AMENDMENTS TO THE STANDING ORDERS OF THE MADRAS LEGISLATIVE COUNCIL.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to present the report* of the Select Committee that sat to consider amendments to Standing Orders Nos. 22 and 23 and move that the report be taken into consideration."

* Printed as Appendix VI on pages 604-605 infra.

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The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, I desire to move as an amendment—

'For the words and figures "at 2-30 p.m." substitute "at 2-30 p.m. the next day".'

"I know that there is a diversity of opinion on this point. But I desire, with your leave, Mr. President, to place before the House certain considerations which, I trust, will have due weight with hon. Members of this House.

"Let me concede at once and admit that the very object of a motion for adjournment of the business of the House in order to discuss a matter of what is termed 'urgent public importance' is to bring on the floor of the House to the notice of the authorities and of the House certain urgent matters of grave import so that they might be adequately discussed; and it may be that exceptional circumstances may demand a speedy discussion of such matters. I found it stated in one of the public journals that one of the objects of this amendment is to serve the convenience of His Excellency so that his intervention where it does take place might take effect after a sufficient interval. I do not propose to deny that; that is also one of the grounds on which this amendment is proposed. But there is another aspect which I would ask hon. Members of this House carefully to bear in mind. On numerous occasions have matters been brought too suddenly to the notice of the hon. Members of this House, and occupants of this Bench have found it very difficult to gather and collate their materials so as to intervene profitably in the debate and give such information as may be needed by hon. Members. It seems to me that the real object of a motion for the adjournment of the business of the House is to elicit full details and information, and to have a reasoned argument for or against any step that might be taken or contemplated by Government, and to bring any grievances to light. In order to meet this wish adequately some time is necessary. I have no doubt that the practice in the House of Commons will be invoked. There is no question also that in the House of Commons one day does not elapse between the making of the motion and its discussion. But the hours of sitting are quite different. Also, I hope it will be granted that the facilities for information are very different in the two cases. So many occasions have arisen where we have had to correspond with the district authorities to ascertain first hand what had happened and get the materials necessary. To give to the House the necessary information this interval is necessary. Also, hon. Members occupying this Bench will be tempted (I do not say that they will yield to the temptation) to give imperfect answers, or they may not be able to satisfy the House as thoroughly as they would like to. Let me give instances. I remember one hon. Member, I think it was Mr. Veerian, on one occasion during the last sittings of this Council moved or was about to move, for the adjournment of the business of the House in order to discuss the question raised by the events that took place in Kalpatty aghaharam in connexion with a procession that took place. Then it fell to me to say that we did not have the materials before us; and all that the Government was in possession of was a statement made in a newspaper which we could not take at its face value. I had then to ask the hon. Member to stay his hands. It will also be within the memory and recollection of many hon. Members here that they have been appealed to to defer making similar

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motions till the next day or so so that full materials might be collected. I think this procedure will serve two purposes. One is to enable the Government to collect proper materials for a proper handling of the question on the floor of the House and the other is that the discussion will be more real than it would otherwise be."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I second the amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"I am sorry that I have to oppose this amendment. As a matter of fact the motion is in terms 'urgent'; and in all urgent matters on which such a motion is brought up there is a sort of interest, enthusiasm and excitement. I am afraid that if the motion is not taken up the same day much of the enthusiasm, interest and excitement attached to it will disappear before the next day. I am sorry that I was not present at the time when my hon. Friend began his speech on the amendment; I came in only in the middle of his speech. In regard to a motion relating to the bank business, it was found as a matter of fact that His Excellency the Governor who has the last word on the admissibility of an adjournment motion, was not present on the spot. My hon. Friend, Sir K. V. Reddi, suggested on that occasion that His Excellency might be requested to be present in Madras when this Council was sitting. I believe it will be possible for His Excellency to be present in Madras to give his consent or veto it. But if for some State reasons it is inevitable he should be absent when the Council is sitting and if then a motion is brought before the House, I do not think there will be any insuperable difficulty in getting His Excellency to give his final opinion allowing or disallowing the motion. There is a precedent, if I remember rightly, and that occurred when the late Prime Minister Mr. Lloyd George made his notorious steel-frame speech. A motion for adjournment of the business of the House in connexion with that speech was informally communicated to the then Leader of the House, Sir Charles Todhunter, and before he had notice of this, His Excellency Lord Willingdon had made arrangements to leave Madras by special, I believe at 8-30 on the day when the motion was to have been made. The motion was handed over to your predecessor immediately after question time at about 11-30 a.m. What took place then was this. Your predecessor, and probably the Government Members also, telegraphed this motion to Lord Willingdon and before 4-30 p.m. on that day when the adjournment motion should have been taken under the then Standing Orders, a telegram was actually received disallowing the motion. So that on that occasion it was possible for the Governor to bestow his mind and give his ruling. For these reasons, I think, there is no special inconvenience in having the motion taken up the same day. On the other hand there is a lot to be said against the motion being held over for discussion till the next day. If the hon. the Law Member thinks that 2-30 on the same day is really early, then probably a more suitable time might be fixed the same day, say 3-30 or so."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I say this that there is no difficulty about having it at 2-30 or 3-30 if it be on the same day. I stated that my arguments were based not only or solely on the consideration of the convenience of His Excellency but also the time that was necessary to procure all available materials."

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Diwan Bahadur M. KRISHNAN NAYAR:—"Then with regard to the difficulty of getting information, there is again another precedent. On the 18th February 1921, the occasion on which the first adjournment motion in this House was made—the motion relating to the arrest of three persons in Calicut—the motion was made at about 11-30 a.m. and the then Leader of the House, Sir Lionel Davidson, telegraphed to the authorities concerned immediately after the motion was allowed, and, before 4 o'clock the same evening, got the necessary information for discussing the motion. So that even with reference to the statement that the Government are not likely to be furnished with the necessary information, I do not think it is an insuperable difficulty. For all these reasons, I think, it is better that we discuss the motion on the same day."

The RAJA OF RAMNAD:—"Mr. President, I would suggest for the kind consideration of the hon. the Law Member whether he cannot make his motion somewhat elastic, i.e., by saying 'the same day or the next day'. My reason is this. There are matters which may not require any information to be obtained from the mufassal. For instance the discussion on the speech of Mr. Lloyd George does not require any information from the mufassal. So that we can provide for the taking up of the motion the next day whenever that is necessary. I think that will satisfy my hon. Friend Mr. Krishnan Nayar. There is another practical difficulty in accepting the amendment as it is."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"In order to facilitate discussion and arising out of the remarks of the hon. Member, I may say that I am perfectly willing to substitute 'at 2-30 p.m. that day or the next day, at the discretion of the President'. The hon. the President will look to all the circumstances and decide the question."

The RAJA OF RAMNAD:—"I was just mentioning another difficulty. If the motion for adjournment is made on the very last day of the sitting, it will necessitate either an additional sitting on the next day or it will be inoperative. So if the words 'the same day or the next day' are added then there will be no such difficulty."

Mr. S. SATYAMURTI:—"Mr. President, Sir, I must acknowledge my indebtedness to the hon. the Law Member for his ready willingness to accept the suggestion made by my hon. Friend, the Raja of Ramnad, to have the adjournment taken up at 2-30 p.m. the same day or the next day. But I am sorry I cannot reciprocate that kindness by accepting the suggestion he has made. For, the matter raises important constitutional issues which cannot be settled on grounds of pure convenience. I want to remind this House, Mr. President, that it is an ancient right of all parliamentary assemblies, that when a certain section of the House considers that a matter is of sufficient urgency and of sufficient importance, it is an undoubted right of that House, to adjourn as early as possible after leave has been given in order to discuss that matter. Sir, hon. Members may remember that there is no provision with regard to this matter in the Government of India Act and it arises only in the rules made under that Act. The rules are copied as far as possible from the practice prevailing in the Mother of Parliaments, except this—and perhaps that is consistent with the traditions of the bureaucracy—that there is an additional rule that this right to move the adjournment is subject to disallowance by His Excellency the Governor—a disparity which is not found

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in any other parliamentary chamber. It seems to be somewhat of an irony that the hon. the Law Member, himself a liberal in Indian politics, should, at the very moment when the Muddiman Committee is supposed to be honestly trying to extend the scope of the rules, be standing here one fine morning and telling us 'we should be willing and consenting parties to giving the executive head of the province more time, more facilities and more convenience to disallow a motion when the leave of this House and when your leave, Mr. President, have been given'. I certainly congratulate the hon. the Law Member upon his boldness but not on his political vision. It seems to me that this is not the time when we ought to be willing parties to such a course. If the Government want to make any rules, let them make. But why should this House by a Standing Order imposed upon itself create this additional disability of waiting till the next day for discussing a matter which is admittedly of urgency and of importance? My hon. Friend, the Law Member, was candid enough, and I thank him for that, to admit that to accept this amendment may be defeating the very object of the motion for adjournment to discuss a definite matter of *urgent* public importance. And yet, having admitted that, he advances only two arguments. He refers to the convenience of His Excellency the Governor. On that matter it seems to me that some more light may be thrown. If hon. Members will kindly look at the Legislative Council Rules, they will find that rule 22 gives the power of disallowance to the Governor. Rule 22 (2) says:

'The Governor may disallow on grounds as aforesaid any motion for adjournment under rule 11, notwithstanding the consent of the President, and if he does so the adjournment shall not be permitted by the President and no further discussion of the motion shall take place.'

"Now, Sir, there are only two reasons under which the Governor can disallow the motion, viz., 'on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the local Government'. These are the only two grounds on which, I am sure, any Governor who is in touch with the Presidency will be able to make up his mind in the course of *half an hour*. I do not think giving him one night to sleep over will improve matters. Since these are the only two grounds on which he can disallow, I don't think time is wanted. The other argument that is advanced is the possible absence of His Excellency. I do not think we need contemplate that after what has happened. I believe that hereafter for the 50 or 60 days when the Council is actually sitting even if His Excellency will not be here, there are telegraphic and postal conveniences which can be availed of.

"Again my hon. Friend has stated that the last word rests with the Governor, and it is for him either to allow or disallow. I beg to correct him. The last word does not lie with him. He may, if he likes, exercise his last voice. Even if he does not say anything, we can go on with the motion. It is for the Governor to take steps to disallow the motion and if he does not, we can go on. We need not wait for his allowance. Therefore we need not make a provision for that.

"My hon. Friend was on somewhat firmer ground when he talked of the inconvenience of the Treasury Bench. After all, these matters relate to subjects which are primarily the concern of the local Government and these Members on the Treasury Bench, as we know, are very efficient people, very constantly in touch with the public, with an efficient and beautiful bureaucracy under them and as such they ought to be able in the course of a few hours to find

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out exactly the details of a particular matter which agitates hon. Members of this House and the public. After all that is not the last opportunity for the Government to deal with the matter. It is the earliest opportunity which the House wants to take in order to focus public opinion on the particular matter. If the Treasury Bench wants to give us further information there are avenues open to it. But certainly to say 'we want further information; therefore we want to have another day', is frustrating the very object of the motion which is to discuss a definite matter of *urgent* public importance.

"Again, Mr. President, the House of Commons procedure has been referred to. The Treasury Bench in this Council has a very pleasant habit of throwing the House of Commons procedure in our face when it suits them, and of saying that it does not suit India when it does not suit them. We cannot have it both ways. Let us follow it, or let us not. My hon. Friend talked of the hours of the House of Commons. I do not know if 8 p.m. is more convenient than 4 p.m. My hon. Friend knows that at 8 o'clock the House automatically adjourns, and the motion is made at 4 o'clock."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"The interval between 12 and 2-30 is shorter than the interval between 2-3 and 8."

Mr. S. SATYAMURTI :—"I am obliged for the correction. It seems to me that the hon. the Law Member is making a very clever use of an amendment which we have accepted. I want to trace the history of this amendment. The hon. Member gave notice of an amendment to substitute '2-30' for '4' in order to avoid some inconvenience. The net is spread and he now comes and says '2-30 is too early, therefore give us at least 24 hours'. I am perfectly willing to have the old system. In the House of Commons the motion is made formally at 4 o'clock after Question Time and between 4 and 8 o'clock there are exactly four hours. Here between 12 and 4 o'clock we will have also four hours.

"Then, my hon. Friend referred to the shortness of the distance in Great Britain. But the British House of Commons governs the British Empire on which the Sun never sets, and it is perfectly open to any Member there to move an adjournment as to what happened in South Africa, in New Zealand, India or anywhere else, and even on that the Treasury Bench cannot ask for time till the next day. They must be prepared willy-nilly with their answer within four hours after the motion is made. Therefore, when even the most mighty House of Commons which governs one-fifth of the human race can go on at a few hours' notice with an adjournment motion concerning any of these various places and races and no difficulty has happened, to say that in Madras we cannot discuss these things because it is a much bigger Presidency, is ignoring fundamental facts.

"Then, my hon. Friend said, 'we would not be in a position to make as full a statement as we would like to make, if really we were given more time'. I have not got much faith in that theory. If from 12 o'clock to 4 o'clock they are not able to get any information, they are not going to change their position in 24 hours.

"Again, I do not see why we should always be forward in making constitutional changes of a reactionary character. In Bombay, in Bengal, in Delhi, in Nagpur and everywhere else, they are not having any difficulties whatever with regard to motions for adjournment. Is it suggested that what

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is possible in Bombay, in Bengal and in other provinces is impossible in Madras? Has any Law Member or any other Member corresponding to that dignified office here brought forward this motion in any other province? Why should we in Madras alone make an attempt to go backward? If the hon. the Law Member cannot go forward, let him at least remain still instead of setting the clock of progress back. No inconvenience has been suggested and no inconvenience has been proved and it seems to me that it will be a most dangerous precedent for us to go back upon a well-valued privilege. As my hon. Friend, Mr. Krishnan Nayar, has pointed out, the very object of the adjournment motion is to focus public opinion and interest in the course of the same day and as the *Hindu* pointed out very rightly yesterday the amendment, if accepted, will reduce this power to little less than farcical. I, therefore, very strongly oppose this amendment and I appeal to every side of the House to support me in this, because it is a privilege of the House and not of any section thereof."

Mr. M. RATNASWAMI:—"I also beg to oppose the suggestion of the hon.

1 p.m. Member, the Raja of Ramnad, because I think it is a very dangerous amendment. I cannot understand the willingness of the hon. the Law Member to accept that amendment. I am afraid 2-30 p.m. on the same day or the next will generally mean in almost all cases the next day. I think it is putting a very unfair strain upon the discretion of the hon. the President to ask him to decide whether it shall be the same day or the next.

"In regard to the point which the hon. the Law Member made much of, viz., that Government would be able to supply more information if they were given more time, I am afraid I am not at all impressed by the argument. With all the time at the disposal of the hon. Members of Government, in regard to questions put by Members of this House, we see that in very many cases the answer is as scrappy as possible, and I do not think that the extension by a day would make the answer of Government anything more complete or fuller. I therefore think in view of the very strong arguments advanced by the hon. Member for the University and the hon. Member Mr. Krishnan Nayar we should either stick to 2-30 p.m. on the same day or continue the old procedure."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I just want to say a few words. I want to be clear as to whether having the adjournment motion on the same day will not lead us sometimes to difficulties. I am not at all concerned with the convenience of His Excellency the Governor or of the Government. His Excellency may be absent somewhere hunting in a forest and even 24 hours' notice will not be sufficient then, and Government also may, even if time is given to them, give only convenient answers. But so far as private members are concerned, I would place before the Council the desirability of considering whether it would not be advisable to put some power either in the hands of President or of the House itself when necessary to have the motion the next day. Suppose one day an adjournment motion of a very important character is sprung upon the House, and some members, even a considerable number of them, want time either to get information or to consider the matter. It may be some matter in which a party wants time to consider the matter and arrive at a decision. Therefore, I think the ordinary rule may be that the motion be discussed the same day, but in exceptional cases, when the House

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thinks it necessary it may adjourn it to the next day. There may be some questions affecting various communities or involving various interests. Therefore I think we should have an amendment like this, namely, that the motion may be either discussed the same day or at the discretion of the President may be taken up the next day. I do not see why we should not lead the other councils in this country or even in England, or why we should be bound by anything that takes place in other places."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I think the House should feel indebted to the hon. Members who have spoken in regard to this matter for their exposition of the other side of the case, and if I intervene for the purpose of clearing certain misconceptions it is not that I feel it incumbent on me to forge one more fetter round the freedom of this House, but because I feel convinced, Mr. President, that the course that I propose will lead to the convenience and the more adequate and thorough discussion of a matter which in its very nature and by its very description is one that deserves and ought to deserve complete discussion. It was asserted by one hon. Member that the answers to questions are already so scrappy that it does not really matter whether in the case of a motion for adjournment of the House the Government pursued its course and made its answers or statements as scrappy as the answers to those questions. I do not set that ideal before myself. I set before myself the ideal that a Member of the Government confronted with a motion for adjournment of the House, which twenty Members of this Honourable House feel to be of urgent public importance, is not doing his duties properly, is not discharging his functions adequately, unless he makes a full statement, as full as the circumstances would warrant, and it is because I am jealous that such full statements should be demanded from hon. Members of this House, it is because I desire to place a higher standard upon the performance of the Members on the Treasury Bench, that I am anxious that the fullest discussion should be permitted and the fullest material made available for discussion."

Mr. M. RATNASWAMI:—"May I ask, Sir, if this ideal is applied to the answering of questions?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is taken for granted by the hon. Member who interrupted me that this ideal has not been applied. If such an ideal has been departed from or derogated from, it is open to Members to draw pointed attention to such derogation from such ideal. I take it therefore, Sir, in the absence of any specific protest from Members of this House

Mr. M. RATNASWAMI:—"I have already made such protests. Time and again, hon. Members of this House have protested."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I take it that they have received satisfaction."

Mr. S. SATYAMURTI:—"Never, Sir."

Mr. M. RATNASWAMI:—"The only answer in several cases is: Government have no information."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If they have no information, are they expected to say anything else? It is because I do not wish to say in answer to a motion for adjournment that 'Government have no information'

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that I say this. It is quite easy for me to come in at 2-30 and at the end of the first speech get up and say that Government have no information. That cannot usefully add to the debate and no object would be served thereby.

"One hon. Member said that ventilation of public opinion is what is wanted. Ventilation may take place in a hundred different ways. I take it that ventilation consists in putting forward a motion for adjournment and it will have to be answered by Government to the extent it is capable of answer. I do not propose to deal with other matters at present. But it seems I must say that I am very grateful to the hon. Member for the University for his opening remarks in which he made it fairly clear that the Committee for Reform is going to widen the powers of the Council. It is a piece of information which is undoubtedly gratifying to me and I take it that a similar hope is cherished by the hon. Members of this House. Without taking the sugared compliments paid to the undoubted efficiency of the Treasury Bench, I may say that it is because the Members of the Treasury Bench did not feel quite at one with the hon. Member for the University and did not feel so sure of their efficiency as he apparently does believe, (laughter) that this amendment was brought in. The Government think that they can better their cause by placing some more information at the disposal of the House, and it is because they are not so thoroughly convinced of their omniscience as the hon. Member for the University, that I made this motion. It is again gratifying that the tribute to the omniscience and efficiency of the Treasury Bench should come from a quarter from which we do not often get such tributes."

Mr. S. SATYAMURTI:—"I am sorry, Sir, my irony was lost on the Treasury Bench."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am sure hon. Members knew that when I spoke of the hon. Member as paying a compliment to the Treasury Bench, I spoke ironically; we know each other so well and understand each other's attitude so thoroughly; mutual irony is a matter to which all sections of the House have grown accustomed, and, certainly, I am not going to take the compliments of the hon. Member for the University at par."

"But that apart, he then spoke of some trap into which this House was led with regard to the fixing of 2-30 p.m. Let me remind this House of the fact that hon. Members have complained to me from time to time and have complained to the Leader of the House that meeting at 4 o'clock and going on till 6-30 seriously interfered with their other engagements, that they had committees and other engagements in other parts of Madras, and that when the motion for adjournment takes place the House should rise at 5 p.m. It is in order to satisfy this demand that the hour has been fixed at 2-30 and during the discussion that took place in regard to this matter it was considered that it would subserve the interests of all parties by fixing it the next day. If the hon. Members of this House think that Government should be ready with all the information that they can get—they have a right to expect the Treasury Bench to be thoroughly posted with all the information in a debate of this kind—I submit that a day's interval is not of such paramount importance as is now put forward; the advantages of having a full discussion on a matter which is agitating the public mind, intensely agitating the public mind as the very terms of the motion imply, would outweigh any disadvantages arising from the short delay of a day. Therefore I commend this amendment to the acceptance of the House."

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Mr. E. W. LEGH:—"I beg to move, Sir, that after the words and figures 'at 2-30 p.m.' be added 'or at 2-30 p.m. the next day at the discretion of the President'."

The hon. Mr. R. A. GRAHAM:—"I second the amendment."

The hon. Mr. C. P. Ramaswami Ayyar withdrew his original amendment.

Mr. S. SATYAMURTI:—"May I point out, Sir, that amendments of which notice has not been given, if objected to, can only be allowed by you?"

The hon. the PRESIDENT:—"It is a case, I understand, in which the general provisions as regards amendments hold good. The general clause is at page 2 of the Standing Orders. It merely says that an amendment which in the opinion of the President is frivolous should not be put up and so forth. I do not think that the amendment could be objected to on the ground on which the hon. Member is objecting to it. I shall leave it to the House."

Mr. S. SATYAMURTI:—"Sir, I am drawing attention, if 1-15 p.m. I may, to S.O. No. 46 (1) which says:

"If notice of a proposed amendment has not been sent to the Secretary 10 clear days before the sitting of the Council at which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend the order, allows the amendment to be moved."

The hon. the PRESIDENT:—"It applies to legislation only."

Mr. S. SATYAMURTI:—"But the whole procedure prescribed by that Standing Order applies to these amendments, otherwise this amendment would be wholly out of order. I am now raising this point, viz., that notice of this amendment has not been before us for 10 clear days and I object to the moving of this amendment. It is entirely in your discretion to suspend the Standing Order and allow the amendment. This amendment which raises a new matter is sprung upon us. I do not think it can be allowed at this stage."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I understand from the hon. the Leader of the Opposition that his party is prepared to vote on the matter."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The question is whether Mr. Legh's amendment is to be taken at this stage."

Mr. R. SRINIVASA AYYANGAR:—"Sir, if I will be in order I would like to move that instead of the words 'at the discretion of the President' the following words, viz., 'at 2-30 p.m. the following day if the House so desires' may be inserted. I shall make myself clear. Ordinarily at 2-30 p.m. the matter may be taken up that day. If, however, on account of some inconvenience or other considerations brought to the notice of the House it is found necessary to have it next day, then I submit there must be a provision permitting it. That is exactly what my amendment suggests. In a matter like this it is much better to take the sense of the House rather than leave to the discretion of the President."

Mr. J. A. SALDANHA:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not think that that particular amendment takes us any further. Because, it is open to the House now under S.O. No. 34, if they do not want to take it at 2-30 that day, to take it the next day. So that no amendment of that kind is necessary."

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Mr. R. SRINIVASA AYYANGAR :—" Unless the House otherwise desires, it shall ordinarily come up at 2-30. If that is the case there can be no difference of opinion."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That is just what I was saying. After the House has acquainted itself with the details or with the general outlines of the matter at 2-30 it is open to any Member to say that that matter be postponed to the next day. It is quite open to any Member to do so unless the interpretation is given that the general right of adjournment is precluded by the terms of the rules governing motions of debate. That is a matter which, it seems to me, is somewhat foreign to the discussion on which we have embarked, viz., whether normally it should not be left to the discretion of the President having regard to the circumstances of the matter."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I want to know whether we can go on adjourning a matter from day to day. So far as the motion for adjournment is concerned, the rule is peremptory, viz., that it shall commence at 4 p.m. and automatically terminate at 6-30 p.m."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I take it that the rule means and involves this, Mr. President, that once you begin to discuss a motion for adjournment that discussion commences at a certain time and closes automatically at a certain other specified time. Consideration of any subject is a matter which may be postponed, and, speaking subject to correction and subject also to further investigation, I do not believe that a motion *in limine* that is dealing with the consideration of that topic would be out of order."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if a matter can be adjourned to 12 o'clock next day and discussed till 6-30 p.m. that day?"

Mr. P. SIVA RAO :—" Sir, I do not think there is any necessity for amending the Standing Order in the manner suggested by the hon. Member from Cuddalore. In my humble opinion it is always open to the House to get any . . ."

The hon. the PRESIDENT :—" I think I must make it clear to the House that the amendment now under discussion is the one moved by the hon. the Revenue Secretary and seconded. The hon. Member from Cuddalore has spoken on that amendment, has opposed it and has suggested an amendment of his own. It may be that the House may desire to frame an amendment in the manner suggested in the speech of the hon. Member from Cuddalore. But, for the present, it is not now under discussion. It is open to the hon. Member from Bellary to discuss that amendment. But what we are now considering is the amendment moved by the hon. the Revenue Secretary."

Mr. P. SIVA RAO :—" If the amendment moved by the hon. Member from Cuddalore is not before the House . . ."

The hon. the PRESIDENT :—" His speech is before the House."

Mr. P. SIVA RAO :—" I may say that there is no object in moving such an amendment, because it will always be open to the House to adjourn any business on the agenda under Standing Order No. 34. All that Standing Order No. 22 says is that it will be taken up at a certain hour (at 4 o'clock as it now stands). It is open to the House to move a motion for adjournment and get it adjourned if the House does not want to discuss it and there is an end of the matter."

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[Mr. P. Siva Rao]

" Now, as regards the main amendment, I am strongly opposed to it for the reason that it will defeat the very object for which the Standing Order is intended. I lay special stress on the words 'matter of urgent public importance.' It contemplates urgent matters of public importance and therefore I do not think this amendment will be conducive to the privileges of the House. I may also say that this amendment if passed will be a serious inroad on the privileges of the House."

Mr. J. A. SALDANHA :—" I have seconded the amendment of Mr. R. Srinivasa Ayyangar. May I now speak, Sir?"

The hon. the PRESIDENT :—" The hon. Member should have spoken when he seconded the amendment. But that is another matter. I have not yet considered in what order I should put these amendments. The hon. the Law Member has withdrawn his amendment. Now, therefore, the question before the House is the amendment moved by the hon. the Revenue Secretary. If the House is so disposed, we might put that amendment first and the discussion of the other amendments would depend upon the fate of that amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I have a ruling on the point I have raised?"

The hon. the PRESIDENT :—" I am coming to that. I have first of all to dispose of the objection raised against the amendment moved by the hon. the Revenue Secretary on the ground of want of notice. I think it is in my discretion to allow the amendment, the sense of the House apparently being that it should be allowed. I allow it. What is the point on which the hon. Member from Coimbatore wants a ruling?"

Mr. C. V. VENKATARAMANA AYYANGAR :—" I simply want to know whether a motion for the adjournment of the House can be postponed for consideration to any time next day. Under the existing Standing Order it has to be taken at 4 o'clock that day."

The hon. the PRESIDENT :—" For the present we have to take the opinion of the hon. the Law Member. But I do not think the question of a ruling arises at present."

" The hon. Member Mr. Saldanha may now speak if he wants to, though should have spoken at the time when he formally seconded the motion of Mr. R. Srinivasa Ayyangar."

Mr. J. A. SALDANHA :—" Sir, this amendment serves the purpose the hon. the Law Member has in view. According to this amendment if reasons are shown that a motion requires to be adjourned for consideration on the next day, surely the House will be in a position to agree if convinced. I am sure the House will be reasonable enough to consider the reasons for the postponement. If it finds that the reasons for postponement are well supported by facts, it will surely agree. It is for the House to take it up as an urgent matter or not. If it finds that there are reasons for adjourning the discussion to the next day, it stands to reason that it would agree. This amendment will serve the purpose of Government as well as that of the Member who moves the motion for adjournment. For these reasons I second the amendment moved by my hon. Friend Mr. R. Srinivasa Ayyangar."

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The hon. the PRESIDENT :—"It is time to adjourn for lunch. After lunch I shall put the amendment of the hon. the Revenue Secretary first. If it is carried, there will be no occasion for considering any other amendment. If it is lost, I shall put Mr. R. Srinivasa Ayyangar's amendment to the House."

Mr. A. RANGANATHA MUDALIYAR :—"May I formally move an amendment that 4 p.m. be substituted for what the hon. the Revenue Secretary has proposed?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"That is really not necessary, Mr. President. Even as it is, it is only 4 p.m."

The House adjourned for lunch at 1-27 p.m.

After Lunch (2-30 p.m.)

The hon. the PRESIDENT :—"The House was engaged in the consideration of the amendment moved by the hon. Member, Mr. Legh, to the draft Standing Order. Does anybody want to make a speech about it?"

Mr. J. A. SALDANHA :—"On a point of order, Sir. I think the amendment brought forward by Mr. R. Srinivasa Ayyangar must come on first because it is an amendment to the last amendment."

The hon. the PRESIDENT :—"There can be no amendment to an amendment."

Mr. J. A. SALDANHA :—"It will be an amendment which will come last and I submit that it might be brought last."

The hon. the PRESIDENT :—"If it had been possible this amendment could have been incorporated in Mr. Legh's amendment and offered for acceptance in that form; but since it cannot be incorporated, the only question that has to be considered is precedence. I think Mr. Legh's amendment must come first."

"I shall put the question to the House. The hon. the Law Member's original amendment of which he gave notice having been withdrawn, the question is whether the amendment moved by the hon. Member, Mr. Legh, viz., that after the words 'at 2-30 p.m.' insert the words 'the same day or the next day at the discretion of the President' be accepted. Hon. Members who are in favour of the amendment will please say 'yes' and on the contrary 'no'. I think the 'noes' have it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I want a poll, Sir."

The bell was ringing for some time.

Sriman SASIBHUSHAN RATH Mahasayo :—"May I know if there is any precedence or rule as to how long we should wait after a division is called for?"

The hon. the PRESIDENT :—"The Standing Order says that division shall be taken in such manner as the President may direct. That is the only Standing Order we have on the subject."

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A poll was taken and the House divided as follows :—

Ayes.

- | | |
|---|--|
| 1. The hon. Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib. | 20. Mr. B. Ramachandra Reddi. |
| 2. The hon. Sir Arthur Knapp. | 21. Rao Bahadur P. Raman. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 22. Mr. P. Sagaram. |
| 4. " the Raja of Tanagal. | 23. " K. Sarabha Reddi. |
| 5. " Rao Bahadur Sir A. P. Patro. | 24. " C. V. Venkataramana Ayyangar. |
| 6. " Mr. R. A. Graham. | 25. The Raja of Ramnad. |
| 7. Mr. G. F. Paddison. | 26. Mr. R. Srinivasan. |
| 8. " E. W. Legh. | 27. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 9. " P. L. Moore. | 28. Mr. K. Veerian. |
| 10. " T. R. Venkatarama Bastriyar. | 29. " K. Venkatachala Padayachi. |
| 11. " S. Arpudawami Udayar. | 30. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 12. Rao Bahadur T. C. Tangavelu Pillai. | 31. Rai Bahadur T. M. Narasimbachari. |
| 13. Mr. P. K. S. A. Arumuga Nadar. | 32. Mr. T. M. Narayan swami Pillai. |
| 14. Rao Sahib P. V. Gopalan. | 33. Khan Bahadur P. Khalif-ul-Jah Sahib. |
| 15. Diwan Bahadur P. C. Ethirajulu Nayudu. | 34. Mr. Abbas Ali Sahib. |
| 16. Mr. C. Muttayya Mudaliyar. | 35. Khan Bahadur Haji Abdul la Haji Qasim Sahib. |
| 17. " B. Obalesappa. | 36. Mr. Muhammed Ghouse Mian Sahib. |
| 18. " T. Malleappa. | |
| 19. " K. S. Ponnuswami Pillai. | |

Noes.

- | | |
|---|---------------------------------------|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 14. Mr. S. Muttayya Mudaliyar. |
| 2. " A. S. Krishna Rao Pantulu. | 15. Rao Sahib U. Rama Rao. |
| 3. " T. A. Ramalinga Chettiyar. | 16. Mr. G. Rameswara Rao. |
| 4. Mr. J. A. Saldanha. | 17. Sriman Sasibhushan Rath Mahasayo. |
| 5. Dr. P. Subbarayan. | 18. Mr. M. R. Soturatnam Ayyar. |
| 6. Mr. A. Ranganatha Mudaliyar. | 19. " P. Siva Rao. |
| 7. " S. Satyamurti. | 20. " R. Srinivasa Ayyangar. |
| 8. " T. Adinarayana Chettiyar. | 21. " V. C. Vellingiri Gounder. |
| 9. " P. Anjaneyulu. | 22. " P. C. Venkatespati Raju. |
| 10. " C. Gopala Menon. | 23. " M. Ratnaswami. |
| 11. " K. Koti Reddi. | 24. Diwan Bahadur M. Krishnan Nayar. |
| 12. " J. Kuppuswami. | 25. Mr. M. Sestayya. |
| 13. " C. Maruthavanam Pillai. | |

Ayes : 36. Noes : 25.

The amendment was declared carried.

The hon. the PRESIDENT :—"The House has now to consider the report of the Select Committee on Standing Orders 22 and 23. The House has the Standing Orders before them as amended. The Standing Order, as amended, will read :

"22. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the Member has the leave of the Council. If objection is taken, the President shall request those Members who support the motion to rise in their places, and if twenty or more Members rise accordingly, the President shall intimate that the motion shall be taken at 2-30 p.m. the same day or the next day at the discretion of the President."

"As a result of moving amendments on the spur of the moment some ambiguity has crept into the wording of this Standing Order."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We may have '2-30 p.m. the same day or at 2-30 p.m. the next day at the discretion of the President. I formally move that the wording be changed in this way."

The amendment was seconded, put to the House and carried.

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Standing Order No. 22, as amended, was put to the House and carried.

Standing Order No. 23, as amended by the Select Committee, was then put to the House and carried. It was as follows:

' 23. (1) *The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 5 p.m. and thereafter no question can be put.*

' (2) *No speech during the debate shall exceed 15 minutes in duration provided that it shall be within the discretion of the President to allow the mover and the Government Member answering him to exceed the said limit of time.*

Standing Order No. 69.

Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, I beg to present the report* of the Select Committee appointed to consider draft amendment to Standing Order No. 69 of the Standing Orders of the Madras Legislative Council and move that the report be taken into consideration."

Mr. E. W. LEGH :—" I second it."

The hon. the PRESIDENT :—" It has been moved and seconded that the Report of the Select Committee appointed to consider draft amendment to Standing Order No. 69 of the Standing Orders of the Madras Legislative Council be taken into consideration. The Select Committee consider that the amendment proposed is generally suitable and recommend that it may be adopted with the following verbal modifications :—

(i) ' *the substitution of the words " read out to the Council " for " read to the Council " in clause (2) ' and*

(ii) ' *the omission of the word " informally " in clause (3) '.*

" The Standing Order as revised will stand thus :

' 69. *Communications from the Governor to the Council are made—*

' (1) *by a speech ;*

' (2) *by a written message addressed to the President and read out to the Council by the President ; and*

' (3) *through a Member of the Government '.*"

Mr. M. RATNASWAMI :—" Sir, I beg to oppose this motion. As already pointed out I think the provisions in clauses (i) and (ii) are quite enough to meet the needs of the communications to the Council from the Governor. If His Excellency the Governor sends a message to the Council it is either as the head of the Province or as the head of the Government. As the head of the Government he has got sufficient and competent representatives in the Members of the Treasury Bench who can support or speak on behalf of his policy, to which they are committed. To this House it is they that are responsible either directly as Ministers or indirectly as Members of the Executive arm. If as the head of the Province he has a message to the Council he can communicate it by a written message addressed to the President and read out to the Council by the President, or by a speech. So I do not see any reason for allowing Members of the Government to deliver messages of the Governor to this Council ; because the only case of

* Printed as Appendix VII on pages 605-606 infra.

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instances in which Members of the Government are expected to speak on behalf of the Government would be on questions on which they are competent to speak as Members of Government themselves. Therefore I do not see any reason why the Governor should deliver messages to the Council through the Members of the Government. Therefore I beg to oppose the acceptance of this amendment as it stands at present."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, in the first place I think it will be conceded without much debate that the common and indeed the most common way of delivering messages from the Crown to the Houses of Parliament in England is through the Minister. And it seems to me that there is no reason or any special circumstances to depart from that practice here. Moreover I say it with a full sense of responsibility that the Standing Orders cannot prescribe the way in which messages can be transmitted by His Excellency the Governor. And the Standing Orders cannot by themselves *ipso facto* bind the Governor. At present His Excellency the Governor has indicated that one of the ways by which he will communicate messages would be through the Members either of his Executive Council or of his Ministry. It seems to me that the prerogative which he undoubtedly has, fortified as it is by the precedents of the House of Commons, need not be departed from, and we need not make differentiation especially as no reason has been assigned on the other side. It will be granted and it will be readily conceded that there is no point in this House taking the view that the message can only be communicated in one way and not otherwise. It is unnecessary really to discuss this matter. It is a well-known method of communicating messages, as indeed it will be evident when I recall to the members of this hon. House the passage in May's Parliamentary Practice, (page 540) :

' Another form of communication from the Crown to either House is in the nature of a verbal message, delivered, by command, by a Minister of the Crown to the House of which he is a Member.'

" This is a common place and in order to make it clear that informal communications may be omitted care has been taken by the members of the Select Committee to recommend that the word ' informal ' may be omitted and that there should be only a formal communication by the responsible Member or Minister. Subject to these alterations I submit, Sir, that the amendment is one which could be accepted."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I am sorry I cannot really accept the position taken by the hon. the Law Member in this matter."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I may say that without a single exception every other province has this practice of communication of messages from His Excellency the Governor to the Council by a Member or Minister. The Legislative Assembly has it ; the Council of State has it. It so chances that this is the only Council in India which has got this lacuna."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" The analogy of the British Parliament will not hold good at all in this particular case. There the King is a constitutional Monarch who is supposed to speak through his Ministers. The messages are very often the messages of the Ministers themselves. It is not a case like India where we are ruled by a written constitution which vests in His Excellency the Governor several powers which he is supposed to exercise after personal thought and personal consultation

[Mr. T. A. Ramalinga Chettiyar] [3rd December 1924]

with others, if necessary. In a large number of cases, His Excellency the Governor has to use his personal discretion. In such cases, we can't say that whatever message is delivered by the Member is also the message of His Excellency. It is unnecessary for me to say that a verbal message given through a Member is likely to lead to difficulties. Verbal messages cannot be of an accurate character and it may not really convey to us what His Excellency wants to convey to us. I do not say that any Member of Government is likely to misrepresent or mislead us. That is not my position at all. When a matter is conveyed verbally, it is likely that the Members themselves might have understood the things in a way different from what His Excellency intended.

"It has been said that the Standing Orders do not bind His Excellency the Governor who can send messages in whatever way he chooses. The answer to that is that Standing Order No. 69 is out of place."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"As a matter of fact, Sir, except in this Council, in every other place it is not a Standing Order at all. It is only stated that it is a matter of practice. I think it is a mistake here. In every other province it is not put as a Standing Order."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I would understand the hon. the Law Member if he had brought in a motion for the repeal of Standing Order No. 69. If we are going to make ourselves responsible, the procedure must be as we determine it and not as somebody else wants it. We are here to frame the Standing Orders and if the Standing Orders we frame do not bind anybody, the sooner we give up our work of framing Standing Orders the better it will be. If His Excellency the Governor thinks that an expression of opinion of this House ought to command his agreement also and if he is prepared to defer to our wishes, he can very well accept this. After all, the Standing Order is to be accepted by him and without his assent the Standing Order won't be valid.

"All that we are trying to do with reference to the Standing Order is to
3 p.m. express what we want to be done with respect to these messages.

So, I do not see anything in that objection also. As I have said verbal messages are likely to lead to trouble and they are also likely to lead to the sending of messages without the due consideration that is absolutely necessary under the constitution as it is framed on the part of His Excellency. There is a lot of discretion vested in His Excellency the Governor and he has to deeply consider over matters before he takes any particular action. In such matters, a written message is necessary as we all know that more care will be spent on framing a message to this Council than in simply asking somebody to place it before this House. I agree in remark of the hon. Member, Mr. Ratnaswami, in his dissenting minute that it is due to this House that all messages sent to it are in a formal manner and are also in keeping with the dignities of the House and not in the way in which it is proposed to be done. For all these reasons, I join my hon. Friend, Mr. Ratnaswami, in opposing this motion."

Mr. S. SATYAMURTI :—"Just before we rose for lunch, speaking on another amendment to the Standing Orders, I said, Sir, that the Members on the Treasury Bench quoted May's Parliamentary Practice when it suited them and ignored it when it did not suit them. I did not expect such an early

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practical demonstration of the truth of what I was saying, this attempt of those who are on the Treasury Bench to say always: 'heads I win and tails you lose'. If May says that messages may be given through Members of Government, that is all right. If he says that adjournments must be made on the same day, 'we are not going to have it.' I do hope that this House will consider this matter with the attention which it deserves.

"Sir, no case has been made out whatever as to why this new power is asked for for the Governor sending messages through a member of the Government. The analogy based on the British Parliament cannot at all hold good with any one who understands the British constitution and the Indian constitution, if I can call the Indian Government as framed by the Act a constitution at all. Under the British constitution the King is a figure head. He speaks not only in theory but in practice only through his Minister. He has no opinion of his own on the current problems of the day. He has to speak only through his Minister, whereas under the Government of India Act, the Governor has got very important statutory powers vested in him with regard to Bills, financial matters, supplementary grants and the like. What is communicated to us in respect of these matters is not the decision of the Treasury Bench talking in the name of a Governor's message but the Governor's own expression of will as to whether a Bill is to be allowed, returned, vetoed, certified or what grants shall be moved or demands certified. These very important powers are statutorily vested in the head of the province and it is but right that when messages come from him, they ought to come in a definite form specified by a speech or by a written message addressed to the President and read to the Council by the President. What are the practical inconveniences of that course? The hon. the President is, I think, available throughout the year in the precincts of the Fort St. George when the Council is in session. And if the Governor can find time to send for his Members of Government and communicate to them his message, he can also adopt the method of sending a message in writing to the President; he can dictate to the stenographer or any one who takes down his message and gets it signed by him. It could be sent to you, Sir, as the head of the House and you can read it to us as His Excellency's message. Why should it be sent through the Members of the Treasury Bench? The hon. the Law Member said that in the Assembly, in the Council of State and in other Provincial Councils this practice prevails. Again I say, Sir, my earnest argument which fell on deaf ears to the majority of this House this morning was that in every Council in this country including the Provincial Councils and the Assembly, adjournment motions are taken on the same day. But they brush that aside and advance the same argument now and say that every other House has got the same practice. The hon. the Law Member said that the Governor can do what he pleases; we are only conferring upon him an extra privilege; he is not bound by our Standing Orders. When I am asked to vote upon the matter, I must be allowed to express my opinion on it. If the Governor thinks that he has power to do it in a particular way and if he is so advised, let him do so. But when I am asked to vote, it is pointless and irrelevant to suggest that your Standing Orders will not bind him. If the Standing Order will not, let him repeal it. If I vote, let me say exactly in what manner, in my humble judgment, the message ought to be conveyed.

"It seems to me, therefore, that no practical inconvenience will result therefrom. And the analogy of other Houses cannot apply because we are

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building up unique traditions here. Let us not build up a fresh tradition in this matter and let us stick to the accepted practice which will be most convenient and consistent with the very responsible powers vested in the Governor by the Act."

Mr. A. RAMASWAMI MUDALIYAR :—"Mr. President, I wish to say a few words on the amendment. The hon. the Law Member was perfectly correct when he said that the analogy of the House of Commons bears out the position that he has taken in respect of this Standing Order. I have got the Manual of the Procedure of the House of Commons and I wish to read from it. Standing Order 251 says :

'Communications from the Crown to the House of Commons are made :—
(1) by a message, under the Sign Manual or otherwise;
(2) through a Minister of the Crown;
(3) through a Privy Councillor.

"And then, the next Standing Order is rather interesting and I would invite the attention of the House to it :

'A message under the Sign Manual may be sent for the purpose of announcing some important public event which requires the attention of Parliament or to inform Parliament of an emergency which occasions the calling out for service of the territorial and reserve forces, or to request a provision for the royal family, or a grant for the reward of persons who have done distinguished service to the Empire. The message is brought by a member of the House who is a Minister of the Crown. He appears at the bar, informs the Speaker that he has a message from the King to the House, signed by the King himself, and then, on being so desired by the Speaker, brings the message up to the chair and delivers it to the Speaker who then reads it to the House. Whilst the message is being read, members remain uncovered.

'Messages not under the Sign Manual, and of a less important character, such as replies to ordinary addresses, are brought by a member of the Royal household (being a member of the House) who appears at the bar for this purpose, and on being called by the Speaker reads the message at the table.'

"This is the important thing to which I would invite the attention of the hon. the Law Member :

'Communications of a less formal nature may be made to the House by a Minister of the Crown acting on behalf of the Crown.'

"Here there is no formality of procedure. The Minister does not come with a signed message; he does not come to the bar of the House and invite the Speaker's attention to the message of the Crown. This is of a more informal nature. Then below that, the comment says what the matters are.

"This question of messages from the Governor is raised mainly in connexion with supplementary demands. The House has taken the position that in the case of supplementary demands, a message from the Governor should be made before the demand is moved. An exactly similar thing is done in the House of Commons.

'The Minister of the Crown indicates the amount required for the public service by presenting estimates; signifies the recommendation from the Crown of a motion creating a charge upon the public revenues or revenues of India; signifies that the Crown places its interest in particular rights or property at the disposal of Parliament; and signifies the permission of the Crown to take proceeding for the election of a Speaker'.

"You will find, Sir, that there a distinction is sought to be made between formal and informal matters. In the case of matters which will arrest the attention of the House, the message is read and is intended to be conveyed to the House in a formal manner through a written message from the Crown delivered in a formal manner by a Minister of the Crown. Motions of less importance are brought to the notice of the House through a Minister of the

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[Mr. A. Ramaswami Mudaliyar]

Crown without the necessity for a written order from the Crown. I suggest Sir, that some such distinction should be made between these two classes I find from the Standing Order as proposed that there is no distinction of the kind sought to be made between important matters and matters which are more or less of a routine nature. It is perfectly true that in the original Standing Order there is the word informal. I believe that that word was not happy and I expected that a distinction like the one I have suggested would be made. If it were to be suggested that any message from His Excellency the Governor could be conveyed by a Minister or a Member of the Government, I certainly am not for that position. But it is certainly agreed that motions which are ordinary matters of routine though they require a message from the Governor may be brought by a Member of the Government. A great deal has been said about the distinction between the position of the Crown in England and of His Excellency here. We are all trying to develop constitutional institutions and responsible institutions. And I think it is the desire of every member of this House to see that when His Excellency says that a supplementary demand should be placed before the House, that matter should be as far as possible a matter of routine. That matter should be as far as possible a matter in which he is bound always by the advice which his Member or Minister gives. And therefore to elevate that to the position where His Excellency is asked to solely look into the matter and give his best discretion and advice and take personal responsibility would not really be developing on proper constitutional lines. On the other hand one reason why I would support this form of informal message through a Minister would be to emphasize the point that in these matters the approval of the message would really be a matter of routine on the part of His Excellency only to be carried out because the rules require it and not a case where his individual discretion in spite of the advice of a Member or a Minister should be exercised. From that point of view, Sir, I think it would be advisable to make provision for this informal message being conveyed from the Governor through a Member or Minister. I therefore suggest, Sir, that the hon. the Law Member could make that distinction in the Standing Order that is to say, that less formal matters might alone be brought forward by a Member or Minister, and that real addresses by the Governor in case of Bills and the like should be in the form of written messages to be presented to the House or to the President."

Mr. G. RAMESWARA RAO :—"Mr. President, Sir, I feel some difficulty in understanding the hon. the Law Member when he said that the Standing Orders did not bind the Governor. I would invite his attention to section 72-D of the Government of India Act, paragraphs 5, 6 and 7. Paragraph 5 reads :

'Provision may be made by rules under this Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of business in the Council, etc.'

"So, for the purpose of regulating the course of business in the Council rules must be enacted.

"Paragraph 6 then says :

'Standing Orders may be made providing for the conduct of business and procedure to be followed in the Council, in so far as these matters are not provided for by rules made under this Act.'

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"This paragraph therefore provides for Standing Orders. Paragraph 7 then says :

'Subject to the rules and standing orders affecting the Council, there shall be freedom of speech in the Governors' Legislative Councils.'

"So that this paragraph says that it is only subject to these two things that they shall be framed. What I understand from these rules is that these provisions conclusively prove that the rules made by Government under the Legislative Council Rules and the Standing Orders made by the Legislative Council are operative enough as against everybody concerned with the business transacted in the Legislative Council."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, I am afraid I have not been understood. His Excellency the Governor is not a Member of this House. What I said was that whereas he has certain statutory functions imposed upon him or vested in him by the Act, any rule-making power enabling this House to regulate the course of business in the Council or the procedure in the Council cannot bind His Excellency the Governor or anybody outside the House."

Mr. G. RAMESWARA RAO :—"This only insists on my reading in extenso paragraph 6 of the section. The paragraph says :

'Standing Orders may be made providing for the conduct of business and the procedure to be followed in the Council, in so far as these matters are not provided for by rules made under this Act. The first Standing Orders shall be made by the Governor in Council, but may, subject to the assent of the Governor, be altered by the local legislatures.'

"So every Standing Order that is made here is subject to the assent of the Governor and when the Governor gives his assent to it, I cannot for a moment understand how the order to which he gives his assent is not obligatory upon him. That is an order expressly providing for the method in which he is to communicate his messages and when such a provision meets with his assent, whatever the legal aspect may be, when the assent is given, His Excellency becomes a contracting party as it were and he is as much bound by it as the other parties to the contract."

"Therefore I suggest that there is not much force in the contention that the Standing Orders are absolutely nugatory as against the Governor. Moreover if the contention of the hon. the Law Member is that the Standing Orders do not bind the Governor at all, and that the Standing Order No. 69 itself is absolutely nugatory, then there is no meaning in retaining it in the Standing Orders. It would be as if we are enacting here all dead letters for the sake of nobody in the world. So if there should be any consistency in what we enact or say, if there is to be any meaning in what we do here, the Standing Orders must be binding on all. We do not simply sit here for mere child's play. So long as there is a Standing Order, let it be operative, or if not, let it be annulled. But I say that so long as there is Standing Order No. 69 which was passed by the Council, which has been approved of by the Governor, it becomes law and the Governor is completely bound by it. So I submit the rules are clear enough; they are for the guidance of the Governor who gives his consent thereto, and they are for the guidance of the Council which passed them."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am much obliged to the hon. Member for Anantapur for the legal position taken up by him, but the Government are advised that the exact opposite is the legal position."

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Mr. G. RAMESWARA RAO :—"Then, I would only suggest that it is a matter for amending the Act itself."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We have not been advised that the Government of India Act should be amended in regard to this matter."

Mr. G. RAMESWARA RAO :—"I am very sorry that the Government is not properly advised."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I am very sorry to interrupt the hon. Member but I do not think the Government can act on his advice, valuable undoubtedly as it is, in preference to that given by their constitutional advisers."

Mr. G. RAMESWARA RAO :—"I would not waste time in advising the Government on the legal position, but I say that the rules must be interpreted in the proper way and that the rules are there to be interpreted properly. We are laying down here rules for our own guidance as well as for the guidance of the Governor, and I cannot understand the advisability of having rules which bind nobody. This rule relates only to His Excellency the Governor, and if it does not bind the Governor, then there is no meaning in our enacting any rule so far as this provision is concerned. So, irrespective of the advice which the Government chooses to take, I stand by the position that a rule when passed has to be operative. If it is operative, let it have effect; if not, it must go out of the Standing Orders altogether. If the Standing Order has no binding or operative effect, then the amendment now introduced also may not have operative effect. In spite of what has been said by the hon. Member from Chingleput who drew a distinction between formal matters and informal matters, I suggest that the existing Standing Order provides for it. It says that a communication may be made either by a speech or by a written message. My hon. Friend from Chingleput says that it relates only to formal matters, and there are many matters less formal which are of a routine nature which His Excellency may desire to communicate to the Council and therefore a written message need not be insisted on. But so long as the rules are clear, if His Excellency thinks it necessary to communicate—whether it is in his individual capacity or acting on the advice of the hon. Members in charge of the departments—he can reduce it to writing. He can do so relying on the confidence or responsibility of the Member in charge; the Member can write a note and it may be signed by the Governor and sent to the President of the House. Therefore I say that I am not able to understand the purpose of the amendment nor the distinction sought to be drawn by the hon. Member from Chingleput between formal and informal matters. If the matter is so informal, His Excellency can append his signature to his message in a routine way, even without reading it. The procedure is there laid down in the existing Standing Order and it has not been contended that it has caused any hardship on any occasion. Therefore I contend that the amendment put forward must be thrown out."

Mr. P. SIVA RAO :—"Mr. President, Sir, I do not think there is any real necessity for the amendment proposed by the hon. the Advocate-General. Now, Sir, the Standing Order 69, as it now stands, provides for communications being made to the Council by a speech; His Excellency comes here and

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addresses a few words to the Members of the Legislative Council. Secondly, a communication may be made by a written message. The Standing Order, as it now stands, does not provide by whom that written message is to be delivered. Now, the whole trouble the Government have brought on themselves by introducing this amendment is owing to the words 'written message', as meaning 'addressed to the President and read out to the Council by the President'. But if I understand the Standing Order correctly, from the words 'written message' now provided in the Standing Order, it is not necessary that it should be delivered by the President or that it should be communicated to the President, or that it should be read over by the President. It may after all mean a written message delivered to the Council, or read to the Council either by the President or by a Member of the Government. It is in that sense that I understand the quotation from May's Parliamentary Practice read out by the hon. Member from Chingleput and the hon. the Law Member also. The words quoted only mean that so long as a message appears under the sign manual of His Majesty the King, it does not matter who delivers it. But let us also see how far this present amendment carries us. It is to the effect that the communication may be either by a written message or through a Member of the Government. So, on a fine day it is open to any Member of the Executive Government to stand up and say 'I have had an interview with His Excellency the Governor and these are his views. He authorized me to communicate them to the Council'. There need not be any written message appearing under the sign manual of His Excellency the Governor who is the representative of His Majesty the King. The principle underlying the present Standing Order is that these communications should be formal and should be authoritatively made. There is absolutely no need for these amendments at all, and even under the present Standing Order, a written message provided it appears under the sign manual of His Excellency the Governor can be delivered by even a Member of the Government if I understand the Standing Order correctly, or by the President; because there is no condition that it should be addressed to the President or read out by the President. Therefore in the light of the humble interpretation which I seek to put on this Standing Order 69, there is absolutely no need for introducing a third mode of communication to this Council through a Member of the Government, which may be very informal, which may be after all a verbal message which is liable to misconstruction and misinterpretation. There is absolutely no need to introduce this amendment. The hon. Member from Chingleput said that some distinction should be drawn between formal and informal messages. But who is to draw this distinction? Who is to sit in judgment on the question as to whether a communication is formal or informal? It must be left to the construction to be put by the hon. Members of the Executive Council. In all matters in which they think fit to convey oral messages, they may say that they are not formal matters or that they are not such important matters. For all these reasons, I think there is no necessity for introducing this amendment. The Standing Order as it stands is sufficiently wide, and the hon. Members of the Executive Council can certainly come under it provided they secure a written message from His Excellency the Governor and it is open to them to read it in the Council."

Diwan Bahadur M. KRISHNAN NAYAR:—"With reference to what Mr. Ramaswami Mudaliyar has stated, may I ask whether it is not open to

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the Governor in accordance with this amendment to dissolve the Council or to prorogue the Council through a Member of Government? And may I ask my hon. Friend, the Law Member, whether it will not be open to him one fine morning to say that he has the authority of the Governor to prorogue the Council?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think, Sir, before this hon. House decides this matter, it is my duty to reiterate what exactly is taking place elsewhere."

Mr. S. SATYAMURTI:—"May I raise a point of order for your consideration, Sir? The hon. the Law Member is speaking for the third time on this motion. He is not in charge of the amendment, and I want to know what your ruling is on the matter as to whether he can do so. I know that it is in your reserve power to allow a speaker to speak as often as he wants, but is it right for Members of the Treasury Bench to speak thrice on a motion before the House?"

The hon. the PRESIDENT:—"If the House does not want to hear the hon. Member, I do not suppose he is very anxious to speak."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I do not propose to speak, Sir. The motion may be put to the House."

The question that the report of the Select Committee to amend the standing Order No. 69 be taken into consideration was put to the House and carried.

The question that the amendment of Standing Order No. 69 drafted by the Select Committee be passed was then put to the House and declared carried. Sriman Sasibhushana Rath Mahasayo demanded a poll, which was accordingly taken, and the House divided as follows:—

3-30 p.m.

Ayes.

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| 1. The hon. Sir Muhammad Habib-ul-Jah Sahib Bahadur. | 15. Rao Sahib T. C. Tangavela Pillai. |
| 2. " Sir Arthur Knapp. | 16. Mr. P. K. S. A. Arumuga Nadar. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 17. Rao Sahib P. V. Gopalan. |
| 4. " the Raja of Panagal. | 18. Mr. L. C. Guruswami. |
| 5. " Rao Bahadur Sir A. P. Patro. | 19. " B. Mahabala Hegde. |
| 6. " Diwan Bahadur T. N. Sivaganam Pillai. | 20. " K. Raghuchandra Ballana. |
| 7. " Mr. R. A. Graham. | 21. " T. Mallesappa. |
| 8. Mr. R. W. Davies. | 22. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 9. " G. F. Paddison. | 23. Mr. B. Obaiesappa. |
| 10. " E. W. Legh. | 24. " K. S. Ponnuswami Pillai. |
| 11. " P. L. Moore. | 25. " B. Ramachandra Reddi. |
| 12. " T. R. Venkatarama Sastriyar. | 26. Rao Bahadur P. Raman. |
| 13. " Abiulla Ghatala Sahib. | 27. Mr. K. Saibaba Reddi. |
| 14. " S. Arpudawami Udayar. | 28. " R. Srinivasan. |
| | 29. " P. V. S. Sundaramurti. |
| | 30. " R. Veerian. |

Noes.

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| 1. Mr. K. Prabhakaran Tampan. | 11. Mr. C. Maruthavanam Pillai. |
| 2. Rao Bahadur C. V. S. Narasimha Raju. | 12. " S. Muttayya Mudaliyar. |
| 3. " T. A. Ramalinga Chettiyar. | 13. " G. Rameswara Rao. |
| 4. Mr. J. A. Saldanha. | 14. Sriman Sasibhushan Rath Mahasayo. |
| 5. Dr. P. Subbarayan. | 15. Mr. M. Seetayya. |
| 6. Mr. S. Satyamurti. | 16. " M. B. Seturatnam Ayyar. |
| 7. " T. Adinarayana Chettiyar. | 17. " P. Siva Rao. |
| 8. " P. Anjaneyulu. | 18. " R. Srinivasa Ayyangar. |
| 9. " K. Koti Reddi. | 19. " V. C. Vellingiri Gounder. |
| 10. " J. Koppuswami. | 20. " P. C. Venkatapati Raju. |

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Noes—cont.

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| 21. Mr. C. V. Venkataranana Ayyangar. | 26. Rai Bahadur T. M. Narasimhaachari. |
| 22. „ Ohavadi K. Subrahmaniam Pillai. | 27. Mr. T. M. Narayanaswami Pillai. |
| 23. „ M. Ratnaswami. | 28. Khan Bahadur P. Khalif-ud-dah Sahib. |
| 24. Diwan Bahadur M. Krishnan Nayar. | 29. Mr. Muhammad Ghousie Mian Sahib. |
| 25. „ W. Vijayaraghava Mudaliyar. | 30. „ Abdul Hye Sahib. |

Neutral.

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| 1. S. R. Y. Ankineedu Prasad Bahadur. | 6. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 2. Mr. C. Muttayya Mudaliyar. | 7. The Raja of Ramnad. |
| 3. „ P. C. Muttu Chettiyar. | 8. Diwan Bahadur K. Suryanarayanamurti |
| 4. „ C. Ponnuswami Nayudu. | Nayudu. |
| 5. „ A. Ramaswami Mudaliyar. | |

The hon. the PRESIDENT :—“Thirty hon. Members have voted for the motion, 30 against it and 8 have remained neutral. I have to give the casting vote and in doing so I have to give it in such a manner that the proposition may come again before the House on a more definite vote. I vote against the amendment.”

The amendment was lost.

Standing Order No. 40.

The hon. the PRESIDENT :—“Mr. Saldanha has given notice of a series of amendments to Standing Order No. 40. I have to read out the draft amendments to the House. Standing Order No. 40 deals with the constitution of Select Committees. Mr. Saldanha proposes to add the following to clause (2) :—

‘The number of such other Members so nominated shall not, without leave of the House, exceed one-eighth of the Members of the Council present at the meeting of the Council at which the Bill in question is referred to the Select Committee or fifteen altogether, whichever number is less. Such leave shall not be moved for without notice.’

“I presume the hon. Member has given a Statement of Objects and Reasons which has been circulated in the House.”

Mr. J. A. SALDANHA :—“It has not been circulated.”

The hon. the PRESIDENT :—“I am sorry copies have not been circulated. I will give such instructions as to obtain the copy from the hon. Member and circulate it in the House in future. I am sorry that has not been done on the present occasion. The hon. Member says :

‘I may refer here to the proceedings of the meetings of our Legislative Council, dated 23rd October 1924 and 18th November 1924, and the leaderette on the subject (publication of the proceedings of Select Committees) in the Madras Mail of the day after. It is, I think, highly desirable that we should have some clear rules to restrict the enormity in the number of the select Committees as has been the case in respect to some recent Bills, in accordance with the practice of the House of Commons, the standing orders of which restrict the number of select committee members to 15 in the case of public Bills.’

“I suppose the House would prefer to put both the amendments separately. Therefore this is the portion of the Statement of Objects and Reasons so far as the first amendment is concerned. I have now to ask whether the hon. Member has the leave of the House to make the motion. (After a pause.) No objection having been raised, the hon. Member has the leave of the Council. Where a Member has the leave of the Council to proceed, the

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draft amendments shall be referred to a Select Committee of which the President shall be chairman, and of which the Deputy President, the Advocate-General and a Chairman of the Council—I should like the hon. the Raja of Ramnad, if he has no objection to be a Member of this Committee—shall be Members. The remaining Members who shall be six in number shall be selected by the Council by means of a single transferable vote in accordance with the regulations framed in this behalf by the President. Hon. Members are requested to give to the Secretary by 5-30 o'clock to-day the nominations of Members.

“Then I have to read the other amendment of which notice has been given by the same hon. Member to add another sub-clause to Standing Order No. 40 :

Add the following as sub-clause (5) of the Standing Order :

The proceedings of every Select Committee shall be treated as of a confidential character by every Member of the Select Committee and shall not be open for publication by any newspaper except such as are exempted from this restriction by a decision of a majority of the Select Committee.’

“The following is the portion of the Statement of Objects and Reasons relating to this amendment :—

‘and oblige the Members of Select Committees to observe secrecy as to Committees’ proceedings and prevent publication by newspaper unless permitted by the Committee. It is true that in the House of Commons there are Standing Committees consisting each of as many as 40 or more Members. But the House of Commons is a much larger body dealing with an enormous and complex legislation.’

“I have to ask whether the hon. Member has the leave of the House.”

Mr. A. RAMASWAMI MUDALIYAR :—“I object.”

The hon. the President put the question to the House and announced that as there were not more than twenty hon. Members in support of the motion the hon. Member had not the leave of the House.

Mr. S. SATYAMURTI :—“May I ask for a recount, Sir?”

The hon. the PRESIDENT in ordering a recount said :—“I do not think any hon. Members can stand now who did not rise on the first count.”

Only 20 hon. Members having stood up at the recount permission was not given to the hon. Member, Mr. Saldanha, to move the amendment.

VIII

THE MADRAS IRRIGATION BILL.

The Madras Irrigation Bill was then taken up.

The hon. Mr. C. P. RAMASWAMI AYYAR :—“I now move that the Irrigation Bill be passed into Law. I do not propose to speak at length on this motion. Suffice it for me to say that there are certain amendments, purely of a verbal character and consequential in nature, of which notice has been given either by the hon. the Revenue Secretary or the hon. the Advocate-General. I think I can promise the House that so far as the amendments are concerned they will not detain this House for more

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than a few minutes, at the most an hour. There are, I think, three or four matters of a different character as to which notice has been given and as to which I may have to raise a point but I shall not do that at the present juncture.

"Speaking at this point of time, I will only say that the labours of this House in regard to the Irrigation Bill have practically been completed. At this juncture, it is my duty to perform two tasks. In the first place, it is my obvious duty and I discharge that duty with great gratification indeed and with signal pleasure—to thank the various Members of this House to whom and to whose strenuous and unwearied labour this Council, and I may add the whole country, are indebted for the way in which the Bill has been moulded and the final shape it has taken. In pointing out or specifying the work of certain Members of this House, I am not to be understood as minimising the greatness and the complicity of the task that has fallen on every Member of this House. All of them had to consider and bear in mind the complicated and technical provisions of this enactment and had to hammer it into shape in order to serve the needs of the various interests which could not always be reconciled and in the harmonious reconciliation of which every Member of this House has, if I may say so, worthily and strenuously laboured. It is only those that were acquainted with the work, who have had the privilege of coming into close contact with the work of the Members of the Select Committee that can adequately appreciate the labouriousness of the task which confronted them and which they have discharged. Departing from the usual precedent—in this case a departure which was necessitated again by the technical character and the variety of interests affected—the Select Committee heard Counsel who omitted not to put forward every contention which could enable the Members of the Select Committee to bring about a correct determination on the points raised and the proper moulding of the law. It has been stated that in this Bill the Select Committee has yielded to the advocacy, the strenuous advocacy of the zamindar Members; that matter has been stated thoroughly widely. But it seems to me, Sir, that it is hardly worth while in this House to reiterate what is certainly my firm conviction that the Select Committee had no other object before it and certainly was not preoccupied with any other object than endeavouring to do justice to every vested right. They came to the conclusion that it was their duty to see that the rights *inter se* as amongst the Government, the zamindars and their ryots and the ordinary ryotwari holder are so adjusted that each one of them should lose nothing to which he is entitled and get no illegitimate advantage. I think I shall only be voicing the unanimous vote of this Council when I say that the thanks of the House are due to the Members of the Select Committee. I must not also omit to mention the conspicuous services rendered to the Council by the specialist Member, Mr. Varada Achariyar, whose work in regard to the Irrigation Bill has been of an outstanding character. (Hear hear). He brought to the fulfilment of his task capacities of a rare character, and what is more noteworthy than that, a spirit of sweet compromise and reasonableness and tried to adjust himself to the various demands, sometimes conflicting demands, that were made; and the readiness with which his help was given to every one who asked for it, Government Members as well as those who did not see eye to eye with the Government is worthy of appreciation. When I say all this, I am sure I am only echoing the sentiments of the hon. Members of the Select Committee and of the House in general. Sir, I do not mean to single out any other

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hon. Member for praise; but the work of the hon. the Advocate-General and the hon. the Revenue Secretary was so continuous, so laborious, so thorough, and of such high calibre, that I think I would be failing in my duty if I did not place on record my appreciation and the appreciation, I am sure, of the hon. House.

"It is not my purpose at the present moment to take a survey of the Bill as passed. But it will be remembered by this House that in many instances we have enlarged the powers of this House in regard to matters which till now were not within its direct cognizance. Under section 45, the levy of a water-cess has been treated as taxation and this is a great and notable departure in administration of subjects of this character. I think the House may well congratulate itself that it has found it possible to enlarge its rights and privileges in a matter of such paramount importance to the agricultural population of this country. Care has been taken by this House to see that as far as possible wherever private rights have been infringed or sought to be infringed or abrogated, they should have the right of recourse to courts. The supremacy of courts in these matters and the paramount interest of persons affected also have been emphasized in the Bill. There are many other directions in which departure has been made. All I wish to say is the work of the Select Committee and the House has been of such a character that the legislation which has been pending for over 50 or 60 years has been given some shape. I do not mean to say that any finality has been reached, but an attempt has been made towards legislation which was essential. I can, I hope, confidently rely on the support of the House for my motion for passing the Bill into law."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"I second the motion, Sir."

Mr. S. SATYAMURTI:—"I may be permitted to ask one question of the hon. the Law Member. May I know whether, in the form in which the Bill now is, the hon. the Law Member has any intention of advising His Excellency the Governor to return it with amendments for further consideration or to have resort to his certifying powers or to reserve it for the consideration of the Viceroy? I wish to have this information because the answer that might be given will decide the attitude of some of us. I only want to know whether the Government are going to accept the measure as passed by this House or whether they intend to have recourse to any of these ways."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The Government have not considered that question, and I think that question will not arise until after the Bill has been passed into law by this House. It may be that the Government may have to consider these matters but at the present moment they have not considered any such thing."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"May I know, Sir, whether the speech that has been delivered now and which we have listened to with great interest, and the question asked by the hon. Member for the University, imply that the number of amendments that are still awaiting decision are to be taken as omitted and whether we are in the last stage of the Bill?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Under Standing Order 49 when a motion is made that the Bill be taken into consideration, if no

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objection is taken it may be passed into law at once; but if objection is taken as was in fact taken in this case by the Leader of the Opposition, the Bill has to be brought forward at a future sitting for being passed with or without further amendments. I therefore renew my motion that the Bill be passed into law."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I do not know if such a motion was made."

The hon. the PRESIDENT:—"Standing Order No. 49 says that if after the Select Committee has reported and the report has been presented any amendment is made, any Member can object to the passing of the Bill at the same sitting. Hon. Members will remember, at least such of them as were present on the last occasion, that the hon. the Law Member made a motion for the Bill being passed into law. That motion was opposed by the hon. the Leader of the Opposition in order that we might be enabled to bring in certain consequential amendments. Then I allowed the objection to prevail and consequently it comes forward to-day and the motion which was postponed that day has been made to-day."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"That stage was perhaps reached the other day when the motion that the Bill be passed into law was made and when the Leader of the Opposition raised objection. How can we come back to that stage again?"

The hon. the PRESIDENT:—"But it has not been disposed of. The House is seized of the motion and it has to be disposed of."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I think that that stage was reached before we adjourned last month and the only question now will be to put it to the House whether the House will proceed with the amendments or whether it gives its assent to the Bill. We have had a speech to-day and I want to know at what stage we are now."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Under Standing Order 49 (3), objection was taken last time that the Bill ought not to become law then and after the lapse of three days under the Standing Order the Bill is brought forward to-day in this way."

Mr. T. R. VENKATARAMA SASTRIYAR:—"I understand the objection of my hon. Friend, Sir Venkatarreddi Nayudu, or rather the apprehension underlying the objection to be this. When it is moved that the Bill be passed into law and the motion is immediately put to the House, the result will be that the amendments will be shut out, and hence is it not necessary that the amendments should be put first? That seems to be the apprehension."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, Standing Order 49 (3) says:

'Where the objection prevails, the Bill shall be brought forward again at a future sitting, and may then be passed with or without further amendments.'

"Now the question is whether we have to pass the Bill with or without amendments. Notice of certain amendments has been given and the House has to consider whether the Bill should be passed with or without amendments."

The hon. the PRESIDENT:—"My view of the matter was this. All these are amendments to a motion. The motion was made the other day that the

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Bill be passed into law and that was adjourned. The hon. Member has made the motion again now and the amendments of which notice has been given will follow as a matter of course upon that motion."

Sriman SASIBHUSHAN RATH Mahasaya:—"I want to know whether we are entitled to object to that now."

The hon. the PRESIDENT:—"It is a point which has to be considered hereafter."

Mr. S. SATYAMURTI:—"Standing Order 45 says:

'When a motion has been agreed to by the Council that a Bill be taken into consideration, any Member may propose an amendment of such Bill.'

"Now Standing Order 49 (3) says:

'Where the objection prevails, the Bill shall be brought forward again at a future sitting, and may then be passed with or without further amendments.'

"I take it that the hon. Member's motion is that the Bill be passed into law in which case the amendments are not in order. The Standing Order says that it shall not be brought forward before the lapse of three days. Now, what is brought forward is the consideration of the Bill. So, we have to discuss the amendments if you rule them to be in order and after that it will be open to the hon. Member to move that the Bill be passed into law. That is my reading of these two Standing Orders put together. I think this is in consonance with convenience, because we cannot have these 60 or 70 amendments discussed on a motion that the Bill be passed into law. I do not see any rule or Standing Order under which we can move amendments to the motion that the Bill be passed into law."

The hon. the PRESIDENT:—"My difficulty is this. No doubt it is a moot point whether the motion to be made by the hon. the Law Member should be a motion that the Bill be taken into consideration or a motion that the Bill be passed into law. But it seems to me that there is one argument in favour of the procedure already adopted by the hon. the Law Member. The House was seized of a particular motion when it last adjourned. And that motion has not been disposed of. Under all rules of business, a motion that has been adjourned has to be disposed of first. Technically it is that motion that is to be disposed of."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"If a motion was already made and seconded and is not disposed of, is it necessary that the motion should again be brought forward and seconded?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It is the same motion as has been already brought forward."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Then does it require to be moved twice and seconded twice?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I suggest that the solution is much more simple than appears on the face of it. We had finished the consideration of the Bill. Then the rule provides that I may or may not move that the Bill be passed into law immediately. If it is moved immediately and seconded then it is open to any hon. Member to say 'Some amendments have been made in the Bill and I object to the passing of it immediately.' Then the motion has to be brought forward again after the lapse of three days. That is what has happened now. Last time I moved

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that the Bill be passed into law. It was seconded. The hon. the Leader of the Opposition objected. The period of three days having elapsed I have now brought it forward again under the Standing Order which says:

'The Bill shall be brought forward again at a future sitting and may then be passed with or without further amendments.'

"We have now come to this stage when we have to consider these amendments."

The hon. the PRESIDENT:—"There is a difference between obtaining an adjournment on an ordinary motion for postponement of the business under Standing Order 24 and obtaining an adjournment under Standing Order 49. In the case of an ordinary motion for adjournment the original motion need not be made again. But in this case the Bill has to be brought forward again. If we attach any meaning to that Standing Order, I think it means that the motion has to be made again at the adjourned meeting. It was open to the Government to have dropped the Bill if they wanted to. I therefore think it well that they should make the motion again."

Diwan Bahadur M. KRISHNAN NAYAR:—"Suppose an hon. Member of this House wants to oppose this motion—of course I do not want to do so—then which is the proper time for him?"

The hon. the PRESIDENT:—"If he wishes to oppose the Bill in general, it will be after discussing these amendments."

Mr. T. R. VENKATARAMA SASTRIYAR:—"I move—

'that in clause 1 after "192" insert "4".'

Mr. E. W. LEGH:—"I second the amendment."

Mr. S. SATYAMURTI:—"On a point of order, Sir. I rise at this stage because the difference which is sought to be made between verbal and substantial amendments does not apply to this Council. If you rule this amendment in order, then my humble submission is that the other amendments also are equally in order. If on the other hand you rule this amendment is not in order, then the course is clear. I make my submission under Standing Order 49 (3). It says:

'When objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.'

"My submission is that the Standing Order is conclusive on this point, that at this stage it is perfectly open to every Member of this House subject to the rules governing notice and relevancy of amendments to move any amendment either substantial or verbal. I am raising this point at this early stage so that we may not get into a mess over it and not know how to get out of it afterwards. This is according to the Standing Orders which I submit are binding upon this House according to the Government of India Act, section 72-D (6), which says:

'Standing Orders may be made providing for the conduct of business and the procedure to be followed in the Council in so far as these matters are not provided for by the rules made under this Act.'

The hon. the PRESIDENT:—"I think I understand the hon. Member's position, but perhaps he could adopt a more convenient method. If he wants a ruling as to whether a particular amendment could be allowed, he can say so. He can raise the point whether this particular amendment is in order; then I can give a ruling as to whether it is in

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order or not. But if he merely wishes to know generally whether the amendments of which notice has been given are in order as a whole or not in order, I do not think he would be in order. He has to raise the question with reference to each particular amendment as it comes up. In case he thinks it not necessary to object to this particular amendment, he should reserve his objection till we come to some amendment which is controverted; then he could maintain that that amendment is in order and I shall give him an opportunity of explaining his position. But in regard to this particular amendment unless his point is that all amendments are out of order at this stage, I do not think there is occasion for a ruling now."

Mr. S. SATYAMURTI:—"I am asking for some light. As I understand your ruling, it seems to me that there is a thought in your mind, if I may respectfully say so, that amendments are of two different categories, and according as they come under the one or the other, they may be or may not be in order or out of order. My humble submission is that all amendments stand on the same footing."

The hon. the PRESIDENT:—"I have said nothing as to my mind on this subject. (Laughter.) I hold myself entirely at liberty until the point is raised properly. But what I am saying is that the hon. Member is not raising his point of order properly. If he wishes to object to this particular amendment, he is at liberty to do so. If he wishes to object to all the amendments, he is at liberty to do so. But I do not wish to commit myself to any opinion in advance as to the admissibility of amendments at this stage. If the hon. Member has to make up his mind as to whether he will object to this amendment, I think it will be perfectly open to him to reserve his objection till the point is raised by some Member contending that a particular amendment is not in order. I shall give ample opportunity to hon. Members and I am not going to give a ruling in a hurry."

The amendment was put and carried.

Clause 4.

Sub-clause (2).

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I move:

'B. Between the word "includes" and the word "channels" insert "(a)".

C. For the words "by the Government or the whole" substitute the words "and (b) the whole".

D. Between the word "of" and the word "natural" insert "a".

"According to the first amendment, the sentence will read—

'Drainage work includes (a) channels, either natural or artificial, etc.'

"Then in the second amendment, I omit the words 'by the Government', because it is repeated there for the third time. And then for the words 'or the whole' I insert 'and (b) the whole'. I use the word 'and' because drainage work is in the first clause and it is referred to in the second clause. Then in the third amendment, I insert 'a' between 'of' and 'natural'. It is purely a verbal alteration. The sentence would read:

'the whole or any part of a natural or artificial drainage, etc.'

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

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Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, I feel some difficulty as to the use of the word 'and'. I think this is intended only to include two classes of works, private work and Government work. In sub-clause (5) a list of them is given. Therefore, I think it is better to follow the same system and say A, B and I do not think 'and' is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"We are willing to omit the word 'and'."

Mr. T. R. VENKATARAMA SASTRIYAR :—"As corrected, the clause (a) would stand up to the words

'not made over to any person'

and then another paragraph marked (b) up to the words

'the control of the Government';

then comes the last line

'but does not include works for the removal of sewage'."

The clause as corrected which was as follows was put, passed and allowed to stand part of the Bill :—

"'Drainage-work' includes (a) channels, either natural or artificial, for the discharge of waste or surplus water and all works connected with or auxiliary to such channels, and escape-channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion, owned, controlled or maintained by the Government or constructed by the Government and not made over to any person; (b) the whole or any part of a natural or artificial drainage channel or other work in respect of which the Government have assumed control in pursuance of a notification under section 9 so long as it remains under the control of the Government, but does not include works for the removal of sewage."

Sub-clause (4).

Mr. E. W. LEGH :—"Sir, I move :

'For the words "shall mean" substitute the word "means".'

"Sir, it is merely for the purpose of bringing this definition into a line with the other definitions that the change is made."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and passed and the substitution made.

Sub-clause (5).

S. R. Y. ANKINEDU PRASAD Bahadur :—"I move :

'In item (d) for the words "all navigable rivers" substitute the words "the navigable portions of the rivers".'

"Sir, it is admitted that all navigable rivers are the property of the Crown. But as the river may be navigable in one part and not navigable in another part, the question naturally arises as to who the owner of the river in respect of either part is. Under the existing law, whatever rights the Crown may have in a navigable river, so far as it is navigable."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not want to prevent the hon. Member from stating his grounds, but the object of the Mover would be met by the words 'in so far as they are navigable'. When we said 'navigable rivers', that was what we meant and the whole House, I am sure, meant only 'rivers in so far as they are navigable'."

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S. R. Y. ANKINEDU PRASAD Bahadur :—"I accept it. The amendment is 'all rivers in so far as they are navigable'."

Mr. C. MUTTAYYA MUDALIYAR :—"I second it."

The amendment was put and carried and the substitution made.

Mr. K. KOTI REDDI :—"On a point of order, Sir. I object to the amendment. Navigable river means the whole navigable river. It does not mean portion of a navigable river. So the amendment is out of order."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"A river may be in part navigable and in part not navigable. If it is navigable throughout, this will include the whole river because the whole river will be navigable. But to the extent to which it is navigable, there are certain rights which are known to the law to exist, and when the House voted on the matter, during the discussion, it was made perfectly clear that that was what was meant. If I thought there was a substantial alteration, I myself would have objected. But the House meant only rivers in so far as they are navigable and the object of the amendment is to carry out that intention. If any hon. Member thinks that the intentions of the House are otherwise, he is entitled to say so and then the question would be discussed."

Mr. K. KOTI REDDI :—"By navigable river I meant river not in so far as it is navigable; I meant the whole river. My point of order is this. This is not the time in which such amendment should be considered. Navigable river means the whole navigable river, not a part of it; the part is included in the whole."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"May I speak again though I am reminded of the warning administered to me and I can speak only with the permission of the House—if I have permission, may I explain a river which is not navigable is subject to this particular law when it becomes navigable? Then the question of the public rights or Government rights begins to operate in the navigable parts. There are certain rights which the public and the Government have when the river is navigable, and which they do not have when it is not navigable. Take, for instance, the Ganges. When it is a little 'rill, the rights of the Government do not operate as they do when it becomes a navigable river. It was that matter which was prominently brought to light in the discussion, and if I have accepted this it is only because this consequential amendment might clarify the meaning that was in the minds of hon. Members."

Mr. T. R. VENKATARAMA SASTRIYAR :—"With your permission, Mr. President, I beg to bring to the notice of the House how the question arose. I think more than one hon. Member proposed that the words 'all navigable rivers' in this clause might well be omitted, the matter being left to the general law. I stated then that if the words were omitted, the result would be that the point which was intended to be achieved by including these words in this section would be lost and it would be impossible for any court to consider itself free to discuss that question. I stated that in portions of the navigable rivers, where it is navigable, the State possessed rights over the waters and over the soil over which the river flows. I cannot give the exact wording but I remember using words to that effect and my remarks were intended to be confined to the navigable portions of the river. To the suggestion that the matter might be considered by the court, I stated that if we omitted these words in this clause, the result would be that even in case

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of navigable portions of the river which belong to Government, by reason of omitting the definition of navigable rivers, holders of estates on the other side would acquire a right to the soil and waters flowing over it.

"I think that the House ultimately agreed that even for the purpose of allowing the courts to pronounce upon it and for the purpose of leaving the law as it stood subject to the rulings of the courts it was necessary to retain these words in this clause. These words 'all navigable rivers' were introduced, to apply only to that portion of the river which was navigable."

The amendment as altered was then put and carried.

Mr. E. W. LEGH :—"Sir, I beg to move :

'In item (e) place a semicolon after the number "7", omit the word "or" after "7" and re-letter the rest of the item as a separate item (f) with the words "the whole or any part of a river, stream, channel, lake or other collection of water or any work in respect of which the Government" inserted before the words "have assumed".'

"Sir, this amendment does not seek to make any material alteration in the Act itself. It is simply for the sake of better shaping the section that I have moved this."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and carried.

Clause 7.

Mr. E. W. LEGH :—"Sir, I move :

'For the word and figure "sub-section (4)" substitute the word and figure "sub-section (5)".'

"This is a change necessitated by the additional definition we have inserted in section 4."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and carried.

Clause 8.

Mr. E. W. LEGH :—"Sir, I beg to move :

'For the words "bringing new or additional land under irrigation or drainage" substitute the words "the irrigation or drainage of any new or additional land".'

"This again, Sir, is a slight change in the wording of the clause. The clause as it runs now reads :

'Whenever it appears necessary to the Local Government for the purpose of any scheme for bringing new or additional lands under irrigation or drainage or for the improvement of . . .'

"This amendment is moved only in the interests of grammar."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was put and carried

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Mr. CHAVADI K. SUBRAHMANYA PILLAI :—"I beg to move :

'For the words "under irrigation or drainage" substitute the words "under irrigation from a new source or with a larger supply of water from the old source than is available at the time of notification mentioned in this section or for bringing such land under drainage".'

"Sir, I request that the hon. the Law Member will forgive me if I make another attempt to get a more moderate concession in respect of the drastic clause 8."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"As I am going to raise a point of order it may be useful for the hon. Member to reserve his speech on the merits of his amendment if he has no objection."

The hon. the PRESIDENT :—"I have no objection to any speech on the general question of the admissibility of such amendments. I must say this for the information of the House : I have asked that all these amendments of which notice has been given should be put on the agenda paper not because I had made up my mind on their admissibility, but because I thought that the question of their admission had better be discussed openly in the House. It is open to me under Standing Order No. 32 (6) to call upon a Member who has given notice of an amendment to give me an explanation of his object in moving it and I thought that would be the proper procedure in regard to this very difficult question. I have no objection to the hon. Member, Mr. Subrahmanya Pillai, saying anything he likes if he chooses to make his speech now or, if he wishes to make his speech later, I shall permit him to do so. But I would suggest to him that he would do well to defend his amendment against the objections which will probably be raised by the hon. the Law Member."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I think this is the proper stage when I ought to raise a question of order which may affect more than one of these amendments. I raise the question, Sir, that this is a matter which has been already dealt with by the Council; and, indeed, I am saved the labour of elaborating on that point by reason of the opening words of my hon. Friend when he said that he was renewing the attempt he made when the Bill was under consideration. I think it will be within the memory of hon. Members of this House that this identical motion was made by the hon. Member and was considered and negatived by this House. I raise an objection on that ground. But I raise a general and more vital objection, and that is that at this period it is not open, Sir, under Standing Order No. 49 to move amendments which are not of the character which may be described compendiously as verbal or consequential in nature. Before I deal with that matter at greater length, let me point out, Sir, some of the consequences that will and must inevitably ensue if any other construction were given to the Standing Orders. I take it that one of the arguments on the other side will be, as indeed it has been, that the words are perfectly general in character in Standing Order No. 49, sub-clause (3); I mean the words 'with or without amendments'. There is no restriction of the amendments which can be moved and therefore any amendment of whatever character can without notice be moved at this stage. Now, it seems to me that if that be the argument, that argument carries its own condemnation with it, because that will result in absolutely no finality to the Bill at all. Let me elaborate the point still further with the leave of the House."

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'If no amendment be made when a motion that a Bill be taken into consideration has been agreed to, the Bill may at once be passed. If any amendment be made, any Member may object to the passing of the Bill at the same sitting.'

"Now, we have arrived at a stage when a Bill has been brought forward, and numerous amendments have been incorporated into it—amendments of such a character that you cannot forthwith go on to pass the Bill—and if on that ground objection is taken that it is neither expedient nor desirable that the House should at once pass the Bill into law, that objection may be taken and it shall prevail unless the President in the exercise of his discretion suspends the Standing Order and allows the Bill to be passed into law. Let me emphasise this: that notwithstanding any number of amendments, at that stage supposing the President in the exercise of his discretion comes to the conclusion that the Bill may be passed into law on the motion of the Member in charge of the Bill, no further amendments would be possible. Therefore, if the President at the stage when the amendments have all been disposed of allows the Bill to proceed further, no further amendments are possible in the very nature of things. But supposing the President thinks that the amendments are of such a number or variety or importance that the House must consider the full bearing of those amendments, he may give the House an opportunity to do so before it proceeds to pass the Bill into law or reject it. It is for that reason to give the House a *locus penitentie*, an adjournment of three days, is allowed. Mark the words, Mr. President, the point is that *only three days* are allowed, whereas in ordinary cases a much longer time, viz., ten days, is allowed to bring forward amendments, circulate them and so forth. Therefore, that again is an argument which I may invoke for the purpose of showing that the object of the Standing Order is to enable us to collate or correlate the various amendments and not to give rise to substantial matter which would require other treatment and a different kind of handling. The other construction will enable amendments to be successively moved whenever the Bill is taken up and the process may never end. 'Where the objection prevails,' the Standing Order proceeds to say:

'The Bill shall not be brought forward earlier than three days from the day on which the consideration of the Bill was concluded in Council; and may then be passed with or without further amendment.'

"We have to give some meaning to the words 'with or without further amendment'. It seems to me that notwithstanding the exhortation made to me by an hon. Member on the other side of the House not to look to parliamentary practice, not to care for what has been done in other Councils,—because we are making practices and precedents . . ."

Mr. S. SATYAMURTI:—"On a point of personal explanation, I would add: 'or to look to it always and consistently.'"

The hon. Mr. C. P. RAMASWAMI AYYAR.—"Let me be consistent in this particular (Laughter). Because, to-day I can definitely say that I invoke May's *Parliamentary Practice* on a larger number of occasions than my hon. Friend (Laughter), so that if the race is between the number of invocations of parliamentary practice, the race, I am afraid, must be won by me. But that apart, what I was going to say was that the House of Commons procedure certainly is that only verbal amendments can be brought forward at this stage and that, I think, is the proper intent of this rule. Let us keep in mind Standing Order No. 32 (4).

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"Now it cannot really be argued that so far as the procedure under these Standing Orders is concerned that there are such stages as are referred to elsewhere, because under Standing Order No. 49 (1) at the same stage it is passed into law. Therefore there is no other separate stage and Standing Order No. 32 (4) would apply. Then let us look to Standing Order No. 30. This is what it says—'A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session,' so that each of these motions that certain clauses do stand part of the Bill are motions which should be dealt with under Standing Order No. 30.

"It is unnecessary for me to refer again to Standing Order No. 46 which refers to ten clear days' notice for amendments and having regard to all these considerations the intent and the clear meaning as to what is intended by the parliamentary practice is that these amendments should be only verbal or consequential in character."

Mr. A. RAMASWAMI MUDALIYAR:—"Sir, this raises a very important constitutional question with reference to the whole procedure about Bills and I think a very considered decision in this case will help us in the subsequent Bills also. Sir, reference has already been made to Standing Order No. 49 in which the wording occurs without any encumbrance whatever that 'the Bill may be passed with or without further amendment.' The importation of this wording that the amendment merely means verbal has never been brought from parliamentary procedure. As a matter of fact in the House of Commons Manual it is clearly stated that on the third reading 'that this Bill be now read the third time' an amendment may be moved. I submit that the language in our Standing Orders and that of the House of Commons is entirely the same. I would go further and say that the reason why there is a slight difference made in the language of our Standing Orders is that it is made with a purpose and with a definite view and that it is not merely a set of words that has somehow got into the Standing Order without a proper realization of their significance.

"In the House of Commons there are four or five different stages for a Bill. A Bill may be submitted to the whole House in which case the procedure adopted in the Select Committees and the Standing Committees is that the whole House sit with the Committees; amendments are discussed and voted upon, and decisions are taken on every one of these amendments. After the House has sat in full Committee and considered all the amendments there is a further stage before which the third reading cannot end, that is to say, the report stage. And in the report stage amendments can again be introduced. This is what the Manual of Procedure in the House of Commons says:

'where a Bill is reported from a Committee of the whole House with amendments the Bill is usually set down for consideration as amended for a subsequent day named by the Member in charge of the Bill and the House if necessary orders that the Bill be reprinted.'

"The fact is that amendments in a Committee of the whole House involve an additional stage, namely, the report stage, and the Bill is read a third time and other clauses of amendments are moved and passed by the House. Then, Sir, where the procedure is that the Bill is not submitted to a Committee of the whole House but to a Standing Committee or to a Select Committee, there is a slightly different procedure. After the Select Committee has

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reported on the Bill, it comes again before the House and then the latter votes on it. Then, Sir, on the third reading a particular procedure is adopted. This is what the Manual says :

'On the order of the day being read and motion made for the third reading of a Bill, the question proposed is 'that the Bill be now read a third time. To this question'.

"I would respectively invite your attention, Sir, to this :

'an amendment may be moved that the Bill be recommitted either generally or for a limited purpose'.

"Sir, this is a vital right which the House of Commons has got. With all these safeguards it is no wonder that it has been laid down in their Standing Orders 'that on the third reading only verbal amendments can be considered'. The third reading has been taken by the hon. the Law Member to mean only that the Bill be read a third time. Then I ask is it not open to hon. Members of this House to propose that this Bill be recommitted to the whole House or reconsidered with reference to the whole Bill or with reference to particular points. If this Bill had been recommitted and considered by the whole House and then it had been read for a third time, then I can understand the force of the argument that on the third reading of a Bill 'such a procedure has not been adopted by the Standing Order in the House of Commons'. In that case we have got our Standing Order which goes further and says 'that the Bill can be considered with or without further amendments'. Without any distinction being made as regards the fact whether the amendments should be verbal or formal or consequential, I submit that consequential amendments are substantial amendments and once the position is taken up that nothing but verbal amendments could be moved, I do not think Government can come forward with consequential amendments. Of course in this particular instance it might be that Government may not find it necessary to move consequential amendments. Let us take the position that the Bill has passed the Committee stage. Let us suppose that owing to certain decisions of the House it was obviously necessary to make consequential amendments at an earlier stage of the Bill and they could not be made at that very sitting itself. In that case I contend that consequential amendments too cannot be made now.

"Then, Sir, consequential amendments are not verbal amendments. They go to the root of the matter. It is possible that they are necessitated by the decision of the House and that they follow as a matter of logic, but these consequential amendments cannot come under the category of verbal amendments. Then how are consequential amendments to be incorporated at the second stage, the committee stage? When a third reading is announced, any amendment moved by the Government or a private member can *a fortiori* be verbal amendments and therefore no consequential amendments could be made on the third reading of a Bill. That argument reduces us to a position of complete impotency with reference to any Bill introduced on the floor of this House. It may be argued that so far as Government are concerned they have the reserve power of recommitting the Bill under the direction of His Excellency the Governor. But that is only an extraordinary power and it will not be useful to a private Member who is in charge of a Bill. Let us take for instance my hon. Friend Mr. Krishnan Nayar's Malabar Tenancy Bill. If after the committee stage has been passed the decision of the House necessitated certain consequential amendments at an earlier portion of the Bill, how are those consequential amendments to be moved? At what stage can

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they be moved? They can only be moved when the third reading has been reached. If we stick to the Standing Order of Parliament that only verbal amendments can be moved, we are reduced to an impossible position and the Bill is bound to be very incomplete. As I have already shown to you, Sir, the safeguard in the House of Commons is this: that there is a report stage when a Bill is referred to the whole committee on the third reading of a Bill when the hon. Member proposes that the Bill be recommitted to the whole House to consider particular amendments. Therefore the analogy of the House of Commons does not hold good because I say we have a definite and a set purpose in framing our Standing Order No. 49.

"The hon. the Law Member referred to other Standing Orders. I believe these Standing Orders conclusively prove that Standing Order No. 49 is framed with a definite purpose. Now Standing Order No. 32 has been referred to by the hon. the Law Member and it reads thus: 'An amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion'. What is meant by the same stage? These are the first stage, the second stage and the third stage. If Standing Order No. 32 says that the House cannot go back upon its decisions at the same stage, it is obvious that at a different stage it can go back upon its decision and an alternative decision can be arrived at, if at the second and the third stage it is open to the House to revise its decision. Then the hon. the Law Member referred to section 49 and said that the third reading cannot be taken to mean the same sitting."

Mr. E. W. LEGH:—"Is there any mention made in the Standing Order about the third reading?"

Mr. A. RAMASWAMI MUDALIYAR:—"The question of calling a certain reading of a Bill as third reading is only a matter of phraseology. If the hon. the Revenue Secretary is not satisfied with the words 'third reading,' let him have it as a 'different reading'."

The hon. the PRESIDENT:—"I thought the hon. Member was going to explain to the House as to what is meant by each stage. When the consideration of a certain Bill is adjourned, would it be in the same stage or in another stage?"

Mr. A. RAMASWAMI MUDALIYAR:—"Even if these amendments had been taken up at the last sitting only and if the hon. the Leader of the Opposition had not raised objection to these amendments, they would have been perfectly in order. When the second stage was going on it was open to an hon. Member to say 'I propose such and such amendment'. I think I almost made up my amendments and I might have told the House at the second stage itself that 'I intend moving such and such amendments with reference to the next stage of the Bill'. It was open to me to have done that. But I intended to wait till the full second reading was completed before I could send in my amendments to your office, Mr. President. Regarding the arguments of the hon. the Law Member about ten days' notice, had we known that ten days' notice would be insisted on, we could have got over the difficulty by sending in our amendments at the last stage only saying that at the next stage we intend proposing such and such amendments."

"Then the hon. the Law Member referred to Standing Order No. 30 and said that an amendment must not raise a question substantially identical with the one on which the Council has given its decision in the same session. I submit that if Standing Order No. 32 should be read along with other Standing

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Orders, it will have no effect. We have to read the Standing Orders in consonance with each other.

"I submit that this is a very important matter not only affecting the Madras Irrigation Bill but several other Bills that are going to come up before the House, and I submit that our Standing Order is designed with a definite purpose, so that a report stage or a recommittal stage on the third reading as observed in the House of Commons should also be adopted here.

"You will notice, Sir, the language also. It is not 'with or without amendment'; but it is 'with or without further amendment'.

5 p.m. I cannot conceive how if only the idea of verbal amendment was in the minds of the framers of the Standing Order this language can be used. 'Further amendment' means merely an amendment going further than what is already amended or beyond the amendments which have already been passed."

Sriman SASIBHUSHAN RATH Mahasaya:—"Sir, the hon. the Law Member referred to Standing Order No. 30 which says that 'a motion must not raise a question substantially identical with one on which the Council has given a decision in the same session'. That Standing Order does not refer to legislation but to the general rules of procedure. But with regard to legislation only Standing Orders Nos. 32 and 49 apply. In regard to these Standing Orders there is only one point. In the last sitting of the Council objection was taken by the Leader of the Opposition, and it prevailed with the result that the motion to-day that the Bill be passed into law cannot be made. It pre-supposes that there has been another stage when the Bill has been committed for further consideration as contemplated by Standing Order No. 49 (3). Therefore instead of the motion that the Bill be passed into law the motion ought to have been 'that the Bill be committed for further consideration of the House.' It is only then that the phrase 'with or without further amendment' will come in the right place. Therefore, I suggest, Sir, that the motion that the Bill be passed into law be withdrawn and a motion that the Bill be further considered be made by the hon. the Law Member. Then all these amendments may be taken for consideration. The last stage will then be that the Bill be passed into law. Since objection has been taken and that objection has prevailed there must be another stage of further amendments which the hon. the Law Member has not taken into consideration. It is now open to him to withdraw his present motion and bring in another motion that the Bill be committed for further consideration."

Mr. S. SATYAMURTI:—"Sir, I speak subject to correction. But I believe this matter is *res integra*. So far as this Council is concerned, this matter has not been raised and decided either by you or by your predecessor in any specific case. I quite admit, Sir, that if we are to use the argument of convenience or the argument of analogy there is a good deal to be said for what the hon. the Law Member has pleaded. But I submit that where our own Standing Orders provide anything definite, it is not open to us to depend upon either what we consider to be convenient or to be the practice in analogous assemblies. These Standing Orders are made by this House under a power vested in them by the Government of India Act. Under section 72-D (6) of the Government of India Act:

'Standing Orders may be made providing for the conduct of business and the procedure to be followed in the Council, in so far as these matters are not provided for by rules made under this Act.'

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"This is a matter that is not provided for by rules made under this Act. Therefore this matter is provided for by the Standing Orders made by this House in exercise of the statutory power vested in them by Parliament under the Government of India Act. Therefore, these Standing Orders govern these matters directly. I therefore humbly submit that the argument based on practice in analogous assemblies is wholly irrelevant. The hon. the Law Member knows that where a statute provides anything definite and specific, you cannot rely on the practice in analogous assemblies for the interpretation of the statute.

"The hon. the Law Member sought to make a distinction between what he termed verbal amendments or consequential amendments on the one hand and substantial amendments on the other and stated that it was perfectly open to this House or perfectly open to you, Mr. President, to allow verbal amendments and not to allow substantial amendments. I ask the hon. the Law Member to quote chapter and verse and show me any authority for this distinction between amendments which are verbal and amendments which are substantial. These amendments come under Standing Order No. 49 (3) or they do not come under it. If they do come in, then there is no authority in Standing Order No. 49 (3) which justifies the distinction which the hon. the Law Member wants to make. The hon. the Law Member submitted the absurdity of the interpretation for your consideration. While there may be some absurdity, he knows, none better, that the law is often an ass. We have got to read the Standing Orders as they stand. If they do not serve the purpose, it is perfectly open to us to move an amendment. So long as they are there, it is your clear duty and right to interpret the Standing Orders as they stand without having any reference to what individual members may think about them. The question is not what the Standing Order ought to be but what it is. Further, Sir, you will find that the Standing Order vests in you the discretion as to whether you will or will not allow the Bill at a particular stage. It is perfectly open to us to go on objecting at every stage because a particular amendment has been passed. But no President is going to allow such objections to prevail unless he is satisfied that there is some reason behind them.

"Reference has been made to the three days' rule and it has been suggested that no substantial amendments are contemplated. The period of three days is only the minimum limit. Very often more days will elapse. But what really proves the matter conclusively is the phrase in Standing Order No. 49 (3) 'with or without further amendment'. An amendment can be described in any manner you please; but an amendment is an amendment and nothing less. If the Standing Order says that the Bill may be passed 'with or without further amendments,' I submit that the intentment of the framers of this Standing Order who used the phrase was without any reference to the subject-matter of the amendment, or to the effect of the amendment on the Bill as it may then stand. If one amendment is accepted, then all kinds of amendments must be accepted. Who knows, Mr. President, where only a single chamber functions and where there is no second revising chamber, a third stage has not been deliberately put in in which amendments can be moved? In the House of Commons I know that only verbal amendments are allowed. But in the House of Lords substantial amendments also are allowed in the third reading. Where there are two chambers functioning, I can understand that the last stage should be rushed through as a mere third reading stage. Where there is a single chamber it is perfectly possible to

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argue that there were two stages deliberately contemplated by the Standing Orders in order to allow two chances of discussing the Bill in its various aspects.

"Again, Sir, the word 'verbal' is found in May's Parliamentary Practice. It is also found in the Standing Orders of the House of Commons. When that word is not reproduced here, really there must be some reason for it. These Standing Orders were most of them based on May's Parliamentary Practice and the Standing Orders of the House of Commons. The Standing Orders of the House of Commons say specifically that at the third reading only verbal amendments are allowed. Is it in a fit of forgetfulness or of absent-mindedness that this word has been omitted from the Standing Order? I do suggest that we must find out the reason why our predecessors who framed the Standing Orders deliberately omitted the word 'verbal' which appears in the text from which they borrowed the Standing Orders.

"The hon. the Law Member based one of his arguments on Standing Order No. 32 (4). It says:

'An amendment on a question must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion.'

"But this is a different stage; and if only verbal amendments are contemplated, I do not understand the meaning of the Standing Order at all. Unless amendments are contemplated to be moved at two different stages of the Bill, why on earth should there be this Standing Order which says that the amendment must not be inconsistent with any previous decision on the same question given at the same stage of any Bill or motion? It does contemplate two stages at which amendments may be moved before the House. The hon. the Law Member again based his arguments on Standing Order No. 30. I submit that the word 'motion' there does not mean amendment. I say it with some diffidence. Standing Order No. 30 says that a motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. The hon. the Law Member says that the words 'motion' and 'amendment' are used to denote the same thing in different contexts, a contention which, I am sure, he cannot put forward. I submit Standing Order No. 30 applies to motions and not to amendments. It seems to me therefore that as the Standing Orders stand at present there is no option before us except to allow amendments of all sorts at this stage, because it is a privilege which has been given to this House. I submit that the analogy of convenience can have no bearing whatever. Even if convenience is the only factor, I do submit that a further stage given for moving amendments to this Bill is consonant with the highest interests of this House."

At this stage (5-15 p.m.) the House adjourned to meet again at 11 a.m. on the next day.

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

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APPENDIX I

[Vide answer to question No. 1271 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 3rd December 1924, page 496 supra.]

List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act.

District.	Name of criminal tribe.	Government Order applying sections 8 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Ganjam.	Telaga Pamulas ..	160, Home (Judl.), 23 Jan. 1917.	160, Home (Judl.), 23 Jan. 1917.	Registration restricted to known criminal males, and their relatives and associates.
	Dandasis	116, Judl. (Police), 13 Mar. 1923.	116, Judl. (Police), 13 Mar. 1923.	
Vizagapatam.	Konda Doras ..	1583, Judl., 21 July 1914.	1579, Home (Judl.), 1 Aug. 1917.	
	Rellis	965, Judl., 4 May 1915.	Do.	
	Paidis	1891, Judl., 27 July 1916.	Do.	
	Telaga Pamulas ..	160, Home (Judl.), 23 Jan. 1917.	160, Home (Judl.), 23 Jan. 1917.	
	Kintali Kalingas ..	473, Home (Judl.), 4 Mar. 1921.	473, Home (Judl.), 4 Mar. 1921.	
Agency.	Oriya Dombes ..	439, Home (Judl.), 16 Feb. 1920.	439, Home (Judl.), 16 Feb. 1920.	
	Nakkalas	2120, Judl., 21 Oct. 1913 (sec. 3), and 1123, Judl., 21 May 1915 [sec. 10 (b)].	1579, Home (Judl.), 1 Aug. 1917.	
Godavari.	Telaga Pamulas ..	160, Home (Judl.), 23 Jan. 1917.	160, Home (Judl.), 23 Jan. 1917.	* The members were removed to the Kavali settlement, Nellore district.
	Anippai Malas ..	48, Home (Judl.), 7 Jan. 1920.	48, Home (Judl.), 7 Jan. 1920.	
	Donga Dasaris ..	924, Judl., 10 May 1913.		
Kistna.	Donga Yerukalas ..	917, Judl., 10 May 1913.	816, Judl., 31 Oct. 1921.	Do.
	Donga Woddars ..	1161, Judl., 12 June 1913, and 1279, Judl., 10 June 1915.	Do.	
Guntur.	Telaga Pamulas ..	160, Home (Judl.), 23 Jan. 1917.	160, Home (Judl.), 23 Jan. 1917.	
	Donga Yerukalas ..	917, Judl., 10 May 1913.	1579, Judl., 1 Aug. 1917.	
	Donga Woddars ..	1161, Judl., 12 June 1913.	349, Judl., 14 Mar. 1921.	
	Telaga Pamulas ..	160, Home (Judl.), 23 Jan. 1917.	160, Home (Judl.), 23 Jan. 1917.	

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List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—cont.

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Guntur—cont.	Gundlapad Woddars.	450, Judl. (Pol.), 30 Aug. 1923.	450, Judl. (Pol.), 30 Aug. 1923.	Restricted to Kavali Settlement.
	Jaruguballi Madigas.	585, Judl. (Pol.), 2 Nov. 1923.	585, Judl. (Pol.), 2 Nov. 1923.	
	Chakala and Pamula Budabukkalas.	556, Judl. (Pol.), 18 Dec. 1923.	556, Judl. (Pol.), 18 Dec. 1923.	
	Donga Dasaris ..	924, Judl., 10 May 1913.		
Nellore.	Donga Yerakalas ..	917, Judl., 10 May 1913.	1937, Home (Judl.), 13 Sep. 1917.	
	Dommaras ..	1639, Judl., 13 Aug. 1913.	Do.	
	Vayalpad or Nawabpeta Korachas.	918, Judl., 10 May 1913, and 1796, Judl., 5 Sep. 1913.	1649, Judl., 19 July 1919.	
	Jogulas (Jogis) ..	109, Judl., 19 Jan. 1915, and 461, Judl., 21 Feb. 1914.	1937, Home (Judl.), 13 Sep. 1917.	
	Telaga Pamulas ..	160, Home (Judl.), 23 Jan. 1917.	160, Home (Judl.), 23 Jan. 1917.	
	Donga Woddars ..	1161, Judl., 12 June 1913, and 2859, Judl., 27 Dec. 1918.	1937, Home (Judl.), 13 Sep. 1917.	
	Donga Yerakalas ..	917, Judl., 10 May 1913.	1579, Home (Judl.), 1 Aug. 1917.	
	Donga Woddars ..	1161, Judl., 12 June 1913.	Do.	
Kurnool.	Boyas (1) ..	1120, Home (Judl.), 13 May 1918.	1120, Home (Judl.), 13 May 1918.	
	Boyas (2) ..	824, Judl., 3 July 1922.	824, Judl., 3 July 1922.	
	Nirshikaris ..	1245, Judl., 7 Nov. 1922.	1245, Judl., 7 Nov. 1922.	
	Sugalis ..	623, Judl. (Pol.), 28 Nov. 1923.	623, Judl. (Pol.), 28 Nov. 1923.	
	Madigas and Malas (Nagireddipalli village).	344, Judl. (Pol.), 27 June 1924.	344, Judl. (Pol.), 27 June 1924.	Removed to Sitanagaram Settlement.
	Rudrapad Korachas.	1369, Judl., 5 July 1913.	1579, Judl., 1 Aug. 1917.	
	Donga Yerakalas ..	917, Judl., 10 May 1913, and 1714, Judl., 4 July 1916.		
	Donga Dasaris ..	681, Home (Judl.), 26 Mar. 1917.	681, Home (Judl.), 26 Mar. 1917.	
Bellary.	Nirshikaris ..	1245, Judl., 7 Nov. 1922.	1245, Judl., 7 Nov. 1922.	Removed to Hubli Settlement.
	Sugalis ..	240, Judl. (Pol.), 21 May 1923, and 582, Judl. (Pol.), 30 Oct. 1923.	240, Judl. (Pol.), 21 May 1923, and 582, Judl. (Pol.), 30 Oct. 1923.	
	Do. (Siddhapuram taluk).	343, Judl. (Pol.), 27 June 1924.	343, Judl. (Pol.), 27 June 1924.	

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List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—cont.

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Anantapur.	Donga Woddars ..	1161, Judl., 12 June 1913.	1140, Home (Judl.), 1 May 1920.	Applied to Donga Urkorachas living within the limits of Kambadur Police Station of Kalyandrug Circle.
	Vayalpad or Nawabpeta Korachas.	918, Judl., 10 May 1913, and 1796, Judl., 5 Sep. 1913.	1649, Home (Judl.), 19 July 1919, and 2497, Home (Judl.), 29 Oct. 1919.	
	Donga Dasaris ..	681, Home (Judl.), 26 Mar. 1917 and 2293, Home (Judl.), 7 Oct. 1919.	681, Home (Judl.), 26 Mar. 1917 and 2293, Home (Judl.), 7 Oct. 1919.	
	Donga Yerakalas ..	110, Judl., 27 April 1921.	110, Judl., 27 April 1921.	
	Jutur Mixed gang.	161, Judl., 12 May 1921.	161, Judl., 12 May 1921.	Applied to Donga Urkorachas which resides in the limits of Anantapur and Singanamala stations of the Anantapur taluk and of Tadimarri station of Dharmavaram taluk.
	Donga Urkorachas.	52, Judl., 31 Jan. 1923.	52, Judl., 31 Jan. 1923.	
	Sugalis ..	241, Judl. (Pol.), 21 May 1923.	241, Judl. (Pol.), 21 May 1923.	
	Donga Urkorachas.	62, Judl. (Pol.), 1 February 1924.	62, Judl. (Pol.), 1 February 1924.	
	Donga Urkorachas (within the limits of Kalyandrug and Kanaganapalli Police Stations).	398, Judl. (Pol.), 21 July 1924.	398, Judl. (Pol.), 21 July 1924.	Applied to men residing in the limits of Patnam, Penukonda and Dharmavaram Police Stations.
	Donga Urkorachas.	566, Judl. (Pol.), 11 November 1924.	566, Judl. (Pol.), 11 November 1924.	
	Donga Woddars ..	1161, Judl., 12 June 1913.	681, Home (Judl.), 26 Mar. 1917.	
	Thogamalai, Koravars, Kepnaris.	1193, Judl., 18 June 1913.		
Cuddapah.	Hired Assassin ..	706, Judl., 21 March 1914.		
	Donga Dasaris ..	681, Home (Judl.), 26 March 1917.		
	Vayalpad or Nawabpeta Korachas.	918, Judl., 10 May 1913, 1796, Judl., 5 Sep. 1913 and 414, Home (Judl.), 20 Feb. 1918.		
	Donga Yerakalas ..	917, Judl., 10 May 1913 and 1635, Judl., 15 July 1918.		
	Jutur Mixed gang.	161, Judl., 12 May 1921.	161, Judl., 12 May 1921.	
	Donga Woddars ..		243, Judl. (Pol.), 3 May 1924.	

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List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—cont.

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Chittoor.	Vayalpad or Nawabpeta Korachas.	918, Judl., 10 May 1913.	1649, Home (Judl.), 19 July 1919, and 2497, Home (Judl.), 29 Oct. 1919.	
	Venganur Pariyas ..	381, Judl., 14 Feb. 1914.	1579, Home (Judl.), 1 Aug. 1917.	
	Jogis	461, Judl., 21 Feb. 1914.		
	Donga Dasaris ..	681, Home (Judl.), 26 Mar. 1917.	681, Home (Judl.), 26 Mar. 1917.	
	Nattam Korachas.	390, Home (Judl.), 18 Feb. 1918.	390, Home (Judl.), 18 Feb. 1918.	
	Amagunta Poligars.	640, Judl., 21 Sep. 1921.	640, Judl., 21 Sep. 1921.	
	Dommaras	266, Judl., 11 June 1921.	266, Judl., 11 June 1921.	
	Bhatta Turkas ..	51, Judl., 31 Jan. 1923.	51, Judl., 31 Jan. 1923.	
	Sugalis	71, Judl., 17 Feb. 1923.	71, Judl., 17 Feb. 1923.	
	Yanadis or Irulars (Vayalpad taluk and the Sadam station limit).	227, Judl. (Pol.), 21 April 1924.	227, Judl. (Pol.), 21 April 1924.	
North Arcot.	Boyas	272, Judl. (Pol.), 23 May 1924.	272, Judl. (Pol.), 23 May 1924.	
	Thogamalai Koravars or Kepmaris.	1193, Judl., 18 June 1913.	1579, Home (Judl.), 1 Aug. 1917.	
	Salem Melurnad Koravars.	1645, Judl., 14 Aug. 1913 (sec. 3) and 872, Judl., 27 April 1917 (sec. 10-b).	1390, Home (Judl.), 23 Aug. 1912.	
	Venganur Parayas.	381, Judl., 14 Feb. 1914.	1579, Home (Judl.), 1 Aug. 1917.	
	Jogis	461, Judl., 21 Feb. 1914.	Do.	
	Sakkaraitamadai Koravars.	101, Home (Judl.), 15 Jan. 1917.	1142, Judl., 12 Oct. 1922.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Dommaras	1141, Judl., 12 Oct. 1922.	1141, Judl., 12 Oct. 1922.	
	Togamalai Koravars or Kepmaris.	1193, Judl., 18 June 1913.	1579, Home (Judl.), 1 Aug. 1917.	
	Jogis	461, Judl., 21 Feb. 1914.	Do.	
Chingleput.	Kal Oddars ..	396, Judl. (Pol.), 3 Aug. 1923.	393 Judl. (Pol.), 3 Aug. 1923.	
	Veppur Parayas ..	1098, Judl., 4 June 1913.	* 2258, Home (Judl.), 2 Oct. 1919.	
	Thogamalai Koravars or Kepmaris.	1193, Judl., 18 June 1913.	665, Home (Judl.), 21 Mar. 1918.	
South Arcot.	Attur Kilnad Koravars.	2064, Judl., 13 Oct. 1913 (sec. 3) and 872, Judl., 27 Apr. 1917 (sec. 10-b).	1930, Home (Judl.), 28 Aug. 1919.	

* To those not placed in settlement.

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List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—cont.

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
South Arcot—cont.	Jogis	461, Judl., 21 Feb. 1914.		
	Vellayankuppam Padayachis.	2490, Judl., 14 Nov. 1914.	70, Judl. (Pol.), 17 Feb. 1923.	
	Sakkaraitamadai Koravars.	1089, Home (Judl.), 26 Apr. 1920.	1089, Home (Judl.), 26 Apr. 1920.	
	Gudu Dasaris ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Thottia Naicks ..	Do.	Do.	
	Gandavakkottai Koravars.	2553, Judl., 9 Dec. 1913 (sec. 3) and 2357, Home (Judl.), 14 Nov. 1917 (sec. 10-b).	2357, Home (Judl.), 14 Nov. 1917.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Koottappal Kallars.	26, Judl., 6 Jan. 1915.	1579, Home (Judl.), 1 Aug. 1917.	
	Melurnad Koravars.	450, Judl. (Pol.), 29 Aug. 1924.	450, Judl. (Pol.), 29 Aug. 1924.	
	Uraligoundans ..	811, Judl., 19 Apr. 1917.	811, Judl., 19 Apr. 1917.	
Tanjore.	Thogamalai Koravars.	1193, Judl., 18 June 1913.	665, Judl., 21 Mar. 1918.	
	Salem Melurnad Koravars.	1645, Judl., 14 Aug. 1913 (sec. 3) and 872, Judl., 27 Apr. 1917 (sec. 10-b).	1930, Home (Judl.), 28 Aug. 1919.	
	Attur Kilnad Koravars.	2066, Judl., 13 Oct. 1913 (sec. 3) and 872, Judl., 27 Apr. 1917 (sec. 10-b).	Do.	
	Kottappal Kallars.	26, Judl., 6 Jan. 1915.	1579, Home (Judl.), 1 Aug. 1917.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Varaganeri Koravars.	117, Judl. (Pol.), 13 Mar. 1923.	117, Judl. (Pol.), 13 Mar. 1923.	
	Ambalagars in Kulittalai taluk and in the village of Suriyanur.	226, Judl. (Pol.), 21 Apr. 1924.	226, Judl. (Pol.), 21 Apr. 1924.	
	Vethiva Goundans.	226, Judl. (Pol.), 21 Apr. 1924.	226, Judl. (Pol.), 21 Apr. 1924.	
	Vaduvarpatti Koravars.	1890, Judl., 29 July 1916.	1579, Home (Judl.), 1 Aug. 1917.	
	Piramalai Kallars.	1331, Home (Judl.), 5 June 1918.	1331, Home (Judl.), 5 June 1918.	
Trichinopoly.	Salem Melurnad Koravars.	470, Home (Judl.), 4 Mar. 1921.	470, Home (Judl.), 4 Mar. 1921.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Valayars	499, Judl. (Pol.), 18 Sep. 1923.	499, Judl. (Pol.), 18 Sep. 1923.	
Madura.				

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List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—cont.

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Rannad.	Chettinad Valayas.	919, Judl., 1 May 1915.	1579, Home (Judl.), 1 Aug. 1917.	
	Vaduvarpatti Koravars.	1890, Judl., 27 July 1916.	Do.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Piramalai Kallars..	1172, Judl., 18 Oct. 1922.	1172, Judl., 18 Oct. 1922.	
	Karumbaravas ..	53, Judl., 31 Jan. 1923.	53, Judl., 31 Jan. 1923.	
	Sembanad Maravars.	72, Judl., 17 Feb. 1923.	72, Judl., 17 Feb. 1923.	
Tinnevely.	Uppu Koravars (Anavaradanallur and Koilpatti).	2494, Judl., 12 Oct. 1915.		Restricted to the settlement at Kulasekhara-patnam.
	Koravars (Mela Eral, etc.).	1834, Home (Judl.), 1 Sep. 1917.		Restricted to the settlement at Kulasekhara-patnam.
	Koravars of Vaduvarpatti (Rannad district) (1)	1890, Home (Judl.), 27 July 1916.	1579, Home (Judl.), 1 Aug. 1917.	Do.
	Koravars of Vaduvarpatti (Rannad district) (2).	553, Judl., 28 Apr. 1922.	553, Judl., 28 Apr. 1922.	Do.
	Maravars of Poolam.	405, Home (Judl.), 18 Feb. 1919.	405, Home (Judl.), 18 Feb. 1919.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	Sec. 10 (a) only has been put in force.
Salem.	Salem Melurnad Koravars.	1645, Judl., 14 Aug. 1913 (sec. 3), and 872, Judl., 27 Apr. 1917 [sec. 10 (b)].	2009, Judl., 5 Sep. 1918.	
	Attur Kilnad Koravars.	2066, Judl., 13 Oct. 1913 (sec. 3), and 872, Judl., 27 Apr. 1917 [sec. 10 (b)].	1579, Judl., 1 Aug. 1917.	
	Thalli Koravars (Hosur taluk).	1817, Judl., 9 Aug. 1918.	1817, Judl., 9 Aug. 1918.	
	Attur Melnad Koravars.	805, Judl., 28 Oct. 1921.	805, Judl., 28 Oct. 1921.	
	Pennagaram Perumbalai Koravars.	812, Judl., 31 Oct. 1921.	812, Judl., 31 Oct. 1921.	
	Uppu Koravars ..	581, Judl. (Pol.), 30 Oct. 1923.	581, Judl. (Pol.), 30 Oct. 1923.	
	Uppu Koravars (Krishnagiri taluk).	31, Judl. (Pol.), 12 Jan. 1924.	31, Judl. (Pol.), 12 Jan. 1924.	
	Sarangapalli Koravars (Hosur taluk).	282, Judl. (Pol.), 28 May 1924.	282, Judl. (Pol.), 28 May 1924.	
	Monda Koravars (Dharmapuri taluk).	342, Judl. (Pol.), 27 June 1924.	342, Judl. (Pol.), 27 June 1924.	

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List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—cont.

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Coimbatore.	Salem Melurnad Koravars.	1645, Judl., 14 Aug. 1913 (sec. 3); 872, Judl., 27 Apr. 1917 [sec. 10 (b)].	1203, Home (Judl.), 18 May 1918.	
	Valayars 1 ..	1386, Judl., 26 May 1916.	1579, Home (Judl.), 1 Aug. 1917.	
	" 2 ..	404, Home (Judl.), 19 Feb. 1917.	624, Home (Judl.), 18 Mar. 1918.	
	" 3 ..	405, Home (Judl.), 19 Feb. 1917.	624, Home (Judl.), 18 Mar. 1918.	
	" 4 ..	2026, Home (Judl.), 28 Sep. 1917.	2026, Home (Judl.), 28 Sep. 1917.	
	" 5 ..	2027, Home (Judl.), 28 Sep. 1917.	2027, Home (Judl.), 28 Sep. 1917.	
	" 6 ..	18, Home (Judl.), 4 Jan. 1918.	18, Home (Judl.), 4 Jan. 1918.	
	" 7 ..	147, Home (Judl.), 18 Jan. 1918.	147, Home (Judl.), 18 Jan. 1918.	
	" 8 ..	232, Home (Judl.), 28 Jan. 1918.	232, Home (Judl.), 28 Jan. 1918.	
	" 9 ..	233, Home (Judl.), 28 Jan. 1918.	233, Home (Judl.), 28 Jan. 1918.	
	" 10 ..	482, Home (Judl.), 25 Feb. 1918.	482, Home (Judl.), 25 Feb. 1918.	
	" 11 ..	714, Home (Judl.), 25 Mar. 1918.	714, Home (Judl.), 25 Mar. 1918.	
	" 12 ..	1320, Home (Judl.), 4 June 1918.	1320, Home (Judl.), 4 June 1918.	
	" 13 ..	1593, Home (Judl.), 6 July 1918.	1593, Home (Judl.), 6 July 1918.	
	" 14 ..	1618, Home (Judl.), 12 July 1918.	1618, Home (Judl.), 12 July 1918.	
	" 15 ..	184, Home (Judl.), 24 Jan. 1919.	184, Home (Judl.), 24 Jan. 1919.	
	" 16 ..	186, Home (Judl.), 24 Jan. 1919.	186, Home (Judl.), 24 Jan. 1919.	
	" 17 ..	1035, Home (Judl.), 9 May 1919.	1035, Home (Judl.), 9 May 1919.	
	" 18 ..	1350, Home (Judl.), 13 June 1919.	1350, Home (Judl.), 13 June 1919.	
	" 19 ..	1514, Home (Judl.), 4 July 1919.	1514, Home (Judl.), 4 July 1919.	
	" 20 ..	2246, Home (Judl.), 1 Oct. 1919.	2246, Home (Judl.), 1 Oct. 1919.	
	" 21 ..	377, Judl. (Police), 26 July 1923.	377, Judl. (Police), 26 July 1923.	
	" 22 ..	397, Judl. (Police), 3 Aug. 1923.	397, Judl. (Police), 3 Aug. 1923.	
	" 23 ..	655, Judl. (Police), 18 Dec. 1923.	655, Judl. (Police), 18 Dec. 1923.	
	Thottia Naicks ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Gudu Dasaris ..	616, Judl., 13 May 1922.	616, Judl., 13 May 1922.	
	Valayars (residing in certain villages of the Coimbatore taluk).	549, Judl. (Police), 31 Oct. 1924.	549, Judl. (Police), 31 Oct. 1924.	

[8rd December 1924]

List of criminal tribes registered under sections 3 and 10 of the Criminal Tribes Act—*cont.*

District.	Name of criminal tribe.	Government Order applying sections 3 and 10 (b), Criminal Tribes Act.	Government Order applying section 10 (a), Criminal Tribes Act.	Remarks.
Whole Presidency.	Koravars	367, Judl. (Police), 4 July 1924.	540, Judl. (Police), 29 Oct. 1924.	Movements restricted to the area comprised within the limits of the Madras city.
	Kanjar Bhats ..	148, Judl. (Police), 13 Mar. 1924.	148, Judl. (Police), 13 Mar. 1924.	
	Iranis	506, Judl. (Police), 7 Oct. 1924.	506, Judl. (Police), 7 Oct. 1924.	

APPENDIX II.

[Vide answer to question No. 1293 asked by Mr. R. Srinivasa Ayyangar at the meeting of the Legislative Council held on the 3rd December 1924, page 513 supra.]

Statement.

Year.	Untutilized quantity of water.	Year.	Untutilized quantity of water.	Year.	Untutilized quantity of water.
	M. C. FT.		M. C. FT.		M. C. FT.
1913-14 ...	8,433	1917-18 ...	14,163	1921-22 ...	3,672
1914-15 ...	30,035	1918-19 ...	Nil.	1922-23 ...	21,744
1915-16 ...	14,660	1919-20 ...	41,683		
1916-17 ...	73,339	1920-21 ...	30,968		

APPENDIX III.

[Vide answer to question No. 1300 asked by S. R. Y. Ankinedu Prasad Bahadur at the meeting of the Legislative Council held on the 3rd December 1924, page 517 supra.]

Report of the President, District Board, Kistna, dated the 28th October 1924.

With reference to the Government Memorandum No. 23746-1, L. & M., dated the 27th August 1924, calling for a full report on the questions raised by M.R.Ry. Sri Raja Yarlagadda Ankinedu Prasad Bahadur, M.L.C., regarding the construction of bridges over the drainage crossings in the Divi taluk, I have the honour to state that there is a lump sum grant of Rs. 49,000 in the current year's budget for bridge and culverts in the district but nothing has been sanctioned as yet in the current year for the bridges on the Masulipatam-Mopidevi Road.

[8rd December 1924]

Estimates for two bridge works on the said road have been sent to the Superintending Engineer for his technical sanction. One of these is for a bridge in mile 8/3-4 of the road across Inampudi drain and the other for a bridge in mile 12/6-7 across Kanikala Madugu. Plans and estimates for the former were sent up to the Superintending Engineer for the first time as early as the 22nd December 1922 and for the last time with all the information required on the 25th June 1924. This has since been returned sanctioned. Steps will be taken to take it up in the next closure of canals and necessary funds will be provided in the current year's revised and next year's budget.

As for the second work, the estimate sent up to the Superintending Engineer in January 1924 was returned in February last for information relating to the fixing of water-ways, and the plans and estimates relating to the work are now under revision with the District Engineer.

2. With reference to question 2, enquiry was held in the year 1922 on the mahazar petitions of the residents of Divi taluk in regard to the unsatisfactory condition of the road. It was then reported that the road, when formed, was not made with rough stone soling, wherever it runs on loose soil, i.e., in the first 21 miles of the road with the exception of the bit between the 13th and the 16th miles, that subsequently however the portion of the road from 3/4 to the 6th mile, which was worst affected, was raised about the year 1918 and was also metalled with rough stone foundations and that it was in good condition and that the remaining portions were without the said improvements.

As for the cost of metalling with rough stone soling, it was reported that it varied from about Rs. 19,000 for the 8th mile to Rs. 29,000 for the 20th mile, that the total cost of rough stone soling alone was estimated to cost about Rs. 3,00,000 for 12 miles, that the total cost of complete renewals of the road with rough stone soling and bridging all the drainage and water-courses would come to Rs. 5,82,000 for a total length of 18 miles and that after completing so far, the maintenance cost of the road would alone come to Rs. 48,000 per annum and that the District Board was spending for this road at Rs. 25,000 per annum, i.e., at Rs. 1,400 a mile which comes to nearly three times of the Government grant for provincial trunk roads.

On the above lines the petitioners were endorsed in this office D. Dis. No. 165/D.B. of 1922, dated 25th January 1922.

3. I may state that the maximum and minimum cost of materials on this road for metalling one mile with rough stone soling is reported to be Rs. 35,000 and Rs. 14,000, respectively, as per current road metal rate books. During the current year there is a grant of Rs. 20,345 under ordinary repair works and a further grant of about Rs. 20,000 for a double scheme for metalling the bed of the Kistna river. The road thus receives comparatively more grant than any other road in the district. During the last three years portions of the road are being repaired giving rough stone foundation.

4. As for the third question, there was no allotment for these bridges in the Budget for 1922-23. In the Budget for the year 1923-24, Rs. 10,000 and Rs. 5,000 were provided, but as the estimates could not be got sanctioned within the year, the grants had to lapse.

As for the differences between the Executive Engineer and the District Board, I am not aware of any such differences; but on the other hand there is complete co-operation.

[3rd December 1924]

APPENDIX IV.

[Vide answer to question No. 1305 asked by Mr. K. Sarabha Reddi at the meeting of the Legislative Council held on the 3rd December 1924, page 519 supra.]

(1)

G.O. No. 2015, L. & M., dated 14th October 1921.

READ—the following paper :—

Letter from the Collector of Kistna, dated the 17th June 1921.

Order—No. 2015, L. & M., dated 14th October 1921.

The Collector of Kistna is informed that, having regard to the provisions of rule 52 (iii) of schedule IV of the Madras District Municipalities Act, 1920, the resolution of the Masulipatam Municipal Council regarding the introduction of spinning wheels in its schools cannot be considered to be illegal. It is however open to the District Educational Council under section 41 of the Madras Elementary Education Act, 1920, in the case of municipal elementary schools and to the Director of Public Instruction under G.O. No. 1942, L. & M., dated the 5th October 1921, in the case of secondary schools, to refuse recognition or to cancel or suspend recognition if it is found that the teaching of spinning by wheels is used for purposes of political propaganda, and in that case the expenditure of municipal funds on the maintenance of such schools will be illegal.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To the Collector of Kistna.
" Director of Public Instruction.
" Law (Education) Department.
" Examiner of Local Fund Accounts.

(2)

G.O. No. 2073, L. & M., dated 21st October 1921.

READ—the following papers :—

(i)

Letter from the Collector of Chittoor, No. 7614-B-2, dated the 15th August 1921.

(ii)

Letter from the Collector of Chittoor, No. , dated the 21st September 1921.

Order—No. 2073, L. & M., dated 21st October 1921.

The Collector of Chittoor is informed that having regard to the provisions of rule 52 (iii) of schedule IV of the Madras District Municipalities Act, 1920, the resolution of the Tirupati Municipal Council regarding the introduction of charkas in its schools cannot be considered to be illegal. It

[3rd December 1924]

is, however, open to the District Educational Council under section 41 of the Madras Elementary Education Act, 1920, in the case of municipal elementary schools and to the Director of Public Instruction under G.O. No. 1942, L. & M., dated the 5th October 1921, in the case of secondary schools, to refuse recognition or to cancel or suspend recognition, if it is found that the teaching of spinning by wheels is used for purposes of political propaganda and in that case the expenditure of municipal funds on the maintenance of such schools will be illegal.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To the Collector of Chittoor.
" Director of Public Instruction.
" Law (Education) Department.
" Examiner of Local Fund Accounts.

(3)

G.O. No. 2065, L. & M., dated 29th July 1924

READ—the following papers :—

(i)

Letter from the President, Taluk Board, Narasapur, Ref. Cur. No. 24, dated the 6th March 1924.

(ii)

Endorsement of the President, District Board, Kistna, No. 1097-D.B., dated the 21st March 1924.

Order—No. 2065, L. & M., dated 29th July 1924.

The President, Narasapur Taluk Board, is informed that the sanction of the District Educational Council is necessary for the introduction of spinning as a course of study in elementary schools.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Secretary to Government.

President, Taluk Board, Narasapur (through the President, District Board, Kistna).
Copy to the Law (Education) Department.
" Director of Public Instruction.

[3rd December 1924]

APPENDIX V.

[Vide item V Communication to the Council on page 545 supra.]

Notification under section 12 (1) of the Madras District Municipalities Act, 1920.

Whereas the Local Government in G.O. No. 1892, L. & M., dated 9th July 1924, called upon the Dindigul Municipal Council to show cause against the proposal to withdraw the privilege of electing its Chairman on the grounds that the Council was divided by strong factions and that the Councillors behaved in a disorderly manner in the meetings and subjected public interests to personal prejudices especially in connexion with the election of their Chairman; and whereas the Council has not shown cause against the proposal, but as at a meeting held on 29th August 1924 merely passed by the casting vote of the Chairman a resolution for the continuance of the elective privilege, eight of the councillors voting for the resolution and eight voting against; the Local Government now direct under sub-section (1) of section 12 of the Madras District Municipalities Act, 1920, that the Chairman of the Dindigul Municipal Council shall be appointed by the Local Government.

APPENDIX VI.

[Vide Order of the day No. VII on page 550 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned members of the Select Committee appointed to report on certain draft amendments to Standing Orders Nos. 22 and 23, which were moved by the hon. Mr. C. P. Ramaswami Ayyar, C.I.E., at the meeting of the Council on the 10th October 1924, have the honour to submit the following report:—

The amendments referred to us are—

- (1) that, in the penultimate sentence of Standing Order No. 22 the figures and words '2-30 p.m.' be substituted for the figure and words '4 o'clock';
- (2) that in Standing Order No. 23 the figure '5' be substituted for the figures '6-30'.

We consider that the amendments proposed are conducive to the convenience of the House and recommend that they be adopted.

The Standing Orders Nos. 22 and 23 as revised will stand thus:

"22. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion to rise in their places, and if twenty or more members rise accordingly, the President shall intimate that the motion will be taken at 2-30 p.m. If less than twenty members rise, the President shall inform the member that he has not the leave of the Council.

3rd December 1924]

"23. (1) The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at 5 p.m. and thereafter no question can be put.

"(2) No speech during the debate shall exceed 15 minutes in duration provided that it shall be within the discretion of the President to allow the mover and the Government Member answering him to exceed the said limit of time."

We do not recommend that this report be published in the Gazette.

L. D. SWAMIKANNU.
P. KESAVA PILLAI.
C. V. S. NARASIMHA RAJU.
T. R. VENKATARAMA SASTRI.
P. T. RAJAN.
M. KRISHNAN NAYAR.
P. SUBBARAYAN.
S. SATYAMURTI.
B. MUNISWAMI NAYUDU.
A. RAMASWAMI MUDALIYAR

FORT ST. GEORGE,
13th November 1924.

APPENDIX VII.

[Vide Proceedings regarding Standing Order No. 69 on page 564 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned members of the Select Committee appointed to report on certain draft amendment to Standing Order No. 69 which was moved by the hon. Mr. C. P. Ramaswami Ayyar, C.I.E., at the meeting of the Council on the 10th October 1924, have the honour to submit the following report:—

The amendment referred to us is—

For the existing Standing Order No. 69 substitute the following:—

"69. Communications from the Governor to the Council are made—

- (1) by a speech;
- (2) by a written message addressed to the President and read to the Council by the President; and
- (3) informally, through a Member of the Government."

[3rd December 1924]

We consider that the amendment proposed is generally suitable and recommend that it may be adopted with the following verbal modifications:—

- (i) the substitution of the words 'read out to the Council' for 'read to the Council' in clause (2), and
- (ii) the omission of the word 'informally' in clause (3).

The Standing Order as revised will stand thus—

"69. Communications from the Governor to the Council are made—

- (1) by a speech;
- (2) by a written message addressed to the President and read out to the Council by the President; and
- (3) through a Member of the Government".

We do not recommend that this report be published in the Gazette.

L. D. SWAMIKANNU.

P. KESAVA PILLAI.

T. R. V. SASTRI.

A. RANGANATHAM.

A. S. KRISHNA RAO.

J. D. SAMUEL.

YAHYA ALI.

T. A. RAMALINGAM

(subject to a minute of dissent).

O. TANIKACHALAM CHETTY.

M. RATHNASWAMY

(subject to a minute of dissent).

17th November 1924.

MINUTES OF DISSENT.

I am against clause (3) as I think the other two are sufficient and in keeping with the dignity of the Council.

M. RATHNASWAMY.

I agree with Mr. M. Rathnaswamy.

T. A. RAMALINGAM.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 4th December 1924.

The Council met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, C.I.E., I.S.O.) presiding.

I

QUESTIONS AND ANSWERS.

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

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

(2) The questions 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.]

Collectorates.

Acting Secondary School-Leaving Certificate clerks.

1340 Q.—Mr. HAMEED SULTAN MARAKKAYAR: Will the hon. the Member for Revenue be pleased to lay on the table a statement community-war (Brahmans, non-Brahmans, Christians and Muhammadans) showing the number of acting Secondary School-Leaving Certificate clerks who were exempted by the several Collectors with due regard to B.P. Mis. No. 1792, dated 11th August 1923, and to furnish the acting service of each of the several Muhammadan clerks who were so exempted but were ousted for some reason or other?

A.—The Government have not the information asked for and do not think any public purpose will be served by calling for it.

Rao Bahadur C. NATESA MUDALIYAR:—"Sir, may I know the reason why the Government think that no public purpose will be served by calling for the information?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"If the clerks have been turned out against definite instructions from Government, they have certainly a right of appeal."

Rao Bahadur C. NATESA MUDALIYAR:—"Is it not a fact that these clerks were exempted from the various examination qualifications simply because they were found efficient and their community is not sufficiently represented in the various offices?"

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—"It is not now intended to withdraw any orders of exemptions that might have been previously granted in respect of particular individuals."

[4th December 1924]

Rao Bahadur C. NATESA MUDALIYAR :—" But is it not a fact that these people were ousted on the ground that the various heads of departments did not act according to the orders issued by the Government to exempt them ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Exemptions in several cases were granted on the condition that the clerks concerned shall not draw more pay than that was fixed in the order of the exemption. "

Rao Bahadur C. NATESA MUDALIYAR :—" But they were drawing only the pay fixed by the order of exemption and yet they were ousted. May I know, Sir, the number of years of service that these acting clerks have put in ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I have already stated that it will serve no useful purpose in calling for the information. "

Rao Bahadur C. NATESA MUDALIYAR :—" But I ask, Sir, is it fair that when they have served for two or three years as acting clerks and they were exempted, they should be thus sent home ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" When the final Government Order on the matter is placed on the Editors' Table, the hon. Member will come to know that the injustice he apprehends is not going to be perpetrated. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Do I understand that acting and temporary clerks, if sent away, have got a right of appeal ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" If, under the rules, they have a right of appeal. "

Depressed Classes.

Assignment of land to depressed classes in the Nilgiri and other districts.

1341 Q.—Mr. R. VEERIAN : Will the hon. the Member for Revenue be pleased to state—

(a) whether all the lands assigned for the depressed classes up to 31st March 1924 as shown in Appendix I (vide answer to question No. 564) in all the districts are actually fit for cultivation ;

(b) how many acres of land that were already assigned to the depressed classes in all the districts up to 31st March 1924 are left uncultivated ; and

(c) the reason for not bringing all the lands assigned to them under cultivation ?

A.—(a) The Government presume so.

(b) The Government have no information.

(c) The question does not arise.

Mr. R. VEERIAN :—" Sir, with reference to clause (a), may I say, Sir, that the presumption of the Government may be correct or may not be correct. I wish to know whether their presumption is a correct one and whether it is based upon any record received from the local officials ? "

The hon. the PRESIDENT :—" That is not a supplementary question. "

4th December 1924]

Mr. C. V. VENKATARAMANA AYYANGAR :—" As regards (c), may I know if the grant is subject to the condition that, if the land is not cultivated within a certain time, it will be resumed by the Government ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Yes ; it is so under the orders of the Board of Revenue. "

Mr. S. SATYAMURTI :—" May I know the grounds on which the Government presume that all the lands assigned are fit for cultivation ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Because they have applied for the lands and got them. "

Mr. R. VEERIAN :—" Sir, with reference to (b), may I know whether the Government will be pleased to call for the information ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" I do not think it is worth our while to call for the information as to who offered to take the land, whether he cultivated it or not, and if he did not cultivate it, why he did not. "

Mr. A. RANGANATHA MUDALIYAR :—" I should like to know whether these assignments were made after all the darkhast formalities had been complied with ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Yes. "

Assignment of land to depressed classes in Mangalore taluk.

1342 Q.—Mr. R. VEERIAN : With reference to question No. 561 put at the meeting of the Council, dated the 10th October 1924, will the hon. the Member for Revenue be pleased to state—

(a) whether 1,228.68 acres reserved for assignment on darkhast for depressed classes in Mangalore taluk, South Kanara, are actually fit for cultivation ;

(b) whether 37.04 acres of land assigned to the depressed classes in Mangalore taluk are now under cultivation ; and

(c) if not, the reason for not bringing the whole extent of the land under cultivation ?

A.—(a) The area includes lands fit for cultivation as well as house-sites.

(b) The hon. Member's attention is invited to answer to clause (4) of question No. 561, from which it will be seen that 13.52 acres have been assigned for house-sites and 23.52 acres for cultivation. The Government have no information as to the exact extent brought under cultivation.

(c) The question does not arise.

Mr. R. VEERIAN :—" With reference to (a), may I know whether the land assigned is in jungles where the cultivator would become a prey to wild beasts or whether such lands are lying near their living quarters ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" Lands which could be cultivated. "

Floods.

[4th December 1924]

Resolutions of Mirasidars' Conference at Mayavaram.

1343 Q.—Mr. S. SATYAMURTI: Will the hon. Member for Revenue be pleased to state—

(a) whether the Government have received copies of the resolutions passed at the Conference of the Mirasidars of Mayavaram taluk on 20th October 1924;

(b) whether they have considered the resolutions of the conference; and

(c) the action, if any, taken or proposed to be taken thereon?

A.—(a) Yes.

(b) & (c) The resolutions were transferred to the Flood Commissioner for consideration.

Mr. S. SATYAMURTI:—“With reference to (b) and (c), may I know when the resolutions were transferred to the Flood Commissioner?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“To the best of my memory, two or three days after the receipt of the paper by the office.”

Mr. S. SATYAMURTI:—“In view of the time that has since elapsed and the time which must have elapsed after the receipt of the answer in your office, Sir, may I know if the hon. Member has heard anything since of the action taken by the Flood Commissioner thereon?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“I have not heard anything specifically from the Flood Commissioner on any of these matters.”

Mr. S. SATYAMURTI:—“May I request the hon. Member to send for information as to whether anything has been done on the resolutions which are of a somewhat important character?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“I have no objection.”

Concessions to mirasidars of Tanjore district.

1344 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government propose to give any further concessions to the mirasidars of Tanjore district with regard to the payment next year of the increased assessment on their lands, in view of loss sustained by them by the unprecedented floods this year;

(b) if so, the nature and extent of the concessions proposed to be granted to them; and

(c) if not, the reasons?

A.—(a) & (b) No general concessions applicable to the whole district are in contemplation.

(c) Concessions have been made to the lands actually affected.

Mr. S. SATYAMURTI:—“With reference to (c), may I ask the hon. Member to specify generally the nature and the extent of the concessions which have been made to the lands actually affected?”

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The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“The press communiqué is already issued exempting all such lands from the payment of land revenue until those lands are reclaimed and are rendered fit for cultivation.”

Resolution of the Taluk Mirasidars' Association, Mayavaram.

1345 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a copy of the resolutions passed at the conference held under the auspices of the Mayavaram Taluk Mirasidars' Association on the 20th October 1924;

(b) whether the Government have caused any enquiry to be made regarding the allegations made in those resolutions;

(c) whether the Government have received any report from their subordinates in the district of Tanjore regarding the allegations referred to in the resolutions; and

(d) whether any orders have been passed by the Government regarding the prayers contained in those resolutions and if so, to what effect?

A.—The hon. Member is referred to answer to question No. 1343.

Mr. C. V. VENKATARAMANA AYYANGAR:—“I wish to know, Sir, whether the Government made any enquiry apart from sending the resolutions to the Flood Commissioner.”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“The best method for Government to conduct an enquiry is to send them to the Flood Commissioner for report.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“And not to the District Collector or subordinate officers of his?”

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB:—“When there is a special officer for the purpose of looking into all matters regarding floods wherever they have occurred, Government were quite right, I think, in sending it to that responsible officer and it is for the Flood Commissioner certainly to consult the Collectors concerned.”

Land Revenue.

Remittances of land revenue.

1346 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Member for Revenue be pleased to state whether there is a proposal to direct remittances of land revenue collected within the jurisdiction of Deputy Tahsildars to be made in the sub-treasury of their offices instead of in the taluk sub-treasuries to obviate considerable delay, hardship and expense to the village headman concerned?

A.—Land revenue collected within the jurisdiction of Independent Deputy Tahsildars is already received in the sub-treasuries attached to their offices. There is no proposal at present before Government to extend this system to the case of the Dependent Deputy Tahsildar divisions.

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Mr. A. RANGANATHA MUDALIYAR :—" May I know, Sir, the principles on which one division is constituted an independent and another a dependent Deputy Tahsildar's division ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" It depends upon the bulk of the work. "

Survey.

Service of village karnams in connexion with the resurvey of the Kistna district.

1347 Q.—Mr. P. PEDDIRAJU : Will the hon. the Member for Revenue be pleased to state—

(a) whether, in connexion with the coming resurvey of the Kistna district, the Government ordered the village karnams to work in the office of the Settlement Department at the headquarters of the taluk, and, if so, for how many days in a month ;

(b) whether the Government granted any travelling allowance and batta for so serving ;

(c) whether any representations have been made in respect of the same, and, if so, what orders have been passed ; and

(d) whether the Government are aware that the local Revenue officials issued orders to the karnams to serve for twenty days in a month ; whether the said orders have caused considerable dissatisfaction among the village officials, and whether the Government have under consideration any modification of the orders ?

A.—(a) The karnams have, as usual, been summoned to attend the Branch Settlement offices to prepare preliminary accounts and registers for their villages. No fixed number of days is prescribed.

(b) The karnams are paid a remuneration of four annas per day's work calculated by the standard for the several items of work and also a lump-sum remuneration of Rs. 10 when the fair accounts of their villages are finally completed.

(c) A collective petition signed by the karnams of Tanuku taluk has been presented to the Collector of Kistna and the matter is now under his consideration.

(d) No. The average number of days' attendance in Tanuku taluk was eleven days in all for each karnam.

Mr. P. ANJANEYULU :—" With reference to the answer to (d), may I know whether the ' No ' implies that the Government are not aware of the order to the karnams or whether the fact of it is not true ? "

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—" The former presumption of the hon. Member is correct. "

Depressed Classes.

Depressed classes and water facilities in Kamalapuram village.

1348 Q.—Mr. R. VEERIAN : In view of the answers given to question No. 606 put at the meeting of the Council, dated the 10th October 1924, regarding suffering of the depressed classes in the Kamalapuram village, the Home Member and the hon. the Minister for Local Self-Government be pleased to state what steps the Government are going to take or intend to take with reference to providing them with water ?

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A.—The Sankari Taluk Board which should provide facilities for drinking water in the village is unable to do so owing to want of funds. No grants from Provincial funds are now made to local boards for such minor sanitary works. It is open to the taluk board to apply to the Commissioner of Labour for a grant for the purpose.

Mr. R. VEERIAN :—" Sir, with reference to the main question, the answer to the latter portion is as follows : ' It is open to the taluk board to apply to the Commissioner for Labour for a grant for the purpose. ' Sir, invariably the Commissioner for Labour says that funds are not available at his disposal. In such cases may I know to whom the taluk boards will have to apply ? "

The hon. Sir ARTHUR KNAPP :—" They must apply to the Commissioner again when he is in a more happy position of having money to distribute. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Has any application been made in this case for money by the taluk board to the Labour Commissioner ? "

The hon. Sir ARTHUR KNAPP :—" So far as I know, no. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Will the hon. Member ascertain it from the Labour Commissioner and give us the definite information ? "

Mr. R. VEERIAN :—" May I point out, Sir, that I applied to the Labour Commissioner who refused the request saying that he had no funds ? "

The hon. Sir ARTHUR KNAPP :—" I would invite the hon. Member's attention to his question. What he asked was to whom the taluk boards were to apply. He does not refer to any applications made individually. "

Mr. R. VEERIAN :—" I sent it on behalf of the local boards. "

The RAJA OF RAMNAD :—" May I ask, Sir, how much funds have been placed at the disposal of the Labour Commissioner for disbursements for such purposes ? "

The hon. Sir ARTHUR KNAPP :—" I must ask for notice, Sir. "

Labour.

Minimizing accidents in factories.

1349 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state the steps the Government have taken to minimize the accidents in factories the average of which per 100 operatives employed has risen from '40 in 1915 to '80 and '81 in 1922 and 1923, respectively ?

A.—The seeming increase in the number of accidents is largely due to the instructions given by the factory staff to occupiers and managers of factories to notify under the rules every accident that takes place, as it was found that a large number of accidents were not reported in previous years.

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The following steps have been taken by Government to reduce the number of accidents:—

- (1) In all cases of accidents, investigations are made by the Factory Inspectors and suggestions given or orders served, if possible, to prevent similar accidents.
- (2) The provisions of paragraph 7 of the recommendations of the International Labour Conference, 1923, an extract* of which is appended, have been brought to the notice of all Factory Inspectors and they are provided with facilities for acquainting themselves with modern methods of preventing accidents.
- (3) A draft rule has been published requiring managers and occupiers to have placards in the vernaculars hung up in factories wherever machinery is in use stating the precautions to be observed in attending to machinery in motion.
- (4) The Indian Workmen's Compensation Act, 1923, which came into force on the 1st July 1924, will serve as a warning to employers who have not done so already to make precautionary arrangements against accidents.

Rules regarding floor area and breathing space under the Factories Act.

1350 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Home Member be pleased to state—

(a) whether rules have been framed by the Government under the Indian Factories Act requiring the minimum floor area as well as minimum breathing space for every person employed in a factory and, if so, when the rules were first prepared in their present form;

(b) whether there is any attempt being made to amend the rules now with a view to exclude the space occupied by other fixtures besides machinery in calculating floor area; if so, who suggested the amendment;

(c) what is the number of factories coming under the Act in the Province of Madras;

(d) whether the enforcement of the rules regarding the floor area either in the present form or in the amended form will lead to the dismissal of large number of hands now employed in the various factories in this Presidency and that some hands have had to be sent away already owing to the statement of the Inspectors that the rules will be strictly enforced; and

(e) if the answer to any part of (d) is in the affirmative, what is the number already sent away and what is the number likely to be sent away in the factories in each district of this province?

A.—(a) Yes, in 1923.

(b) Yes. The Commissioner of Labour.

(c) One thousand and eighty-seven up to the end of September 1924.

(d) The new rule 23 is substantially the same as the old rule 18 of the Madras Factories Rules, 1912. The Government do not consider that the new rule with the amendment proposed will produce the result anticipated by the hon. Member, nor are they aware that some hands have been sent away already.

(e) Does not arise.

* Printed as Appendix I on page 697 infra.

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Mr. C. V. VENKATARAMANA AYYANGAR:—“With reference to the answer to (d) of the question, has any report been called for from the factory inspectors as to whether the new rule which excludes even the fixtures from the space available will affect a number of hands?”

The hon. Sir ARTHUR KNAPP:—“No, Sir. No report has been called for.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“Will the Government be pleased to call for the information? For, my information or rather my own personal knowledge is that some hands have been sent already on account of this. Will the Government be pleased to call for the report from the inspector?”

The hon. Sir ARTHUR KNAPP:—“May I say that if my hon. Friend was in possession of information that such a thing had happened, it would have been better, instead of asking us whether it would lead to a particular result, to have mentioned the fact that it has led to such a result in the past when I should have been quite prepared to enquire into it?”

Mr. C. V. VENKATARAMANA AYYANGAR:—“I am sorry that my hon. Friend has misunderstood me. My information is regarding Coimbatore and will not be of any use when the whole information for the whole of the Presidency is wanted. It may be that in a particular mill a particular number of men may have been sent away. I want to know whether the new amended rule, even the present one if strictly enforced, is likely to have that effect.”

The hon. Sir ARTHUR KNAPP:—“The answer to that is that if my hon. Friend will give me his personal information with reference to the particular mill he has referred to, I am quite prepared to have the matter looked into and form an opinion as to whether, on the ground that it is likely to throw people out of employment, anything should be done by way of postponing or revising the new rule.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“I have no objection. If the hon. Member is not in possession of the information, I may give it to the hon. Member.”

Railways.

Extension of railway line in Kudligi taluk.

1351 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Home Member be pleased to state—

(a) whether the extension of a railway line from Kanevihalli to Tunshigeri in the Kudligi taluk, Bellary district, has been decided upon;

(b) whether it is a fact that the General Sandur Mining Company has contributed 6 lakhs of rupees towards this project; and

(c) what is the total estimate of this scheme?

A.—(a) It is understood that in August last a traffic survey was being undertaken by the Madras and Southern Mahratta Railway Administration of an extension of the Kanivihalli branch to Kamatharuvu. The alignment will pass about a mile from Tunshigeri. The proposed extension will be an assisted siding to the Sandur Mines.

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- (b) It is understood that a portion of the expenditure is to be borne by the Sandur Mining Company; but the exact amount of the contribution is not known.
- (c) Government have no information.

Mr. A. RANGANATHA MUDALIYAR:—"May I know the result of the survey and whether the return will be adequate?"

The hon. Sir ARTHUR KNAPP:—"I am afraid, I have no information."

Civil Justice.

Posts of amins in Ganjam district.

1352 Q.—Mr. HAMEED SULTAN MAHARAKAYAR: Will the hon. the Law Member be pleased to state—

(a) the number of posts of amins permanently filled up in the process establishment in the judicial courts in the Ganjam district—Chicacole, Sompeta, Berhampur and Aska—since 1920;

(b) whether it is a fact that Brahmans and non-Brahmans were appointed in acting and permanent vacancies during these five years in preference to ex-service men;

(c) if Muhammadans were not eligible for the posts of amins during the period, and if they were, why their claims were overlooked; and

(d) whether it is a fact that out of the permanent amins of the several courts no one is a Muhammadan, and if the answer is in the affirmative, state why the Government will be pleased to furnish statistics of each court and dated 15th August 1922, could not be made?

A.—The hon. Member is referred to sections 22 and 23 of the Madras Civil Courts Act, 1873.

Rao Bahadur C. NATESA MUDALIYAR:—"Sir, am I to understand that Government have no control over these appointments?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Quite so." (Laughter).

11-15 a.m. Rao Bahadur C. NATESA MUDALIYAR:—"Are not these people paid out of the money voted by this Legislative Council?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, notwithstanding that moneys may be voted by the Legislative Council, if an Act which has got validity and force says that an order passed by a District Judge, or by a Sub-Judge subject to control by the District Judge, is final, I do not think the Legislative Council or the Government in the present state of the law can interfere."

Rao Bahadur C. NATESA MUDALIYAR:—"Will the Government be pleased to take steps to see that the Act is amended so that there may not be trouble in the next budget session?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am not concerned about the trouble at the next budget session. It may or may not arise. But so far as the amendment of the Act is concerned, it is in the hands of the House whether to amend it in the sense proposed by the hon. Member or in any other sense."

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Additional sub-court at Chittoor.

1353 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether before a district court was opened at Vellore an additional sub-court was established at Chittoor in August 1919 and whether the said court, so long as it was allowed to continue, was able to dispose of a good portion of the accumulated arrears of not only Chittoor but of North Arcot district also?

A.—The answer to the first part of the question is in the affirmative and to the second part in the negative.

Mr. A. RANGANATHA MUDALIYAR:—"Am I to understand that before the district court was opened at Vellore, no work at all of the North Arcot district was transacted by the sub-court at Chittoor?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I think the answer given involves the fact that it was."

Communiqué regarding the strength of the High Court.

1354 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether the Government have issued any communiqué explaining the reasons for increasing the strength of the High Court to fourteen;

(b) if so, whether the communiqué will be placed on the table of the House; and

(c) if not, the reasons for the delay and the time when the communiqué is expected to be published?

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

(c) The Government only undertook to give figures as to the arrears in the High Court and they will do so.

Mr. S. SATYAMURTI:—"Sir, with regard to the answer to clause (c) of this question, may I ask when the Government propose to issue the communiqué, and may I also know the reasons why the communiqué is to be issued after the additional appointments are made?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The additional appointments were made because the Government were convinced that they were necessary. The additional appointments were made up to April 1925, until the beginning of the vacation. I may add that certain statistics are being compiled and they will be placed at the disposal of hon. Members of the House."

Mr. S. SATYAMURTI:—"May I ask if they will be placed before us in time for the next budget discussion?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Obviously so."

Mr. S. SATYAMURTI:—"May I ask the hon. the Law Member whether his attention has been drawn to the fact that since the strength of the High Court has been increased to 14, there has been apparently a general epidemic of sickness among the Judges and not more than 12 happen to attend Court

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not think it is open to us to prescribe the particular kind of medicine required for the hon. the Judges, but the fact seems to be that one or two Judges have fallen ill, a circumstance which cannot be prevented even by the hon. Members occupying the Treasury Bench or others."

Criminal Justice.

Appointment of Special Public Prosecutors.

1355 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

- (a) the principle on which special public prosecutors are appointed to conduct cases before committing magistrates;
- (b) the principle on which special public prosecutors are appointed to assist the public prosecutors in sessions courts and whether the public prosecutors are consulted in such cases;
- (c) the principle on which the public prosecutor of one district is asked to go to another district to assist the public prosecutor of that district in the conduct of a sessions case which happens to be transferred to the said district;
- (d) the principle on which public prosecutors of the mufassal are asked to instruct the Public Prosecutor at Madras in criminal appeals or in criminal revision petitions and bail applications and whether the Public Prosecutor at Madras is consulted in the matter as to whether he has any objection; and
- (e) figures for the last four years in each of the districts as regards—
 - (i) the number of cases under each class;
 - (ii) the amount of cost in each case;
 - (iii) the result of the cases—whether it ended in favour of the accused or against him whether fully or partly?

- A.—(a) The hon. Member is referred to sections 492 (2) and 495 of the Code of Criminal Procedure.
- (b) Junior members of the Bar are sometimes appointed in the interests of justice to assist the public prosecutor if a case is complicated and important and the District Magistrate considers the course necessary.
- (c) The public prosecutor of one district is usually permitted to instruct the public prosecutor of the district to which a sessions case has been transferred if the case is important and the former is closely acquainted with the facts of the case.
- (d) Mufassal public prosecutors are usually deputed to instruct the Public Prosecutor, Madras, on the recommendation of the District Magistrates concerned if the case is important and complicated and a personal consultation is considered necessary.
- (e) The Government are not in possession of the details and they do not consider any useful purpose will be served by calling for them.

Mr. G. RAMESWARA RAO :—"With reference to clause (c), is not the close acquaintance with the facts of the case got from the records of the case and from the investigating officer?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sometimes."

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Mr. G. RAMESWARA RAO :—"Is there any other source of information for the public prosecutor regarding the facts of the case?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Having conducted one portion of the case, it is sometimes advantageous that he should give instructions for the conduct of the other portion of the case."

Mr. G. RAMESWARA RAO :—"Would it not be enough if the investigating officer is to give the instructions?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It may be. It depends on the Judge and the Magistrate, and his discretion will not be interfered with normally."

Responsibility for cases of punishment of confining in stocks.

1356 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

- (a) which are the village courts and panchayat courts which are responsible for the 41 cases of punishment of confining in stocks, as stated in the criminal statistics for 1922, page 6;
- (b) what is the number of cases similarly punished since the abolition of this form of punishment every year till 1922;
- (c) what is the action since taken to correct the erring courts in this matter; and
- (d) what action has the Government taken or proposed to take in the matter, in view of the fact that this form of punishment is still resorted to, by way of punishing those responsible for it?

A.—(a) The Government have not this information.

(b) In the criminal statistics of 1920, 98 cases were reported and in those of 1921, 40 cases were reported.

(c) The illegality of the punishment was pointed out by Government in reviewing the statistics and District Magistrates were asked to explain how they came to be inflicted. The reports of the District Magistrates show that while some cases of simple imprisonment were wrongly reported under the head of confinement in stocks, in most cases the illegal punishment was due to ignorance of the recent change in the law on the part of acting village magistrates no longer in office. In two cases where there was no excuse for the village magistrates' illegal action, the village magistrates were dismissed.

(d) The Government propose to take no further action in view of the fact that in 1923 the number of cases where confinement to stocks had been imposed was only seven: in six cases the District Magistrates reported that they had dealt with the village magistrates at fault; the seventh case occurred in the Agency.

Payment of batta to witnesses for the defence in Sessions cases.

1357 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

- (a) whether all the witnesses summoned for the defence in Sessions cases are paid batta and allowance in all the districts;

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(b) whether there is a uniformity of practice in this matter ;

(c) whether the Sessions Judge of East Tanjore has set up any new practice in this matter ;

(d) whether the Government have approved of the practice of the Sessions Judge of East Tanjore referred to in paragraph 23 of the statistics of Criminal Courts, 1922 ; and

(e) if the answer to the above be in the affirmative, whether the Government propose to issue the necessary directions to make the practice uniform ?

A.—(a) to (e) Under the rules framed by the Government under section 544 of the Criminal Procedure Code, the Judge or Magistrate has discretion to pay batta at the sanctioned rates to witnesses if he is satisfied in each case that the witness attended the Court in furtherance of the interest of public justice. The Government see no reason to institute inquiries regarding particular Courts or to make the rules more rigid.

Mr. G. RAMESWARA RAO :—“ Sir, with reference to clause (a), may I ask whether, when all the witnesses summoned are compulsorily bound to attend, irrespective of the opinion of the Judge that their evidence is in furtherance of public interest or not . . . ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Will the hon. Member repeat his question ? I am afraid, even after the new arrangements, I am not able to hear him.”

Mr. G. RAMESWARA RAO :—“ The question is whether all the witnesses summoned for the defence are paid batta. My supplementary question is, when they are compulsorily bound to attend the moment they are summoned, irrespective of the opinion of the Judge as to whether their attendance in Court is in furtherance of the interests of public justice, is it not fair that they should be paid batta ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ That is a point of view, no doubt, Sir.”

Mr. G. RAMESWARA RAO :—“ My submission is that, as a matter of fact, they are not given batta, as I understand.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It is certainly left to the discretion of the Judge.”

Mr. G. RAMESWARA RAO :—“ What I suggest to the Government is this, whether it is fair to the witnesses who are summoned and brought all the way from their homes to be denied batta ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ The suggestion contained in the supplementary question will be borne in mind.”

Assault on the clerk, Higginbothams' Book-stall.

1358 Q.—Mr. SAMI VENKATACHALAM CHETTI : Will the hon. the Law Member be pleased to state—

(a) whether the attention of the Government has been drawn to the judgment of the Deputy Magistrate of Tanjore in a case brought

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by Mr. Swaminatha Ayyar, clerk, Higginbothams' Book-stall, against Mr. Manson, Railway Medical Officer, for assault as reported in the *Hindu* of 3rd November 1924 ; and

(b) whether Government would call for papers and see whether justice has been meted out to the complainant ?

A.—(a) Yes.

(b) As the law provides remedies in cases where any person is aggrieved by an order of discharge under section 253 (1) of the Code of Criminal Procedure, the Government do not at present propose to interfere.

Mr. S. SATYAMURTI :—“ Sir, in view of the very great political importance, if I may say so, of this matter, may I ask whether the Government are watching the progress of the case and, in case the complainant does not get justice ultimately, will the Government take its own action ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ In cases of this kind, the Government generally keeps a watch over what is happening and if occasion arises for taking any action, the Government will no doubt take action.”

Irrigation.

Irrigation projects in the Coimbatore district.

1359 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) whether any irrigation project in Coimbatore district is under consideration of the Government excepting the Cauvery and Bhavani projects ; and

(b) in what stage the inquiry about the Kollegal scheme is at present ?

A.—The hon. Member is referred to the answer to question No. 6 at the meeting of the 10th December 1923. The consideration of the estimates for the small irrigation scheme proposed in connexion with the Siruvani scheme, which have been received from the Superintending Engineer, has been deferred pending the investigation of a channel in the upper reaches of the Noyil which is now in progress. Investigation in connexion with the improvements and extensions under the existing Bhavani channels is well advanced. As regards the irrigation schemes in the Kollegal taluk, investigation in connexion with the Hebbahalla scheme has since been completed and approximate estimates are under preparation. In addition, an estimate for repairs to Papankarai tank and supply channel has been sanctioned by the Superintending Engineer and estimates for improvements to Hampapuram tank are being prepared by the Executive Engineer. Field work in connexion with five other tanks has also been completed.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ With reference to the statement in the answer that the Siruvani scheme has been deferred pending certain investigations, may I ask whether it refers to the new water-supply scheme for Coimbatore ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ It is a part of it, I think.”

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Mr. C. V. VENKATARAMANA AYYANGAR :—" May I take it that the matter of supplying water to Coimbatore would not be delayed owing to other schemes? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" As the hon. Member himself knows very well, the question of the water-supply of Coimbatore is complicated by many factors, and a decision on it cannot be arrived at without the concurrence of various authorities. But so far as the irrigation aspect of it is concerned, that matter will be borne in mind. We shall keep that in mind when discussing the bigger question."

Mr. C. V. VENKATARAMANA AYYANGAR :—" What I want to ask the Government is whether they will take that into consideration and pay a portion of the cost of the water-supply scheme also, as it is included in the general scheme."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" My hon. Colleague, the Chief Minister, who is apparently otherwise busy, will no doubt pay due attention to the water-supply of Coimbatore. The question whether the Government are able to pay towards its cost will also be considered by him."

Mr. C. V. VENKATARAMANA AYYANGAR :—" The only unfortunate thing is that before we know anything about it, the matter becomes an accomplished fact. So that we want to know beforehand what is to be done before the matter is finally disposed of. We have had trouble about pipes, and we do not want to have a further trouble over this matter."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There is no analogous trouble so far as irrigation is concerned. I am blissfully ignorant about the trouble regarding pipes."

The hon. the RAJA OF PANAGAL :—" May I add, Sir, that there is no trouble about pipes? " (Laughter).

Mr. C. V. VENKATARAMANA AYYANGAR :—" I would appeal to the hon. the Education Minister to say whether there is trouble about pipes or not."

Legislative.

Librarian of the Legislative Council Library.

1360 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state whether the Government contemplate the appointment of a competent librarian to be in charge of the Legislative Council library throughout the year instead of for only six months in a year?

A.—The Government considered that one of the permanent upper division clerks in the office of the Legislative Council could be placed in charge of the library throughout the year. As a compensation for the withdrawal of one of the permanent clerks for this work, the Government have sanctioned the entertainment of an additional temporary upper division clerk on Rs. 70 per mensem for six months in every year.

Rao Bahadur C. NATESA MUDALIYAR :—" Sir, am I to understand that one upper division clerk is to be the librarian in addition to his work as clerk in the office? "

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The hon. Mr. R. A. GRAHAM :—" The arrangement is that during the time when the Council is not in session, he will have plenty of time to attend to this work; and when the Council is in session, his other work will be done by the temporary clerk."

Rao Bahadur C. NATESA MUDALIYAR :—" May I know for how many months the Council will not be in session? I think it is only for three months or four months, and even then we, Members of the Council, come to the library and use the library books."

The hon. Mr. R. A. GRAHAM :—" May I ask whether the hon. Member has been put to any inconvenience since the arrangement has been made? "

Rao Bahadur C. NATESA MUDALIYAR :—" In view of the fact that a librarian is wanted right through the year for the convenience of the Members of the Legislative Council, will the Government be pleased to have a permanent librarian there? "

Mr. J. A. SALDANHA :—" It is an appointment which requires continuity of service, for ordering new books, for keeping the old books in order and attending to the Members of the Council during the period when the Council is in session. So, there is work throughout, and therefore will the Government be pleased to have a permanent librarian? "

Rao Bahadur C. NATESA MUDALIYAR :—" My question is not yet answered, Sir. We want a permanent librarian because till April we have got the sessions. Though there is no session in May, June and July, for three months, Members of the Legislative Council will be coming to make use of the books in the library. Also, as Mr. Saldanha has said, there should be a permanent librarian as he will have also to be ordering new books, etc."

Mr. A. RANGANATHA MUDALIYAR :—" I think the answer given here is to the effect that there is to be a librarian in charge of the library throughout the year. But now the supplementary answers given by the hon. Member lead one to doubt whether the printed answer is correct or not."

The hon. Mr. R. A. GRAHAM :—" The printed answer is absolutely correct."

The hon. the PRESIDENT :—" I think I ought to come to the rescue of the hon. the Finance Member, as I happen to know a little more about it than the Members of the Government perhaps do. It is a fact that there was no permanent librarian till recently, but if I may anticipate the answer to the next question, a permanent clerk has now been placed in charge of the library."

Mr. A. RANGANATHA MUDALIYAR :—" A permanent clerk appointed is different from a permanent clerk being in charge of the library, throughout the year. The librarian should be there throughout the year."

Mr. S. SATYAMURTHI :—" And without any other work? "

The hon. the PRESIDENT :—" He has no other work now."

[4th December 1924]

Library facilities to Members of the Council.

1361 Q.—Mr. M. RATNASWAMI: Will the hon. the Law Member be pleased to state—

(a) what measures have so far been taken for the provision of proper library facilities for Members of the Council in accordance with the promise made by him in regard to this matter during the last budget debates;

(b) whether one of these measures is the appointment of a librarian for six months in the year;

(c) what would be the qualifications required of such a librarian; and

(d) whether the help rendered by such a librarian to Members during the six months of his appointment is of such a nature that it need not be rendered to them during the rest of the year?

A.—(a) The Council library has been removed from the room of the Secretary to the Legislative Council to the Committee room to the south of it and placed in charge of a permanent upper division clerk of the Council Office throughout the year.

(b) A temporary upper division clerk on Rs. 70 per mensem has been sanctioned for six months in the year to the Council Office as one of the permanent upper division clerks of the office has been placed in charge of the library.

(c) The qualifications ordinarily required of an upper division clerk would be that he should be a graduate of the University and probably an Honours graduate.

(d) In view of the answers given to clauses (a) and (b) above, this does not arise as one of the clerks of the Legislative Council Office would be in charge of the library throughout the year.

Mr. S. SATYAMURTI:—"Sir, with reference to the answer to clause (a) of this question, personally I felt some inconvenience, and I want to know whether the Government will consider the advisability of having two rooms, one for the library and one to be used as a lounge room and whether it is not possible to have separate rooms to be utilized as a library room and as a lounge room, for the library room should be separate as we have to read there, whereas in the lounge room we are expected to talk, or smoke as one pleases."

The hon. Mr. R. A. GRAHAM:—"There are difficulties both of a financial and of an architectural nature."

Mr. S. SATYAMURTI:—"May I ask why the room which was originally part of this office and which has been annexed by Mr. Davies should not be placed at the disposal of the Council Office either as a library room or lounge room?"

Mr. J. A. SALDANHA:—"Is the hon. Member aware that this room called chat? We cannot do both the reading and the talking at once and in the same place."

The hon. Mr. R. A. GRAHAM:—"I am afraid that that is due to the limitations of the building, and no way of extending it has yet been found."

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Mr. S. SATYAMURTI:—"May I also point out, Sir, that the shoving of almirahs and books makes ordinary locomotion very difficult? We have to neck ourselves in and out. At least that question may be considered by the Government."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"If there is no accommodation, cannot the Government consider the advisability of using the old library room as a lounge room?"

11-30 a.m. Mr. M. RATNASWAMI:—"May I know whether the clerk in charge of the library does not do other work?"

The hon. Mr. R. A. GRAHAM:—"I believe he does not."

Mr. M. RATNASWAMI:—"In the correction of proofs or such work, I mean."

The hon. Mr. R. A. GRAHAM:—"I have no control over his work."

Mr. J. A. SALDANHA:—"May I know if it is a fact whether the present librarian also typewrites or does some work in connexion with the proceedings?"

Mr. M. RATNASWAMI:—"In view of the answer of the hon. the Finance Member that he has no control over his work as librarian, may I ask which Member of the Government has got that control? If not, can we not put questions to you about him in this House?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The subject itself falls within my portfolio, and my hon. Friend has been answering these questions because his concurrence is necessary before money can be utilized. But the actual establishment is under the control of the hon. the President."

The hon. the PRESIDENT:—"I shall always be pleased to answer questions regarding the work of the Council Office establishment so far as it is under my administrative control. The financial control is exercised by the Government. I shall be glad to answer such questions if the Secretary is written to, as there is no procedure prescribed for my answering such questions in the Council itself, except in a very casual manner as I have done to-day."

Mr. M. RATNASWAMI:—"May I also ask whether the attender in charge of the library is a permanent incumbent or is he employed only for six months in a year?"

The hon. Mr. R. A. GRAHAM:—"That is not a supplementary question. I should like to have notice."

Mr. M. RATNASWAMI:—"This being one of the library facilities to Members of Council, I do not see how it cannot be a supplementary question. May I ask the Government to call for the information and see that the library is provided with permanent servants without making them eke out their livelihood for six months in a year elsewhere?"

The hon. Mr. R. A. GRAHAM:—"I will make a note of the request."

Mr. S. SATYAMURTI:—"May I know what the additional facilities are that we are provided with in respect of the library?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"That has been detailed in answer to the question."

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Mr. S. SATYAMURTI :—"Is it the removing of the Council library from one room to another room?" (Laughter.)

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Yes." (Laughter.)

Police.

Orderlies in attendance upon executive officers, etc.

1362 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

- (a) the number of orderlies deputed every day to attend on the various executive officers of the Presidency;
- (b) why working dress is prescribed for sub-inspectors of police; and
- (c) why prosecuting sub-inspectors are required to appear in uniform when attending courts?

A.—(a) The following scale of orderlies has been prescribed:—

District Magistrate...	...	2 orderlies.
Deputy Inspector-General of Police ...	...	3 "
District Superintendent of Police ...	...	2 "
Assistant Superintendent of Police or Deputy Superintendent of Police.	...	2 "
Circle Inspector ...	...	1 orderly.

(b) The meaning of the question is not clear. Uniform is prescribed for all ranks of the Police service.

(c) Police officers, when on duty, should wear uniform.

Mr. G. RAMESWARA RAO :—"With reference to clause (b) of my question I want to know why there should be two sets of dress 'uniform' and 'working dress' prescribed for the officers. It seems it is generally felt that the 'working dress' is not quite decent for appearing in public streets."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If the suggestion is that the working dress is not decent, I shall make enquiries as to whether the working dress is indecent."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is it a fact that there are no orderlies for divisional magistrates?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Each District Magistrate has two orderlies."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am asking about the divisional magistrates."

The hon. Mr. R. A. GRAHAM :—"My impression is that they have been taken away."

Retrenchment proposals in the Police department.

1363 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: With reference to the proceedings of this Council at the time of the last budget discussion regarding the retrenchment in the Police department, will the hon. the Law Member be pleased to state whether any retrenchment has been effected or has been ordered to be effected, or is intended to be effected in the Police department, and, if so, to give a list of all the appointments abolished or to be abolished?

[4th December 1924]

A.—The hon. Member is referred to the statement appended to G.O. No. 666, Finance, dated 11th September 1924, which has already been placed on the Council table.

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know, Sir, whether the Government have any intention of dispensing with any police officers apart from those mentioned in the Government Order?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Not at present."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Does that mean whole of this year or some years to come?"

The RAJA OF RAMNAD :—"If my recollection is correct I think it was stated on a former occasion that the question of policy regarding the Deputy Inspector-General was under consideration or was in correspondence with the Government of India. May I ask the hon. the Law Member what has become of that matter?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"One Deputy Inspector-General has been abolished I think."

Finance.

Provincial Government and the Taxation Enquiry Committee.

1364 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Finance and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have under consideration any proposals for making representations to the Government of India in connexion with the Taxation Enquiry Committee or otherwise for enlarging the financial powers and resources (1) of provincial Government, (2) of local and municipal bodies, through additional borrowing powers through the development of additional revenue assets or through a revision of the Schedule Taxes Rules; and

(b) whether and if so what steps have been taken to present the case of this province for financial relief and financial development in connexion with the Government of India's enquiry into Indian taxation; and, if so, whether the Government will be prepared to associate therein a representative committee elected by this House?

A.—(a) The Government have no such proposals under consideration.

(b) The Taxation Enquiry Committee has been appointed to institute a scientific enquiry into the system of Indian taxation and not to consider the requirements of the Provinces with regard to 'financial relief and financial development'. The Resolution of the Government of India defining the functions of the Committee was published in the *Fort St. George Gazette*, dated 17th June 1924 (Part I, pages 678-679).

Mr. S. SATYAMURTI :—"With reference to the answer to clause (a), may I ask whether the Government have any other proposal to place before the Taxation Enquiry Committee?"

The hon. Mr. R. A. GRAHAM :—"Not at present, Sir."

Mr. S. SATYAMURTI :—"Am I to take it that the Government of Madras are going to make no representations to the Taxation Enquiry Committee?"

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The hon. Mr. R. A. GRAHAM :—"I think, Sir, the answer to that is contained in the answer to clause (b) of this question."

Mr. S. SATYAMURTI :—"Sir, with reference to the answer to clauses (a) and (b) of this question taken together, I am referred to the Government Order appointing this Committee. I have got the Government Order with me and if I understand it at all, it certainly refers to the examination of the whole scheme of taxation, central, provincial and local, to see whether it is equitable and in accordance with economic principles and, if not, in what respects it is defective and to report on the suitability of alternative sources of taxation. It also says that the terms of reference have been accepted by all the provincial governments without prejudice to their claims in regard to the distribution of the total revenues. In view of this terms of reference, may I ask the hon. the Finance Member to be good enough to say the reasons why this Government do not propose to make any representation to the Taxation Enquiry Committee with regard to the additional borrowing powers of the municipal and local bodies through the development of additional revenue assets which come under the terms of reference?"

The hon. Mr. R. A. GRAHAM :—"It is the Committee that is making the enquiry and it will presumably issue a questionnaire."

Mr. S. SATYAMURTI :—"May I point out that the terms of reference have been formally approved by this Government? That is what the Government Order says."

The hon. Mr. R. A. GRAHAM :—"The reference is to the Committee and not to the Government of Madras."

Mr. S. SATYAMURTI :—"May I take it that this Government have nothing to do in the matter? Then, why should they not make enquiries, collect information, gather facts and figures to be placed before the Committee when they come?"

The hon. Mr. R. A. GRAHAM :—"It is not much use framing answers before one knows what the questions are."

Mr. S. SATYAMURTI :—"The questions will be based on the terms of reference."

The hon. Mr. R. A. GRAHAM :—"I am afraid I cannot act upon a prophesy by the hon. Member."

Mr. S. SATYAMURTI :—"It is within the power of any one endowed with average intelligence to prophesy what the questions will be."

Mr. J. A. SALDANHA :—"May I know if any steps have been taken to select members of this House to give evidence before the Taxation Committee?"

Indian Civil Service.

Vernacular languages and Indian Civil Service.

1365 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Finance be pleased to state—

(a) the purposes for which the members of the Indian Civil Service are required to undergo a test in the languages in the country ;

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(b) whether those who have declared to have passed the test have a working knowledge of the language or languages in which they have declared to have passed ; and

(c) whether the Government propose to take any steps to ensure a working knowledge of at least one of the languages of the Province by European Members of the Indian Civil Service?

A.—(a) The purpose is that they may have a working knowledge of the language or languages in which they satisfy the test.

(b) That is the object of the test and the Government have no reason to suppose that it is not attained.

(c) Having regard to the answer to clause (b) this clause of the question does not require a further answer.

Mr. S. SATYAMURTI :—"With reference to clause (b) of this question, are the Government satisfied that as a result of the passing of these examinations these gentlemen possess a working knowledge, i.e., to speak and write in the languages in which they are supposed to have passed?"

The hon. Mr. R. A. GRAHAM :—"The question is one for the Board of Examiners which will presumably not pass an officer who has not a working knowledge."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is the Government aware of any Indian Civil Service officer who has taken the accused's statement in the vernacular?"

The hon. Mr. R. A. GRAHAM :—"Many, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is it not a fact that in almost all the cases the evidence and the statement are translated by the bench clerks?"

The hon. Mr. R. A. GRAHAM :—"That is the practice."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Will the Government try to put an end to the practice of ordinary clerks translating these things as there may be some mistakes and also see that these magistrates themselves record the statement of the accused?"

"The statement of the accused has to be recorded in the language in which it is given. Except in one or two cases the evidence is translated and the magistrate takes notes of this statement. Will the Government issue a circular and see that the statements are recorded in the vernacular as far as possible?"

Mr. M. RATNASWAMI :—"Will the hon. the Finance Member be pleased to state whether there are any Indian Civil Service officers who can write an endorsement in the vernacular or pass an order in that language?"

The hon. Mr. R. A. GRAHAM :—"I am quite sure there are many."

Diwan Bahadur P. KESAVA PILLAI :—"Is there any hon. Member who can make a speech (Laughter) excepting perhaps Mr. Paddison and Mr. Legh?" (Laughter.)

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Mr. M. RATNASWAMI:—"May we ask to be saved from such speeches?"

Mr. J. A. SALDANHA:—"Is there a translator in each district court who will translate almost every evidence that is given in court for the benefit of the presiding Judge?"

The hon. Mr. R. A. GRAHAM:—"Quite probably."

Mr. J. A. SALDANHA:—"Then, Sir, what is the use of these officials passing any vernacular test at all?"

Political.

Government officials and National Congress.

1366 Q.—Mr. K. ABDUL HYE SAHIB: Will the hon. the Member for Finance be pleased to state whether Government officials are prohibited from attending the National Congress?

A.—There is no order prohibiting Government officials from attending the National Congress in particular. The extent to which Government servants may take part in political meetings will be found regulated in paragraphs 22 and 23 of the Rules for the Conduct of Government Servants.

Salt.

Opening of new salt factories in the Presidency.

1367 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that the Government of India directed the Local Government to increase the manufacture of salt in this Presidency by opening new factories to supply the Bengal market in the year 1917;

(b) what was the acreage and output during that time;

(c) how many new factories were opened by the inducement of Local Government and what is the acreage and output of the new ones;

(d) what is the cost of opening them in laying out, etc., to Government and to lessees;

(e) what is the consumption of salt in this Presidency every year whether the Government are aware of the great quantity of unsold stock of salt in these factories; and

(f) whether the lessees persuaded by the Local Government to undertake salt manufacture are losing heavily for want of demand for their salt?

A.—(a) In 1917 the Government of India brought to the notice of the Local Government the advisability of increasing the supply of locally manufactured salt.

(b) The acreage and output during 1916-17 were as follows:—

Area licensed	...	...	13,753 acres.
Area under cultivation	...	...	12,999 "
Quantity produced	...	...	13,096,241 maunds.

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(c) The acreage and the maximum output of the extension factories opened in 1917 and 1918 are as under:—

Factory.	Acreage.	Maximum output.
MAUNDS.		
1. Ganjam	291.21	102,834
2. Surla	122.33	48,486
3. Sumadi	2,247.36	325,822
4. Naupada	708.78	174,680
5. Pundi	622.52	339,078
6. Bimlipatam	61.80	1,198
7. Polavaram	54.14	19,046
8. Ponugudur	199.09	1,368
9. Turputallu	279.00	83,024
10. Pandraka	217.23	113,384
11. Chinnaganjam	107.88	165,622
12. Kanuparti	63.03	10,190
13. Pakala	96.97	134,182
14. Krishnapatam	100.00	74,092
15. Iskapalle	70.30	120,100
16. Tada	411.92	48,186
17. Kadaikadu	33.37	31,303
18. Chunampet	190.00	60,558
19. Covelong	4.30	33,071
20. Vedaranniyam	285.16	345,565
21. Adirampatnam	333.73	106,260
22. Levingepuram	42.12	182,244
23. Karapad	406.78	633,922
24. Sevandakulam	113.48	346,168
Total	7,062.50	3,500,383

(d) A *statement showing the approximate cost incurred by Government and by the lessees in opening the extension factories, so far as information is available, is annexed.

(e) Separate figures showing the consumption of salt within the Presidency are not available. The average quantity of salt issued from salt factories in this Presidency during the last three years was 11.91 million maunds.

In the majority of the salt factories in the Presidency the stock of Excise salt is not excessive. In the Kayalpatnam and Tuticorin factories, however, a portion of the stock of the 1918 and 1919 seasons remains unsold.

(f) The Government understand that some of the lessees complain that they have lost money.

Mr. T. ADINARAYANA CHETTIYAR:—"Is it a fact that the lessees have applied for some compensation or relief?"

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The hon. Mr. R. A. GRAHAM :—" I cannot at this moment remember the exact contents of the petitions received. It is possible that some have applied for some sort of relief."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know how the Government have come to understand that some of the lessees have lost money ? "

The hon. Mr. R. A. GRAHAM :—" Probably from the petitions, Sir."

Mr. T. ADINARAYANA CHETTIYAR :—" Is it not a fact that lands and factories originally costing thousands of rupees are not valued even for a few hundreds of rupees ? "

The hon. Mr. R. A. GRAHAM :—" Government are not in possession of any such details."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I understand that the lessees were persuaded to undertake the manufacture of salt. In cases where they have incurred losses does the Government intend to compensate them ? "

The hon. Mr. R. A. GRAHAM :—" It is certainly not a fact that anybody was made to undertake the manufacture of salt on the persuasion of Government."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not mean to say that there was any such compulsion. What I say is that in such cases where there has been some loss, will the Government consider the desirability of compensating them ? "

The hon. Mr. R. A. GRAHAM :—" I believe there has been no justifiable claim for compensation so far."

Sriman SASIBHUSHAN RATH Mahasayo :—" Is it not a fact that large accumulations of salt remaining from the year 1919, have been recently disposed of at a ludicrously low price and tempting offers of fresh assignment of lands were made to the purchaser in addition ? "

The hon. Mr. R. A. GRAHAM :—" Is the hon. Member referring to Excise salt ? "

Sriman SASIBHUSHAN RATH Mahasayo :—" Yes."

Rao Bahadur CRUZ FERNANDEZ :—" Will the Government ascertain the reason why the salt manufactured in 1918 and 1919 remained unsold for such a long time ? "

The hon. Mr. R. A. GRAHAM :—" It is a matter for the licensees. Probably they did not offer it at an attractive enough price."

Sriman SASIBHUSHAN RATH Mahasayo :—" In view of the fact that the Government know that the lessees have lost money how is it that fresh land is being assigned to new people ? "

The hon. Mr. R. A. GRAHAM :—" I have no information to that effect ? "

Sriman SASIBHUSHAN RATH Mahasayo :—" Is it a fact that in the Ganjam factory a further extension of 1,000 acres has been allowed ? "

The hon. Mr. R. A. GRAHAM :—" I believe it is a fact."

Sriman SASIBHUSHAN RATH Mahasayo :—" Will this not adversely affect the old lessees, Sir ? "

The hon. Mr. R. A. GRAHAM :—" I cannot offer any opinion on that."

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Auction of salt factory in Adirampatnam Circle.

1368 Q.—Rao Bahadur CRUZ FERNANDEZ: Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that a factory in Adirampatnam Circle and a plot of land measuring 3 acres and odd in Sevandakulam Extension Factory in Tuticorin Circle were offered in public auction to be worked under the Modified Excise system for the manufacture of salt in 1922 and 1923 respectively;

(b) whether it is a fact that repeated notices about the said auctions were issued to all the lessees and the public in the various circles in the south;

(c) whether it is a fact that there was no bid for the factory in Adirampatnam Circle in spite of repeated notices and in spite of the fact that the factory in question was, at the time of the proposed auction, in a working state unlike other factories which had to be prepared from waste lands by putting up bunds, platforms, etc., at a very heavy cost and with great hardship; and

(d) whether it is a fact that there was similarly no bid for the plot of land in Sevandakulam Extension Factory in spite of repeated notices and in spite of the special facilities such as the fact that no bund or storage platform was required to be put up for the said plot, and salt was allowed to be stored on the existing main platform and the plot was already protected with prickly-pear fence put up for the extension factory itself?

A.—(a) Yes.

(b) Notice of the auction sale was published locally and sent to all adjacent factory circles and to certain persons who had already applied for the assignment of the blocks in question.

(c) No.

(d) There was no bid for a block of about 8 acres in the Sevandakulam extension which was put up to auction on two occasions in January 1924.

Petition on behalf of the Modified Excise System.

1369 Q.—Rao Bahadur CRUZ FERNANDEZ: Will the hon. the Member for Finance be pleased to state with reference to the reply to question No. 735 (f) given on the 24th March 1924—

(a) whether it is a fact that a petition was presented by Mr. S. Sundaram Ayyar on behalf of the Modified Excise lessees on the 5th of August 1922 to the hon. Sir C. G. Todhunter, the then Finance Member, while he was on tour at Tuticorin; and

(b) if so, what steps have been taken by Government to redress the grievances of the lessees set forth in the abovesaid petition?

A.—(a) Yes; but the petition related to the general grievances of the licensees, while clause (f) of question No. 735 referred to by the hon. Member related to the difficulties experienced by Modified Excise licensees in disposing of their stock of salt.

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(b) The grievances set forth in the petition and steps taken in the matter are shown below :—

Grievances set forth in the petition.	Steps taken.
(1) Construction of railway sidings at Tuticorin.	The work is nearing completion.
(2) Strengthening of the road to Karapad extension.	The work has been completed.
(3) Grant of excise licences in lieu of Modified Excise licences.	It was not considered necessary to alter the conditions of contracts already accepted by Modified Excise licences in respect of the new extensions.
(4) Reduction of railway freight for salt.	This was considered to be a matter for the railway company concerned to decide.

Production and consumption of salt during 1923-24.

1370 Q.—Mr. P. N. MARTHANDAM PILLAI: Will the hon. the Member for Finance be pleased to give statistics either for the calendar year 1923 or for the official year 1923-24 regarding the production and consumption of salt excluding the imported quantity and the quantity of stock remaining at the end of the year?

A.—The hon. Member is referred to the answer given to clause (a) of question No. 1298.

Petition on behalf of the M.E. lessees.

1371 Q.—Mr. P. N. MARTHANDAM PILLAI: With reference to the answer made by the hon. Member for Finance in the Council on 24th March 1924 that the Government are unaware of the existence of the alleged hardships and have received no proposal for their relief, will the hon. Member be pleased to state whether a petition was presented by Mr. S. Sundaram Ayyar on behalf of the M.E. lessees on 5th August 1922 to the hon. the Finance Member when he was on tour at Tuticorin?

A.—The hon. Member is referred to the answer given to clause (a) of question No. 1369.

Mr. A. RANGANATHA MUDALIYAR:—"I simply want to know, Sir, what M.E. means."

The hon. Mr. R. A. GRAHAM:—"Modified Excise."

Secretariat.

Creation of two permanent posts of Deputy Secretary in Finance Department and Under Secretary in Law Department.

1372 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Finance be pleased to state the reasons for the creation of two permanent posts of Deputy Secretary in the Finance Secretariat and Under Secretary in the Law Secretariat between the 1st December 1923 and 30th of June 1924?

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A.—The posts in question were first created on a temporary footing in October 1922 and January 1921 respectively owing to the increase of work in the Finance Secretariat and Law Secretariat. Experience having confirmed that they were necessary, the posts have been permanently sanctioned.

Mr. S. SATYAMURTI:—"May I ask the hon. the Finance Member to be good enough to specify generally the nature and extent of the increasing work in the Finance Department and the Law Secretariat?"

The hon. Mr. R. A. GRAHAM:—"It is quite impossible to give details. But I can say this, that in the Finance Department the work has increased largely owing to the activities of the Council and owing to the fact that the entire work of budgeting has been taken over from the Accountant-General."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask whether these two appointments of Deputy Secretaries are new appointments or they were substituted for any appointments already in existence?"

The hon. Mr. R. A. GRAHAM:—"In the Finance Department we have now permanently one Deputy Secretary and one Assistant Secretary in place of three Assistant Secretaries. In the Law Department the appointment of Under Secretaries is a new one."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether by these appointments the provincial service has been deprived of any of the appointments it was hitherto eligible for?"

The hon. Mr. R. A. GRAHAM:—"On the contrary, Sir, they have one more appointment now."

Mr. J. A. SALDANHA:—"Are both these appointments listed appointments?"

The hon. Mr. R. A. GRAHAM:—"There is no listing of such appointments."

Increase of pay to the peons employed in the Secretariat.

1373 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government have received a mahazar from the peons employed in the Government office in Fort St. George asking for an increase in their pay;

(b) what is the pay, minimum and maximum, drawn by peons employed in important Government offices in the mufassal; and

(c) whether the Government have any intention of revising the pay of the menial establishments in the Secretariat and other Government offices in Madras and if so, to what effect?

A.—(a) Yes.

(b) The minimum and the maximum pay of peons in the mufassal are Rs. 12 and Rs. 18 respectively.

(c) The Government have no such intention at present.

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Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to clause (b), may I know what is the minimum and the maximum pay in Madras ? "

The hon. Mr. R. A. GRAHAM :—" I think it is Rs. 15 and Rs. 20. "

Diwan Bahadur P. KESAVA PILLAI :—" May I know when these salaries have been fixed ? "

The hon. Mr. R. A. GRAHAM :—" 1921. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is the Government aware that the house-rent has since then increased ? "

The hon. Mr. R. A. GRAHAM :—" I do not think there has been much increase since 1921. These rates were fixed after consultation with a Committee of this House. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Do they get any house allowance or any other allowance in Madras ? "

The hon. Mr. R. A. GRAHAM :—" No. "

Rao Bahadur C. NATESA MUDALIYAR :—" With reference to (c), that the Government have no such intention, taking the cost of living now in the city into consideration, will the Government reconsider their decision, Sir ? "

The hon. Mr. R. A. GRAHAM :—" As I said before, the question was considered very carefully in 1920-21 and the rates were fixed after consultation with a Committee of this House. "

Mr. R. VEERIAN :—" With reference to clause (b), may I know whether the pay was fixed according to the prices of food-stuffs or according to the work they do or both these matters are considered and their salaries are fixed accordingly ? "

The hon. Mr. R. A. GRAHAM :—" There is no sliding scale. The salaries were fixed in 1921. "

Diwan Bahadur P. KESAVA PILLAI :—" Is the Government satisfied whether that is a living wage in the town of Madras ? "

The hon. Mr. R. A. GRAHAM :—" The Government were guided largely by the advice of the Council. "

Mr. S. SATYAMURTI :—" May I know if the Committee were unanimous in their recommendation and whether there was any recommendation that they should be paid more ? "

The hon. Mr. R. A. GRAHAM :—" I am not in a position to answer that question at the moment. "

Mr. S. SATYAMURTI :—" May I know if another Committee of this House will be appointed to find out whether these rates are sufficient or any increase is necessary ? "

The hon. Mr. R. A. GRAHAM :—" I cannot make any promise at present. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Will the Government be pleased to make enquiries of the various private firms, mercantile and other firms and satisfy themselves whether this is a living wage ? "

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The hon. Sir ARTHUR KNAPP :—" May I say that these rates were as a matter of fact fixed when I was on special duty for about six months. These rates were proposed by me and these scales were drawn up after the fullest possible investigations. All the leading firms including mercantile firms and newspaper offices were consulted. "

Mr. A. RANGANATHA MUDALIYAR :—" Is it not a fact that the men in the mufassal are as badly off ? "

Entertainment Tax Bill.

Local bodies and the Entertainment Bill.

1374 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what are the municipalities and local boards which have been consulted about the advisability of passing the Entertainment Bill into law ;

(b) what are the opinions expressed by them ; and

(c) if the opinions of the majority are against the measure, whether the advisability of passing the measure will be reconsidered ?

A.—(a) All municipal councils and all district and taluk boards were consulted.

(b) A majority of the local bodies who have so far replied to the reference made to them is in favour of the Bill.

(c) Does not arise.

Mr. G. RAMESWARA RAO :—" With reference to clause (b), may I know from the hon. the Chief Minister the names of the local boards that have replied either in the affirmative or in the negative ? "

The hon. the RAJA OF PANAGAL :—" I cannot say how many boards have replied. But I can say most of them have sent in their replies and among the replies sent the majority were in favour of the tax. "

Mr. G. RAMESWARA RAO :—" Is there any objection to disclosing the names of the boards ? "

The hon. the RAJA OF PANAGAL :—" No objection. "

Mr. G. RAMESWARA RAO :—" May I have them then ? "

The hon. the RAJA OF PANAGAL :—" Yes. "

Mr. S. SATYAMURTI :—" May I know what the number is of the boards that constitute the majority ? "

The hon. the RAJA OF PANAGAL :—" I have already said, Sir, that most of them have sent in their replies. I cannot exactly say how many have replied. If the hon. Member is particular, he can write to the Secretary and he will furnish the actual number. "

Mr. S. SATYAMURTI :—" May I appeal to you, Sir, and ask why is this extra strain on us of having to draw up a question ? True we are non-officials. I am putting a question asking how many local boards have replied and of them how many were in favour of the tax and how many were against it. They have got their Secretaries here and they can take note of these questions and if not at once, they can send up the replies later. Why this waste of time, waste of stationery and waste of labour and all these bureaucratic formalities, I do not understand. "

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The hon. the RAJA OF PANAGAL :—"Such of the gentlemen as have an interest in it are at liberty to write to the Secretary. Otherwise they will have to frame the question in such a manner as to elicit the answer. At this moment it is impossible for me to give these details and that is the reason why I suggested that they might apply to the Secretary."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I think the reports are published. Some clerk might be asked to look into these matters."

The hon. the PRESIDENT :—"I think these things had better be disposed of as they arise. The hon. the Chief Minister has told the hon. Member, Mr. Rameswara Rao, that he is prepared to furnish the list."

Local Boards and Municipal Councils.

Amending Bill to Local Boards Act and Municipalities Act.

1375 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) why the Amending Bill to Local Boards Act and Municipalities Act contemplated during the last Council has not yet been introduced;

(b) whether there was any proposal to have direct election to the district boards; and

(c) whether he contemplates the introduction of a Bill to amend the Act accordingly?

A.—(a) The Bills referred to are under revision.

(b) The answer is in the affirmative.

(c) The necessary amendments will be included in the Bill.

Mr. T. ADINARAYANA CHETTIYAR :—"May I know when the revision is likely to be completed?"

The hon. the RAJA OF PANAGAL :—"That is a matter upon which I cannot give an assurance to the hon. Member. The Government are trying their best to have the meetings of the Advisory Committee to settle some of the doubtful questions and unfortunately for some reason or other the meetings of the Committee could not be held. As soon as the meeting is over it will be time to introduce the amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I do not see why these unfortunate Committees are being dragged in often; after all they are the creatures of the Government. So far as this is concerned, a Select Committee was appointed in the last Council and the matter was ready to go into the Committee for discussion. I do not know why the Bill could not be brought before the House as far as it has been done and if necessary, there can be another amending Bill later on."

The hon. the RAJA OF PANAGAL :—"Recently there have been so many requests from the local boards and the Government want to know definitely the views of the Committee on the matter. It is with that view that Government decided to convene a meeting of the Advisory Committee and consult them on the subject."

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Mr. T. ADINARAYANA CHETTIYAR :—"In view of the considerable public interest on this question, will the Government be pleased to speed up the process?"

Exemption of co-operative societies from profession tax, etc.

1376 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has received any communications from the Registrar of Co-operative Societies to exempt co-operative societies from the payment of taxes under the Companies Act and from payment of profession tax under the Local Boards and Municipalities Act; and

(b) whether he proposes to make a rule or have the Acts amended accordingly?

A.—(a) Yes.

(b) The question is under consideration.

Proposal to abolish Rayadrug Taluk Board.

1377 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the reasons why the Government propose to abolish the Rayadrug Taluk Board of Bellary district; and

(b) whether the Rayadrug Taluk Board has since re-adjusted its receipts and expenditure so as to make it self-supporting even after setting apart a sum of Rs. 4,075 from the general revenues for elementary education, as required in G.O. Mis. No. 2849, L. & M., dated 14th October 1924?

A.—(a) The Government proposed the abolition of the Rayadrug Taluk Board on the recommendation of the District Committee consisting of the Collector of Bellary, the Treasury Deputy Collector, Bellary, and the Presidents of Taluk Boards in the district with the President, District Board, as Chairman on the ground that the taluk board was not able to provide for its existing services even after levying taxes at maximum rates.

(b) The taluk board has proposed to reduce its expenditure so as to keep its expenditure within its income even after setting apart Rs. 4,075 from general revenues for elementary education. The Government are awaiting the views of the district board in the matter before passing final orders.

Mr. A. RANGANATHA MUDALIYAR :—"May I know, Sir, if the Rayadrug Taluk Board was the only taluk board that had a deficit?"

The hon. the RAJA OF PANAGAL :—"It is one of the taluk boards that has a fairly large deficit."

Mr. A. RANGANATHA MUDALIYAR :—"Is it not a fact that it is the same case with Harpanahalle?"

The hon. the RAJA OF PANAGAL :—"I cannot exactly say. But the case of Rayadrug is altogether different."

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Mr. A. RANGANATHA MUDALIYAR :—"How, Sir?"

The hon. the RAJA OF PANAGAL :—"Because the Committee appointed decided upon amalgamating the taluk board."

Mr. A. RANGANATHA MUDALIYAR :—"Is it not a fact that the Committee recommended the abolition of the Harpanahalle Taluk Board as well?"

The hon. the RAJA OF PANAGAL :—"But the circumstances are different; because the reasons given there did not appeal to the Government."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I ask whether the Kollegal Taluk Board has also a large deficit?"

The hon. the RAJA OF PANAGAL :—"The question does not arise."

Mr. P. SIVA RAO :—"Have not the Members of the Committee recommended the abolition of the Harpanahalle as well?"

The hon. the RAJA OF PANAGAL :—"I have answered that question already."

Mr. P. SIVA RAO :—"May I know whether the Government propose to abolish that also; if not, for what reason?"

The hon. the RAJA OF PANAGAL :—"The reasons are that the grounds urged do not appeal to the Government."

Mr. P. SIVA RAO :—"May I know whether the local boards, including the district board and the taluk boards, situated in the district were consulted with regard to this recommendation of the Committee before the Government proposed to take action in the matter?"

The hon. the RAJA OF PANAGAL :—"I think the district board was consulted. I cannot say about the taluk board."

Mr. P. SIVA RAO :—"When was the district board consulted, Sir? Was it after the Government decided on the matter or before that?"

The hon. the RAJA OF PANAGAL :—"Certainly before the Government arrived at a decision."

Mr. P. SIVA RAO :—"Has the opinion of the district board been received?"

The hon. the RAJA OF PANAGAL :—"Yes."

Mr. P. SIVA RAO :—"Will the hon. the Minister be pleased to place it on the table?"

The hon. the RAJA OF PANAGAL :—"The Government have no objection."

Mr. P. SIVA RAO :—"What were these recommendations, Sir?"

The hon. the PRESIDENT :—"The hon. the Minister has said that he will place it on the table."

Budget provision on Public Works in Bellary district.

1378 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state the total sum provided in the local fund budget of Bellary district for the execution of public works, the amount by which it was reduced by the Government here and when the fact of reduction was communicated to the president of the district board?

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A.—Presumably the question refers to the budget estimate of the Bellary District Board for 1924-25. There is no local fund budget for the Bellary district. Each local board has its own separate budget. The total provision made in the Bellary District Board's budget for 1924-25 for the maintenance of roads and buildings and the execution of public works was Rs. 1,45,250. This was reduced by Government to the extent of Rs. 25,773. The reductions were made in the provision for second-class roads and 'other roads'. The order of reduction was communicated to the president of the district board on 7th April 1924.

Resources of local bodies.

1379 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what steps have been taken since 1920 to improve the resources of local bodies for purposes of revenue and capital expenditure in the way of the provision of loans on borrowed funds;

(b) what steps have been taken to carry out the resolution of the Local and Municipal Conference of 1920 for the constitution of a Local Loan's Fund as well as the recommendations made by the Financial Relations Committee; and

(c) whether the Government will be pleased to lay on the table of this House for the information of the Members the connected papers and any other information they may possess on this matter?

A.—(a) A memorandum * is appended showing the steps taken to improve resources of local bodies. Loans to local bodies for capital expenditure are sanctioned every year from the Provincial Advances and Loans Account.

(b) In 1921 the Government appointed a Committee consisting of officials and non-officials to investigate and report on the questions relating to the constitution and working of Local Loans Fund. The Committee reported that the constitution of a separate Local Loans Fund was unnecessary and that the conditions required for the successful working of such a fund were non-existent. Orders have not been passed pending the decision of the Government of India on the question of railway construction as affecting district boards.

(c) The question of publishing the report of the Local Loans Fund Committee will be considered when Government pass orders on it.

Mr. S. SATYAMURTI :—"May I know when the report was received?"

The hon. the RAJA OF PANAGAL :—"I think in the course of the year 1921."

Mr. S. SATYAMURTI :—"May I know when approximately the orders of the Government of India are expected?"

The hon. the RAJA OF PANAGAL :—"I cannot say that."

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Mr. S. SATYAMURTI:—"In view of the fact that over three years have elapsed since the report has been received, may I know if the Government will take necessary steps to speed up the matter?"

The hon. the RAJA OF PANAGAL:—"They are doing everything to get the orders of the Government of India as soon as possible. More than that they cannot compel the Government of India to issue orders at once."

Mr. S. SATYAMURTI:—"What is the latest step that has been taken by this Government in the direction?"

Medical.

Midwives belonging to the Maruthuvakula (Barber) community.

1380 Q.—Mr. B. OBALESAPPA: Will the hon. the Minister for Local Self-Government be pleased to lay on the table lists showing—

- (a) the total number of midwives belonging to the Maruthuvakula (Barber) community that are at present in the services of hospitals of Government, local boards and municipalities in this Presidency;
- (b) the total number of trained midwives among them; and
- (c) if the Government have no information, whether they will be pleased to call for the information?

A.—Information has been called for.

The hon. the RAJA OF PANAGAL:—"In connexion with this question, since sending up this answer, the Government have received information that there are 16 Maruthuvakula midwives employed in the local boards. In Madras in the different medical institutions there are as many as 16. Out of these 16, seven were trained in hospitals and nine were trained as Thayees undergoing a course of three months' training."

Mr. T. ADINARAYANA CHETTIYAR:—"Are there a large number of applications of Maruthuvakula women to be trained as midwives?"

The hon. the RAJA OF PANAGAL:—"The Government have no information."

Qualified practitioners of indigenous systems of medicine.

1381 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—with reference to the statement in G.O. No. 1522, P.H., dated 22nd October 1924, that there is 'a lack of a sufficient number of duly qualified and accredited practitioners of the indigenous systems of medicine, etc.'—

(a) whether the Government have made inquiries, official or otherwise, regarding the number available of qualified practitioners in indigenous systems of medicine;

(b) if so, what is the number that is available now according to their inquiries; and

(c) what are the sources of such information?

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A.—(a) & (b) The Government have not made any recent inquiries.
(c) The statement is based on the report of the Committee on the indigenous systems of medicine (1923) and on the results of certain inquiries made between the years 1916 and 1917 at the instance of the Government of India.

Mr. B. RAMACHANDRA REDDI:—"With reference to the answer to (c), may I know if any fresh inquiries will be made?"

The hon. the RAJA OF PANAGAL:—"I do not think any good purpose will be served by that, because the Government have appointed a committee and their report was considered."

Mr. B. RAMACHANDRA REDDI:—"May I know what are the qualifications necessary for the practitioners?"

The hon. the RAJA OF PANAGAL:—"That is the question to be decided by the association which the Government have constituted."

Post-mortem examinations in the Kurnool district.

1382 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many post-mortem examinations were held in the Kurnool district during 1923-24, and how many certificates issued after such examinations stood the test of examination in the trial courts; and

(b) whether in cases where the certificates so issued did not survive the examination, the concerned medical officers were declared answerable?

A.—(a) The number of post-mortem examinations held was 127. Of these, only 41 cases were committed to judicial inquiry and in all these cases the certificates issued stood the test of examination in the courts.

(b) The answer is in the negative.

Agriculture.

Imperial and Provincial services in the Agricultural Department.

1383 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the number of vacancies in the Indian and Provincial services respectively in the Agricultural Department, which had not been permanently filled up at the beginning of the current official year;

(b) how many of them respectively have since been filled up;

(c) what qualifications are required for the remaining posts;

(d) whether there are any qualified persons available for appointment to those offices, among those already in service; and

(e) whether any and, if so, how many applications have been received from qualified candidates from (1) within and (2) outside India for appointment to the Imperial and Provincial services respectively?

A.—(a) & (b) The number of vacancies not permanently filled up in the Provincial service at the beginning of the official year was nil and in the Imperial service six, two in the ranks of Deputy

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Directors and four in the grade of Scientific experts. One in each branch of the latter Service has been held by officiating officers from a date prior to 1st April 1924,

- (c) The qualifications for the vacant post of Deputy Director are a thorough knowledge of plant-breeding in addition to the general qualifications required of a Deputy Director, namely—
- (i) the possession of a University degree in Honours in Science or the diploma of a recognized School of Agriculture or a like distinction; and
 - (ii) Practical experience of farming. The posts in the scientific section will be filled by men who must possess a University degree or other similar qualifications in the special science concerned and preference will ordinarily be given to those who have spent a period of two years in research work under a scientist of established reputation and have studied the science from an agricultural point of view.
- (d) It is possible to find a candidate from among the present officers of the department to fill the Deputy Director's post. In respect of the scientific appointments, it will be necessary specially to examine the qualifications of the existing officers when the vacancies are filled up. It is not the present intention of Government to fill the vacant posts.
- (e) Twenty-one applications have been received by Government for appointments in the Indian and the Provincial services from men within India who have taken degrees outside India. It is not certain that all are qualified for the vacant posts. The Government will consider the qualifications of these applicants if and when they fill the vacancies.

Mr. P. ANJANEYULU :—" May I know, Sir, if it is for want of men that the vacancies are not filled up ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Government understand that it is not absolutely necessary to fill up these places now. "

Mr. P. ANJANEYULU :—" Do the Government think that it is not necessary to make an investigation with regard to Coimbatore College ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" This question is merged with the general question, on which we are awaiting orders. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" I saw recently in the papers that two of the officers who are on probation are to be confirmed. May I know whether it is a fact ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" One place is not permanently filled up. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Has not the officer now doing the work acting for a long time ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" He is in another duty as a provincial officer. "

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The agricultural farm at Chintaladevi.

1384 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(a) the reasons which led the Government to establish an agricultural farm at Chintaladevi and which of them have ceased to be applicable now for its further retention; and

(b) whether, at any time after the establishment of the farm and before large sums were invested on buildings, etc., any officer of the department reported on the unsuitability of the site for purposes of cattle-breeding and rearing and, if so, why in spite of that opinion large additional expenditure was incurred on the farm ?

A.—(a) The Government do not propose to abolish the farm.

(b) No such report was made.

Mr. A. RANGANATHA MUDALIYAR :—" Is it not a fact that the predecessor of the present Deputy Director did make a report about the unsuitability of the site ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I am not aware of it. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if the decision referred to in the answer to (a) is final ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" What may be considered as final to-day may perhaps be changed to-morrow. In that light this is final. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" I know Government's views are not settled but may we know at least if it is still going to be continued as an experiment or the whole matter is closed ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" For the present the Government have not passed any such orders. "

Mr. A. RANGANATHA MUDALIYAR :—" The answer to (b) is 'no such report was made'. But we know, for example, with reference to the answer given with regard to the Tanjore Indian Medical Service Officer, that the answer was not quite correct. Therefore, may I request the hon. Minister to kindly examine the papers ? "

The hon. the RAJA OF PANAGAL :—" May I know what is the answer that the hon. Member is referring to ? "

Mr. A. RANGANATHA MUDALIYAR :—" It is about the number of operations made by the Indian Medical Service Officer. "

The hon. the RAJA OF PANAGAL :—" I protest against it and I say that the number which I have given is quite correct. "

Mr. A. RANGANATHA MUDALIYAR :—" I am very glad to hear that. "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" If the hon. Member gives me the date of the report or the substance of the report or some other reference to it, then I will be in a position to verify the information. "

Mr. A. RANGANATHA MUDALIYAR :—" I will do so. "

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The closure of the cattle farm at Chintaladevi.

1385 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

- (a) whether the Government contemplate the early closure of the Ongole cattle farm at Chintaladevi and, if so, the reasons therefor;
- (b) the amount spent (1) on the purchase of land for building sites and grazing purposes and (2) on buildings thereon, up to date; and
- (c) the number and kind of cattle on the farm?

A.—(a) No.

(b) (1) Rupees 13,582-10-9.

(2) Rupees 2,20,240-3-4.

(c) The stock at the farm consists entirely of 160 cattle, all Ongole.

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know what the recurring expenditure incurred in maintaining this farm is?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ That was given in answer to another question yesterday.”

Rao Bahadur C. NATESA MUDALIYAR:—“ It is stated that the stock at the farm consists entirely of 160 cattle. Is it on account of want of accommodation or on account of financial difficulties?”

Co-operation.*Issue of circular regarding loans by Assistant Registrar, Coimbatore.*

1386 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the Assistant Registrar, Coimbatore, has issued a circular to co-operative primary societies asking them to apply for short-term loans only between January and June and for long-term loans only between the months of July and December; and

(b) whether the Registrar of Co-operative Societies has approved of this action of the Assistant Registrar?

A.—(a) No.

(b) Does not arise.

Interference of Assistant Registrar, Coimbatore, with internal working of a co-operative union.

1387 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the Assistant Registrar, Coimbatore Section, recently cancelled the resolution of the general body meeting of a co-operative union in the district sanctioning an increment to its supervisor;

(b) whether it is a fact that even though the increment was confirmed by two general body meetings, the Assistant Registrar, Coimbatore, insisted on cancelling it; and

(c) whether the Registrar of Co-operative Societies is aware of this interference with the internal working of a non-official body like a co-operative union?

A.—The Government have no information.

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Mr. T. ADINARAYANA CHETTIYAR:—“ In view of the seriousness of the question, will the Government be pleased to call for the information?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ I do not want that Government should interfere in matters which can be disposed of by authorities competent to do so, if properly represented to them. I wish to know whether any appeal was preferred in this case to the head of the department and whether that appeal has proved infructuous. It is only then that the Government can interfere.”

Mr. T. ADINARAYANA CHETTIYAR:—“ It is a very serious matter and I think that Government can interfere in it.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ I do not doubt the seriousness of the question. I only want that the *modus operandi* should be followed. Complaints of cases should not be brought to the notice of Government behind the back of the officer who has been specially deputed for the purpose and whose duty it is to set matters right. If he is approached and there is no remedy, then the hon. Member may ask the Government to interfere.”

Mr. T. ADINARAYANA CHETTIYAR:—“ Who is the officer, Sir?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ Registrar of Co-operative Societies.”

Fisheries.*Fisheries Training Institute at Calicut.*

1388 Q.—Rao Sahib U. RAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) how many years the Fisheries Training Institute has been working at Calicut; and

(b) when it will be removed to other districts?

A.—(a) For over five years. (The Institute was opened on 14th July 1919).

(b) It is not contemplated to remove the institute to any other district.

Rao Sahib P. V. GOPALAN:—“ May I know, Sir, whether this Fisheries Institute is intended for imparting knowledge in the three R's alone?”

The hon. the PRESIDENT:—“ I must object to the question. It has struck 12, and I would ask hon. Members to limit themselves absolutely to questions which are supplementary. The hon. Member is asking a question which does not arise out of the answer given.”

Rao Sahib P. V. GOPALAN:—“ I want to know, if this institution is not intended to be removed from Malabar to any other district, whether the Government will increase the number of stipends.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“ It is a special request and if it is made in the usual course, I shall have the matter considered.”

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Repairs to the Christ Church pond in Nellore.

1389 Q.—Mr. S. SATYAMURTI: With reference to the Chingleput-Nellore Tank Scheme, will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that in repairing the Christ Church pond in Nellore town, the contractor used for repairs the very stones of the pond, instead of bringing new ones, as provided in the estimate;

(b) who supervised the construction work, who passed the bill for payment;

(c) whether it is a fact that the cost of construction in respect of these buildings, etc., was drawn by the Assistant Director (Inland) now Acting Director of Fisheries before the 31st March 1920 and actually paid the parties several months later; if so, where were these sums deposited till then; whether it was with the Assistant Director (Inland) or the Director of Fisheries;

(d) whether it is not a fact that a petition was received by Government some time in 1921 from one of the contractors that the present Director of Fisheries, then Assistant Director (Inland), took receipts from him for the amounts due to the contractor and never paid him for a long time;

(e) whether Government made a thorough inquiry into this serious allegation, and if so, with what result;

(f) whether it is a fact that the present Director of Fisheries as Assistant Director (Inland) drew a large sum about Rs. 1,000 and odd, in connexion with the construction work towards the end of March 1920 and kept a major portion of it in his account in the Indian Bank for several months; and

(g) whether the Government propose to investigate this very serious matter, which is quite contrary to the account rules?

A.—(a) It is understood that the contractor used new stones for the work.

(b) An Assistant Inspector of Fisheries supervised the work and the Assistant Director of Fisheries (Inland) passed the bill.

(c) The year 1920 in the hon. Member's question is apparently a mistake for 1921. Rupees 4,000 was drawn and disbursed before 31st March 1921 except a sum of Rs. 425 which it is reported was held back pending the rectification of certain defects in work and retained in the office of the Assistant Director till paid.

(d) Yes.

(e) The petition was transferred to the then Director of Fisheries for disposal.

(f) The year 1920 seems to be a mistake for 1921. The present Director of Fisheries as Assistant Director (Inland) drew an advance of Rs. 4,000 on 24th March 1921 and disbursed the whole amount before 31st March except a sum of Rs. 425. It is reported that no amount was kept in the Indian Bank.

(g) The Government have called for an explanation.

Mr. S. SATYAMURTI:—“May I know how it is understood that the contractor used new stones in the work?”

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The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“From the report furnished by the Director of Fisheries.”

Mr. S. SATYAMURTI:—“With reference to (f) and (g), may I know whether the Government have since received the explanation?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“The Government have just now found the matter out and they have called for the explanation.”

Rao Sahib P. V. GOPALAN:—“I understand most of these Assistant Inspectors of Fisheries (Inland) are unpassed men. As such, may I just request the hon. the Minister to tell me what are the special qualifications these men possess for supervising repairs and construction works?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“These are items of a petty nature and the men are competent to attend to such work.”

II

ENTRY OF EZHAVAS INTO KALPATHI AGRAHARAM, PALGHAT.

Diwan Bahadur M. KRISHNAN NAYAR:—“May I request the hon. the Home Member to make a statement regarding the entry of the Ezhavas in Kalpathi agraaharam on 13th November last and the attitude of Government with reference to that matter?”

The hon. Sir ARTHUR KNAPP:—“I gather that in the matter of the invitation held out to me by my hon. Friend, there is a certain amount of misunderstanding. It is quite true that my hon. Friend did give notice to one of my hon. Colleagues suggesting that he should make a statement on the 3rd of this month regarding what actually took place and the attitude of the Government in the matter. When Mr. Krishnan Nayar saw me yesterday morning what I intended to tell him was that I should like to have 24 hours to consider whether or not to make a statement. But apparently he understood me to have given an undertaking to make a statement. That is how the misunderstanding arose.

“The suggestion addressed to the Government is that they should make a statement as regards what took place at Kalpathi agraaharam and as to the attitude of the Government in the matter. As to the first point, I do not know whether my hon. Friend wants me to detail the circumstances which are now within the knowledge of every one. We have had a report from the District Magistrate and if hon. Members desire I will read from it. It says.

Mr. K. PRABHAKARAN TAMPAN:—“I don't hear a single word of what the hon. Member is saying.”

The hon. Sir ARTHUR KNAPP:—“I can turn to only one side. I am not double-faced.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“I suggest that we may have a broad-casting machine.”

The hon. Sir ARTHUR KNAPP:—“The District Magistrate says, ‘on the afternoon of the 13th instant a fairly large party of Tiyyas and members of other polluting caste entered into the new Kalpathi street from the river side and passed right through it. They were cleared out by the caste people and stones were thrown. Two or three people were bruised and cut but none seriously.’

[Sir Arthur Knapp]

[4th December 1924]

"Then an order was issued prohibiting the Tiyyas, etc., from entering the village of Kalpathi during the car festival. The order was accepted and obeyed by the persons concerned who made no further attempt what-ever to resist it. The only further development was that after the expected car festival was over, the people of Kalpathi went to the Divisional Officer and requested him to make his temporary order permanent. He declined to do so. He found no adequate grounds for an extension of the order. He says:

"The car festival is now over and it was the presence of large crowds of strangers during that festival that led to the fear of a riot. The depressed classes have made no attempt to disobey my order during its continuance and I see no reason to suppose that they contemplate any violent action at present. If circumstances should arise which are imminently likely to cause a breach of the peace the necessary action will be taken."

"Since public money is spent", he continues, "on the Brahman streets, I think all classes of the public have a *prima facie* right to have access to them. If the villagers wish to contest this, their proper course is to seek for an injunction in the civil courts. Their case would no doubt be stronger if they asked for expenditure of public money on them to be discontinued and undertook to repair them themselves. At present, I see no sufficient reason for extending my prohibitory order."

"That is the final action taken in the matter and if there is any further information which I may receive, I will gladly publish it. But when we come to the second part of the request that the Government should make a statement of their attitude, I am afraid that is a request to which I am at present not inclined to accede."

"As I said, the request for a statement reached me only yesterday, and the matter is under consideration and is likely to be under consideration until such time as we can supply ourselves with information from our local officers and from records which have been referred to in this matter. That, Sir, is on the question as to whether in this particular case, the road is a public road and whether the Ezhavas are acting within their legal rights in claiming access to it or whether the persons occupying the street are within their legal rights in seeking to arrest their entry. I can only say Government are making an investigation and until it is completed I do not think it is desirable that we should make any statement on this matter."

Diwan Bahadur M. KRISHNAN NAYAR :—"With reference to what the hon. Sir Arthur Knapp said, may I make a personal statement?"

Mr. K. PRABHAKARAN TAMPAN :—"On a point of order, I wish to ask whether in a supplementary question like this a personal statement can be made?"

Diwan Bahadur M. KRISHNAN NAYAR :—"With reference to the personal statement, it arose from the statement of my hon. Friend that there has been some misunderstanding. I am very sorry that there has been some misunderstanding. As a matter of fact, I saw my hon. Friend yesterday morning on this subject and had a conversation with him, and again I saw him between 4 and 5 yesterday and had another conversation, rather a long one (laughter)—it was for about 25 minutes. Ordinarily, I have no right to ask a question requesting him to make a statement unless he consents to it and waives the six days' notice. So the only way in which under the rules I can request him to make a statement is with your permission and if he consents to make the statement. I asked him whether he would kindly make a statement, and to the best of my knowledge he consented to do so and authorized me to communicate to you and take your consent also. And it

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[Mr. M. Krishnan Nayar]

was after that that I requested you this morning to kindly give me your consent to ask that question. If the understanding was that he would not make the statement, certainly I would not have troubled you and troubled my hon. Friend. These are the circumstances under which I happened to put this question.

"Then, may I ask, Sir, one supplemental question? It is this: Having regard to the statement which my hon. Friend read out from the Sub-Collector's (Mr. Dodwell's) order, dated 17th November, that the street in question is repaired and maintained with public funds, in accordance with the resolution of this Council and the Government Order passed thereon, do not the Government think that the Ezhavas have a right of entry into the street?"

Mr. K. PRABHAKARAN TAMPAN :—"Is it a personal statement?"

Diwan Bahadur M. KRISHNAN NAYAR :—"It is a supplemental question."

The hon. Sir ARTHUR KNAPP :—"May I ask whether the statement I have made by request is to be regarded as entitling the hon. Member to ask a supplemental question?"

Diwan Bahadur M. KRISHNAN NAYAR :—"I requested the hon. Member to make a statement, and arising from the statement which is an answer to my question I ask a supplemental question."

Mr. K. PRABHAKARAN TAMPAN :—"So I was right in anticipating that my Friend was putting a supplemental question?"

The hon. Sir ARTHUR KNAPP :—"Having regard to what have I said, that 12-15 p.m. the whole circumstances of the case are under the careful consideration of the Government, I cannot answer another supplemental question. Incidentally if the hon. Member is calling upon the Government to carry out the order recently issued, I would remind him that his arguments should be addressed to my colleague, the Minister for Local Self-Government, in whose department the order was passed."

Diwan Bahadur M. KRISHNAN NAYAR :—"Is it not binding on the Government?"

The hon. Sir ARTHUR KNAPP :—"It comes under the department of the Minister, and it is that department that is primarily responsible for carrying it out."

Diwan Bahadur M. KRISHNAN NAYAR :—"I was under the impression that my hon. Friend the Home Member who is in charge of Malabar affairs would deal with this question. Otherwise I would have put this question to the Minister in charge of the subject."

Mr. A. RANGANATHA MUDALIYAR :—"Does the hon. the Law Member also refuse to have anything to do with the subject?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Unless a breach of the peace takes place."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Has the Government any idea of sending an officer to Palghat to make an inquiry?"

The hon. Sir ARTHUR KNAPP :—"I am afraid I cannot give an assurance on that point."

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Rao Bahadur C. NATESA MUDALIYAR :—"Then the prohibitory order of the District Magistrate comes under the Local Self-Government Department?"

III

ANNOUNCEMENT REGARDING THE INTRODUCTION OF STARRED QUESTIONS.

The hon. the PRESIDENT :—"I have to make a short announcement on the subject of starred questions. I wish to inform the House that as already intimated in a circular issued by the Secretary to hon. Members individually, I have, with the concurrence of hon. Members, decided to introduce a system of starring questions which will be applied to all questions received by the Secretary on and after the 1st of December 1924. Questions asked before the 1st December 1924 will be answered in the Council in conformity with the existing practice and such of them as shall not have been placed on the table with their answers on or before the last day of the present session will be printed, provided the answers to them are ready by the 15th instant, along with the official proceedings of the last day of the Session, and all the other questions asked during the session will lapse under Standing Order 2 (2).

"Under this system, all questions starred by hon. Members and admitted by the President will be printed along with their answers separately from questions which have not been starred. Oral supplementary questions will be allowed only in respect of starred questions of which not more than eight will be set down under any one interpellator's name in each day's list.

"Starred questions to which answers of the Government are ready and which under the operation of this rule may be left over, at the end of a session, might conveniently be printed along with the official proceedings of the last day of the session and no supplemental questions would then be allowed in respect of them, unless any hon. Member chooses to give at the end of the session fresh notice for the next session in respect of any of his starred questions, in which case they will be held over accordingly.

"The manner in which starred questions will be answered in the Council is detailed in the order made by me under Standing Order 15, copies of which have been placed on the table or will be placed in the course of the day."

Mr. C. V. VENKATARAMANA AYYANGAR :—"If you will permit me I shall ask for some information. You say simply that for every day not more than eight questions will be allowed on the answers for each member. We have no objection to that—whether the answers are said or published by your office. The difficulty is as to what number of starred questions will be ready every day, and so it will be better if you fix the number of questions for a week. That will be helping us in the matter. Otherwise, it may be that we can ask only such number of questions as will be quite possible to be answered at the meeting; but the answers may be coming on the last day, and then at of 40 starred questions only eight will be published and the other 32 not published."

The hon. the PRESIDENT :—"Any system of starred questions is designed to work automatically. Hon. Members know the probable period of a sitting, four or five days, and they can always regulate the number of starred questions accordingly. If an hon. Member has asked 32 questions, and answers to them are ready before the end of a meeting, the 32 questions

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will in all probability be put down for answers during the meeting. If not, they will be held over till the next meeting, unless the session meanwhile comes to an end. If the session comes to an end, it will still be open to the hon. Member, in case he wishes his question to be answered orally, with the chance of putting supplementary questions thereupon, to give notice to the Secretary accordingly for the next session. If he does not wish his questions to stand over to the next session, I propose to have the questions and answers printed with the official proceedings of the last day of the session provided the answers are received from the Government by the time we go to press with the proceedings of the last day. That is the plan."

Mr. S. SATYAMURTI :—"May I submit two points for consideration? One is the point of order which I think you have considered and on which I should like to have your ruling. This is under Legislative Council Rule 10 which says: 'Any Member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given: Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter of questions.' I am one of those who heartily agree with the system of starring questions. But it seems to me, Sir, that we have no power at present, unless this rule is amended, to classify questions into two classes and say with regard to certain questions supplementary questions shall not be asked. I believe, Sir, in the first note which you circulated—I speak subject to correction—you hinted or said—I do not know which—that with regard to those questions which are not starred you will permit written supplementary questions but you will not permit oral supplementary questions. I see no reference to it in the order just now read. If you suggest that this order may be amended I am perfectly willing to accept it, viz., with regard to starred questions we shall put oral supplementary questions, and with regard to unstarred questions you will permit us to put written supplementary questions."

The hon. the PRESIDENT :—"I still intend to allow written supplementary questions with regard to unstarred questions and answers and it is for that purpose that the unstarred questions also will be placed on the Members' tables along with their answers, every day, so that they may have an opportunity, if they like, of looking at those answers and framing supplementary questions and sending them to the Secretary."

Mr. S. SATYAMURTI :—"The other point is, with regard to questions sent before the 1st December but not answered . . ."

The hon. the PRESIDENT :—"I have stated that all questions asked before the 1st of December 1924 will be dealt with in conformity with the present practice."

The RAJA of RAMNAD :—"I understand that this session of the Council comes to a close with this sitting. If so, may I know how many questions yet remain to be answered by the Government? For I see one of my questions sent four months ago still remaining unanswered. My question was of such a character that information must be readily available but it has not been answered. Such delay places us at considerable disadvantage, and with a view to avoid repeating the questions, I would request you to kindly see that these questions are answered before this meeting comes to a close."

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The hon. the PRESIDENT:—"I have come to the relief of hon. Members situated as the hon. Member is whose questions have not been answered up to the end of the session. I have proposed in the order which I just now read out to get all the answers which are ready by the time we go to press with the last day's proceedings printed. We shall probably go to press with the last day's proceedings about 10 or 15 days after the close of the sitting. Therefore all answers received up to that day from the Government will be included in the official proceedings of the last day. And I am mentioning this to hon. Members merely to justify the anachronism, namely, the proceedings will profess to be proceedings of the last day, but there will be a note saying that answers received to subsequent questions have also been included."

The RAJA OF RAMNAD:—"I want to know, Sir, whether we will be entitled to put supplementary questions on those answers when we reassemble?"

The hon. the PRESIDENT:—"If they are starred questions, supplementary questions can be put."

The RAJA OF RAMNAD:—"Sir, I am referring to questions sent some months back. They will be answered, if at all, only after the sitting comes to a close."

The hon. the PRESIDENT:—"They will be included along with other questions which are dealt with under the old rules. If the hon. Member wishes to have an opportunity of putting supplementary questions on them, it is enough if he gives notice to the Secretary that he intends to ask supplementary questions on them and that they may be held over until the next session."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, if the Government knows that all the unanswered questions will lapse at the end of the session, most of the questions will remain unanswered and then lapse. So that all that I want is that all our unanswered questions may be brought at the next session without having recourse to the process of renewal."

The hon. the PRESIDENT:—"The hon. Member knows very well that the rule is that fresh notice should be given in the case of lapsed questions. The office will come to the assistance of the hon. Member and furnish him with a list of all questions which have not been answered up to the end of the session and it will be perfectly open to the hon. Member to give fresh notice in respect of those questions."

Mr. T. ADINARAYANA CHETTIYAR:—"Sir, the same thing may be done in the case of resolutions also with the help of the Secretary."

The hon. the PRESIDENT:—"No objection."

Rao Sahib P. V. GOPALAN:—"Sir, may I know if it is open to us to put supplementary questions in respect of unstarred questions?"

The hon. the PRESIDENT:—"Not oral supplementary questions. The hon. Member can put supplementary questions in writing."

Mr. A. RAMASWAMI MUDALIYAR:—"Sir, I just wish to bring one matter to your notice. At present it happens in the case of many questions that before the Member who has put the question and who is vitally interested in

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the answer gets up and rises to put his supplementary question other Members appropriate his question and prevent him from getting the information required by him. Some Members on this side of the House undoubtedly find it very difficult to put supplementary questions and by the time they make up their minds to put supplementary questions all sorts of supplementary questions are put by the other side. I therefore suggest for your consideration that the first opportunity of asking supplementary questions may be given to the Member who has put the main question, and if he has no supplementary question to ask, other Members may be permitted to ask."

The hon. the PRESIDENT:—"I wish to say this in answer to what has fallen from the hon. Member from Chingleput. I certainly maintain as a rule that the Member who puts a question should get the first opportunity to put a supplementary question thereon and I am always on the look-out for him to get up and show his readiness to put a supplementary question. I do not know if the hon. Member has had to retire as he says in favour of more forward hon. Members. But I should advise him in future to get up as soon as his question is called. I shall also endeavour for my part to carry out the suggestion of the hon. Member."

Mr. C. V. VENKATARAMANA AYYANGAR:—"On a point of order, Sir, I wish to know from you if the hon. Member from Chingleput is right in casting aspersions on hon. Members. He is a Member who never asks questions and as such he has absolutely no room for complaint. Evidently he is speaking on behalf of the Members on the other side of the House. We are accommodating each other."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I feel some doubt as to the legality of the order just now pronounced by you. I wish to know whether any legal advice has been taken on this question by you. I fear that this order will have the effect of curtailing the rights of hon. Members with regard to interpellations. I feel considerable doubt on the matter. I wish to know whether any legal advice has been taken and whether you are satisfied that you are within your rights in so curtailing our rights."

The hon. the PRESIDENT:—"I have taken as much advice as I considered necessary in the matter. But I am willing that the Secretary should enter into correspondence with the hon. Member from Cuddapah as regards the legality of this order and I should value very highly his legal opinion thereon. If possible, I shall act upon it. Hon. Members are aware that this is more or less an order to which I have obtained the consent of all parties of the House. It was not possible for me to obtain the consent of the Independent Members of the House. Because their number is small it was very difficult for me at that time to write to them. But I certainly owe it to the hon. Member and also to the other Members of the Independent section, that I should ask the Secretary to write to them and give them an opportunity to represent their view of the matter."

Rai Bahadur T. M. NARASIMHACHARLU:—"I have no doubt that I shall, as far as lies in my power, give my opinion as a lawyer and I have no doubt that it will be a sound one (Laughter). But I wish to know whether you will be satisfied with my opinion and whether you will not seek the advice of the lawyers employed by the Government."

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The hon. the PRESIDENT :—"The hon. Member, at any rate, should be satisfied if his opinion is taken" (Laughter).

IV
COMMUNICATIONS TO THE COUNCIL.

(1)

The Secretary laid on the table copies of the *report of the Labour Commissioner on his enquiry into the causes that led to the recent exodus of the labourers from Assam.

(2)

The Secretary laid on the table copies of the † proceedings of the eighth meeting of the Finance Committee for 1924-25 held on Friday the 14th November 1924.

V
DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

The hon. Rao Bahadur Sir A. P. PATRO :—"I beg that this motion that the Government be granted an additional sum of Rs. 1,04,000 under '41. Civil Works—Transferred' for expenditure on improvements to the Cauvery Bridge, be adjourned to the next official day."

The hon. the RAJA OF PANAGAL :—"I second it."

The hon. the PRESIDENT :—"That may mean the next session."

The hon. Rao Bahadur Sir A. P. PATRO :—"It may be adjourned to the next day reserved for official business."

The motion was put and carried and the adjournment was made.

VI
THE MADRAS PORT TRUST ACT (AMENDMENT) BILL.

The hon. the PRESIDENT :—"Hon. Members of the Government have the right to arrange the items of official business in any order they like. I understand that in this case the Bill being a small one it will be convenient to the Member in charge to take it up as the first business in the afternoon."

The hon. Mr. R. A. GRAHAM :—"Sir, it will be convenient if it is taken up as the first item of business this afternoon."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"Sir, there is another Bill to be taken up. This Bill may be taken up along with that after the Irrigation Bill is over."

The hon. the PRESIDENT :—"This business will stand adjourned."

Mr. A. RANGANATHA MUDALIYAR :—"I think we had resolved that the non-official business should be taken up immediately after the Irrigation Bill is over. Would not the present adjournment go against that?"

The hon. the PRESIDENT :—"I think when I put it I told the House that we would go first through the official business. Really these are days reserved for official business and we have no right to trench upon these days. Merely as a technical way out of the difficulty I suggested the other course."

* Printed as Appendix IV on pages 700-713 infra.
† Printed as Appendix V on pages 713-714 infra.

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VII

THE MADRAS IRRIGATION BILL.

The hon. Mr. C. P. RAMASWAMI AYYAR :—"May I ask your permission, Sir, and the permission of this hon. House to make a statement in view to taking a certain course of action? Yesterday when the hon. Member from Tinnevely moved an amendment to the Irrigation Bill I raised a point of order. Since that time I may say, Sir, the House has listened to the arguments which have been adduced by the hon. Member from Chingleput and the hon. Member for the University on this point. I may at once say, Sir, that there is a great deal to be said on both sides of the question and I am therefore going to ask your permission to be allowed not to press the amendment and to make the matter *res integra*—not as a point of order but leaving that point to be *res integra*—so as not to invite your formal decision on the matter. I submit, Sir, that the question may have to be considered from another aspect by the hon. Members of this House. This House may consider it necessary so to amend the Standing Orders as to make things absolutely clear one way or the other. The House may have another occasion to debate and invite your decision, Sir, on the exact point of order. Therefore, for many reasons I do not desire, especially as there seems to be a general desire that all the possible aspects of this Bill should be considered and decided, to curtail discussion or prevent absolute ventilation of all the possible views on this Bill. For that reason alone I crave your leave and I trust I shall have the concurrence of this Hon'ble House for permission not to press my point of order making two things clear at the same time, the first thing being that there will be no decision given on the point of order and the matter will be left as it is and the second being that I still reserve the right and I trust I shall be supported by the House in that matter to object to amendments raising exactly the same questions which have been debated and decided upon in this House."

"I am constrained to make this observation for this reason: my hon. Friend from Tinnevely stated that he hoped—and hoped with success—to make this House revise its conclusion upon a matter on which a vote has been given by this House. I deprecate and I trust hon. Members of this House will agree with me that it is not expedient to go over the same ground, and debate, discuss and vote again on points on which we have come to a certain decision. I reserve the right to myself, if such amendments are moved, to raise that objection. Subject to such objections, I crave your leave not to press my points."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know if the amendment moved by the hon. Member from Tinnevely was one of those points which were discussed and decided upon?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"It will be observed that the discussion took a broader aspect and a different turn. It was on the exact connotation of the words 'with or without further amendments'. Now that matter has been discussed and debated upon; I appeal to the House that I shall take that point, if it becomes necessary for me, and raise the question on the exact meaning of the words 'with or without further amendments'."

[Mr. C. P. Ramaswami Ayyar] [4th December 1924]

Some significance should be attached to the word 'further', and any amendment that has been once discussed would according to my humble submission not be a 'further amendment'. That is a point on which I repeat my request."

The hon. the PRESIDENT:—"Do I understand the hon. the Law Member to say that he is prepared to waive his objection on the point of order in regard to certain amendments, and that he would press his objection in regard to certain other amendments?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I propose to press my objection on one ground alone. If it is an amendment which has already been discussed, and voted upon, I am going to say that that amendment ought not to be further debated upon."

Mr. J. A. SALDANHA:—"I wish to know whether the objection which has been raised to the amendment which has been rejected by the House can be raised now. I am sorry to say that I entirely disagree with the views which the hon. the Law Member expressed on the original motion."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"A point of order has been raised and the hon. the President is perfectly willing to give his ruling on the point. But I may say that I am not going to press my objections on the point of order at this stage. All I can say is that I request the House not to raise this question and not to force the President to decide on this matter."

Mr. P. SIVA RAO:—"I wish to know whether the amendment, moved by my hon. Friend from Tinnevely will be objected to by the hon. the Law Member as being *res judicata* or on any other ground."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Although the ground of *res judicata* may be applicable to other cases it is not cognate to the question at issue. I am going to object to it on another ground, i.e., that the substance of this amendment has been discussed and voted upon. All that I am now asking for is leave to withdraw."

Sriman SASIBHUSHAN RATH Mahasayo:—"This difficulty is sure to arise in the case of discussion of future amendments. It is much better that you, Mr. President, if you are ready to give your ruling, come forward and give your ruling so that we may be guided by that ruling in case of future amendments."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I be permitted to say that my interruption should not be taken as involving any disrespect to the Chair or any reflection that you were not ready with your ruling? I feel, speaking as an humble lawyer, that the question bristles with difficulties when both sides are fairly argued. I propose, Sir, to bring in an amendment to the Standing Order so that there may be no difficulty and the thing may be placed beyond the region of possible controversies. All that I ask for is that we need not press the question of point of order. Assuming, Sir, that your ruling is that the amendment is not allowable, I take it that a number of hon. Gentlemen will think that their rights have been unduly curtailed. I find that it is generally felt that this Bill has been fully and freely discussed and in order that those feelings may continue I made this appeal to hon. Members. On the other hand if hon. Members who seem to know your mind are fairly sure that your opinion is right or your ruling is right."

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Sriman SASIBHUSHAN RATH Mahasayo:—"I did not anticipate anything about your ruling. Of course with regard to the compromise it seems to be fair. But if the hon. the Law Member reserves the power to move the point of order—of course with regard to particular amendments he withdraws it—supposing in the case of another amendment he raises it again . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Is it suggested that, sitting here as a responsible person, I am not going to raise this point of order in the case of one amendment and am going to raise it in the case of another?"

The hon. the PRESIDENT:—"I am not at all prepared with my ruling. I intended to hear other hon. Members who wished to speak on this subject. But if the hon. the Law Member does not wish to press the point of order, I do not wish to delay the House over the consideration of this Bill by giving a ruling just now, even if I were ready. Perhaps, we might go on with the verbal amendments and after lunch we should probably be better prepared for those other amendments."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I should like that even on this point, Sir, you take the sentiments of the House. As a matter of fact the most convenient course would be that as each amendment comes up the matter may be discussed or in the alternative verbal amendments—with the exception of four or five, the amendments are all verbal—may be disposed of between now and the lunch hour. The remaining four or five amendments may be taken up after lunch, and if I have objections to any one of them on the ground that it comprises matters which are not in legal phraseology *res judicata*, I shall allow discussion. That would probably be a convenient course to adopt."

The hon. the PRESIDENT:—"I think we shall go on with verbal and consequential amendments immediately after lunch."

Mr. S. SATYAMURTI:—"May I take it that this point stands adjourned?"

The hon. the PRESIDENT:—"Yes."

Clause 8.

Mr. E. W. LEGH:—"The amendment that stands in my name runs as follows:—

'For the words "works or sources of supply or drainage not being", substitute the words "works, sources of supply or means of drainage, such work, source or means not being".'

"The House will remember that some objection has been taken to the 'sources of supply or drainage' and it was thought desirable that we should try and get some other phrase which would cover this meaning. The section as finally worded would read thus:

'Whenever it appears . . . over any of the following works, sources of supply or means of drainage such work, source or means not being an irrigation work under clauses (a) to (d) of sub-section (4) of section 4, namely, etc.'

Mr. T. R. VENKATARAMA SASTRIYAR:—"I second it."

The amendment was put to the House and carried, and the substitution was made.

1 p.m. Mr. E. W. LEGH:—"Sir, I beg to move that—

'For the word and figure "sub-section (4)," the word and figure "sub-section 5" be substituted.'

[Mr. E. W. Legh]

[4th December 1924]

"This amendment has been necessitated by the alteration in the numbering of the definitions in clause 4."

The hon. the PRESIDENT:—"The hon. Member may move all these verbal amendments together."

Mr. E. W. LEGH:—"I beg to move that—

'In item (a) after the word "estate" the words "or estates" be inserted,'
'In item (b) for the words "in estate" the words "in an estate or estates" be substituted.'

'In item (c) for the words "in estates" the words "in an estate or estates" be substituted.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second the amendments." The amendments were put to the House and carried.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move that
'before the word "namely" the words "or a drainage work under clause (a) of sub-section (2) of section 4" be inserted.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was then put to the House and carried.

Clause 10.

Sub-clause (b).

Mr. CHAVADI K. SUBRAHMANYA PILLAI:—"Sir, I beg to move that—
'In item (2) for the word "source" the words "river, stream, channel, lake, collection of water and work specified in clauses (b) to (d) both inclusive of section 8" be substituted.'

"My reason for this amendment is this. The word 'source' is ambiguous and is not defined anywhere. 'Source' may mean the ultimate origin of a river or irrigation system and may not be held to refer to a river, channel, etc., covered by items (b) to (d) of section 8 as it is obviously intended to refer to. I do not believe there can be any objection to making the meaning plain and I hope my amendment will be accepted by the House as it is merely verbal."

Mr. C. MUTTAYYA MUDALIYAR:—"I second it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, clause 10 (b) starts thus:

'Where it is proposed to assume control of a river, stream, channel, lake, collection of water or work under clauses (b) to (d) both inclusive of section 8—'

"Therefore all these categories of works which my hon. Friend wants to put in are already mentioned in this clause. Again, the same changes will have to be made at the end of 10 (b) (i). Merely as a drafting objection, Sir, I think it is not necessary for elucidating the meaning; nor is it, if I may humbly mention, elegant. I am therefore constrained to oppose it."

The hon. the PRESIDENT:—"I would advise hon. Members who have verbal or consequential amendments to be moved at the last stage of a Bill to communicate with the official Member in charge of the Bill or with the non-official Member in charge if it is a non-official Bill. Since this is the last

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[The President]

opportunity we are having in order to amend the Bill we should not have verbal amendments which would require further verbal amendments.

"I will now put the question to the House."

Mr. Chavadi K. Subrahmanya Pillai's amendment was then put to the House and lost.

Sub-clause (c).

The following amendment stood against the name of Mr. K. Prabhakaran Tampam:—

'Add at the end, the words "and where the work belongs to a private owner the rights and privileges of such owner".'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I would appeal to my hon. Friend to consider that a similar amendment with exactly the same language was moved by my hon. Friend on an earlier occasion and the House expressed its opinion."

Mr. K. PRABHAKARAN TAMPAN:—"It is not a verbal amendment."

The hon. the PRESIDENT:—"The appeal is made on another ground."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"What I said was that an exactly similar amendment was moved by my hon. Friend and the House gave a decision upon it."

Mr. K. PRABHAKARAN TAMPAN:—"I gave notice of it, but did not move it and the House had no opportunity to give a decision upon it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It makes the matter worse. I am only asking if he is going to press it."

Mr. K. PRABHAKARAN TAMPAN:—"I am going to move it."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"We shall then take it after lunch."

Clause 15.

Sub-clause (2).

Mr. E. W. LEGH:—"Sir, the House will remember that the words 'the geographical limits of' were omitted from the clause. Even after the deletion of the words, there remains some doubt as to the actual meaning of the clause. So as to make the clause perfectly clear I move that—

'in item (a) for the words "within the estate" the words "included in the estate and" be substituted.'

"These words occur also in clause 4 (10) of the definitions."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was then put to the House and carried.

Clause 16.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move that—

'for the word "an" occurring in the first line the words "any such" may be substituted'

in order to indicate that it refers to the category of irrigation works dealt with in clauses 14 and 15."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was then put to the House and carried

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Clause 17.

Mr. E. W. LEGH :—"Sir, it is usual to speak of the Government in the plural, and therefore I move that—

'for the words "it thinks" the words "they think" be substituted.'

"I move also that—

'for the words "project or scheme of improvement or regulation" the word "scheme" be substituted.'

"This is the result of the revision of clause 8. In clause 8 the wording now is:

'Whenever it appears necessary to the Local Government in the public interest that for the purpose of any scheme for bringing...

"It is that scheme that is referred to in clause 17. Therefore, the proper course seems to be to use the same word 'scheme' there instead of using the words 'project or scheme of improvement or regulation' which is exactly the same.

"I then move that—

'the words "and a notification to that effect is issued" are inserted after the word "abandoned" and the same words be omitted at the end of the clause.'

"These words apply to the word 'abandoned' and they therefore should not stand at the end of the sentence. They should be inserted immediately after the word 'abandoned'.

"The above amendment necessitates a change in the next line also, I move that—

'instead of the words "or not commenced" the words "or is no commenced" be substituted.'

"I noticed since sending that amendment that even that is not quite accurate. It should rather be *'or work under it is not commenced'*. With the permission of the House, I should like to make a slight alteration. The clause would now run as follows:

'17. Any notification issued under section 8 or 9 may be withdrawn by the Local Government if and when they think fit and every notification under section 8 or 9 and any control assumed in pursuance thereof, shall cease to be in force if the scheme for the purpose of which the control was sought to be assumed is abandoned and a notification to that effect is issued or work under it is not commenced within six years of the date of the notification under section 8.'

Mr. T. R. VENKATARAMA SASTRIYAR :—"I second it."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, I have got my own doubts regarding amendment 19 (substitution of the word 'scheme') Under section 8, the word 'scheme' is used in a limited sense. Only such schemes as are intended for bringing new or additional land under irrigation or drainage are referred to. But here that limitation is absent. Perhaps the scope here will be far greater than what is given under section 8."

Mr. E. W. LEGH :—"I think it is quite clear and it can only be a scheme under clause 8. That is the intention of the amendment. I don't quite see my hon. Friend's doubts about it."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"At any rate, the expression for the purpose of which the control was sought or assumed will make the matter further clear if there should be any doubt."

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Rao Bahadur C. V. S. NARASIMHA RAJU :—"In section 63 also we have got the same words 'any scheme or project.' There is greater difficulty with this section. Are we to make the changes in section 63 also? That is my difficulty."

Mr. E. W. LEGH :—"I think the words 'for the purpose of which the control was sought or assumed' will make it quite clear."

All the four amendments of Mr. Legh were put together and carried.

Clause 20.

Mr. E. W. LEGH :—"I move, Sir, that—

'in the explanation, the word "out" after the word "baling" be omitted.'

"The word is not necessary. The correct phrase is 'baling' and not 'baling out.'"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was then put to the House and carried.

Mr. E. W. LEGH :—

"In explanation (c) for the words and figures 'clauses (2) and (3),' I move that the words and letters 'clauses (a) and (b)' be substituted."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

The amendment was then put to the House and carried.

The following amendment stood in the name of Mr. J. A. Saldanha :—

In the proviso to explanation (d) for the words 'appropriating ... cultivation' the words 'appropriating additional water required for wet cultivation to such extent and under such conditions as may be prescribed by the District Collector.'

Mr. J. A. SALDANHA :—"Sir, as the amendment has been brought by me, in connexion with an amendment brought forward by my hon. Friend, Mr. Mahabala Hegde, and since he is absent I beg leave to withdraw my amendment."

The hon. the PRESIDENT :—"The amendment is by leave withdrawn."

1-15 p.m. "I find that the hon. Member, Mr. Peddiraju, has given notice of amendments to explanation (e) of clause 20 :

'To insert the words: "or the occupancy tenant as the case may be" after the word "owner" and to add at the end the words: "at the date of the passing of this Act".'

"I think the amendments will have to stand over."

Mr. E. W. LEGH :—"I move, Sir, that—

'In explanation (e) after the words "registered as wet" the words "in the Government accounts" be inserted.'

"The section as it is does not say where the land should not be registered. It should be in the Government accounts. I would prefer to have it, Sir, 'in the revenue accounts.' That would be better, I think. And I move the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second it."

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The hon. the PRESIDENT:—"The amendment before the House is:
'That in explanation (e) after the words "registered as wet" insert the words "in the revenue accounts".'

The amendment was put and carried.

Mr. E. W. LEGH:—"I move the following amendment which is merely verbal:—

"In the proviso under explanation (e) for the words and figures "clause 5 or clause 6" substitute the words and letters "clause (d) or clause (e)"."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Mr. E. W. LEGH:—"Consequently, Sir, in clause (d) the word 'revenue' will have to be substituted for the word 'Government'. I move the amendment with your permission."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I move that in the last proviso the words 'in an estate' be omitted. The settlement under section 63 of the Act might be with reference to lands outside an estate also. I therefore move for the omission of the words."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Mr. E. W. LEGH:—"I move the following amendment:—

"In the proviso at the end of the clause, for the figure "60" substitute the figure "63"."

"Owing to the alteration in the numbering, this change is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Clause 21.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I move the following amendments:—

"In the proviso to sub-clause (1) for the word "the" occurring before the word "modification" substitute the word "any"."

"Before the word "removal" insert the word "the"."

"Before the words "drainage to any land" insert the words "means of"."

"I shall read the proviso with the amendments so as to make the meaning clear. It will stand thus:

"Provided that before ordering any modification involving reduction of supply or the removal or closure of any irrigation or drainage work or changing the source of supply or the means of drainage to any land the Local Government shall cause, etc."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendments were put and carried.

Mr. E. W. LEGH:—"I move that—

"in the last paragraph of sub-clause (1) after the words "from any particular irrigation work" the words "or to drain water into any particular drainage work" be inserted."

[Mr. E. W. Legh]

It is a consequential amendment dependent upon the changes made in the last paragraph"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I had given notice of an amendment to insert the words 'or drain water through a drainage work' in the last paragraph after the word 'work'. Now, Sir, I do not think that the amendment is necessary. But with your permission, Sir, I would move a different amendment to the penultimate paragraph of this sub-clause. The paragraph now reads:

"Before closing or changing the recognized source of supply to or the recognized drain from any land, the Government shall, etc."

"With your leave, I move:

"For the words "to or the recognized drain from" substitute the words "or the recognized means of drainage to"."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Clause 22.

Mr. E. W. LEGH:—"I move the following amendment:

"That after the words "unless the land" and before the words "has been acquired" the words "belongs to or" be inserted."

"I think it was not intended that unless the land has been acquired by Government the reversion is not to be, and that the Government must show proof of their possession. The lands may be possessed and not acquired by the Government. It is in order to make this meaning clear that I propose the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Clause 23.

Mr. E. W. LEGH:—"I move:

"For the word "lands" substitute the word "land" wherever occurs."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Clause 24.

Mr. E. W. LEGH:—"I move that—

"For the word "thinks" the word "think" may be substituted."

"It is merely grammatical."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Clause 27.

Mr. E. W. LEGH:—"I move that—

"For the word "irrigated" the word "served" may be substituted."

[Mr. E. W. Legh]

[4th December 1924]

"The word *irrigated* is used in the case both of irrigation and of drainage. I suggest the substitution."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."
The amendment was put and carried.

Clause 28.

Mr. T. R. VENKATARAMA SASTRIYAR:—"In the clause, as it stands, it is not clear to which the word "such" refers. I therefore propose:

'In item (a) for the words "from such work" the words "from any irrigation or drainage work" may be substituted.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."
The amendment was put and carried.

Clause 31.

Mr. T. R. VENKATARAMA SASTRIYAR:—"I move the following amendments in regard to this clause:—

That the words "a notice" be omitted; and that for the words "that so much of such land as belongs to such village has been so marked out" the words "a notice specifying the extent of the land belonging to the village that has been so marked out" be substituted.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."
The amendments were put and carried.

Mr. E. W. LEGH:—"I move that in sub-clause 1—
'For the word "owner", the words "the owner" be substituted.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."
The amendment was put and carried.

Mr. E. W. LEGH:—"I move the following amendments:

'In clause 32, for the figure "30" substitute the figure "31".'

'In clause 33, for the words and figures "after notice as in section 30 and enquiry in section 31" substitute the words and figures "after notice and enquiry in the manner laid down in sections 31 and 32".'

'In clause 37, for the figure "29" substitute the figure "30" and for the figure "30" wherever it occurs substitute the figure "31".'

'In clause 38, for the figure "30" substitute the figure "31". Omit the words "under the provisions of section 29" and for the words "except as provided in section 38" substitute the words "except in cases falling under section 39".'

'In clause 39, for the words "the notice" substitute the words "such notice".'

'In clause 40, for the figures "29" and "38" substitute the figures "30" and "39", respectively.'

'In clause 41, sub-clause (1), for the figure "30" substitute the figure "31".'

'In sub-clause (2) of the same clause, for the figures "33" "30" and "34" substitute respectively the figures "34", "31" and "35".'

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[Mr. E. W. Legh]

'In clause 43, for the figures "35", "39", "40" and "41" substitute respectively the figures "36", "40", "41" and "42".'

'In clause 45 in the first paragraph, for the figure "43" substitute the figure "44" and

in the last sentence of the first paragraph for the word "under" substitute the words "and served by".'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second them."

The amendments were put and carried.

1-30 p.m. Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move the following amendments standing in my name:—

'In the last paragraph of clause 42 for the words "under this section", substitute the word "therein".'

"So that the section as proposed to be now amended by me would run thus:

'The applicant shall not be entitled to supply or drainage by reason of any order made under this section until he has complied with the conditions if any imposed therein and until he has . . . etc.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put to the House and carried.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I move my amendment No. 56-A, which runs thus:

'In the last paragraph of section 45, for the word "clause" substitute the word "section".'

"So that the section would read thus:

'Against the order of the irrigation officer under this section an appeal shall lie . . . etc.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put to the House and carried.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"May I suggest, Mr. President, that we go on with these amendments and then adjourn for lunch? All of them can be finished in ten minutes."

The hon. the PRESIDENT:—"Yes, we can go on."

Mr. E. W. LEGH:—"Sir, I move the following amendments:—

'In item (e) of clause 46 (1) under the first proviso for the figure "60" substitute the figure "63".'

'In item (a) of clause 46 (1) under the second proviso after the words "registered as wet" insert the words "in the Revenue accounts".'

'In item (b) of clause 46 (1) under the second proviso for the figure "55" substitute the figure "56".'

'In clause 49 for the words "are guaranteed" substitute the words "is guaranteed".'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second the amendments."

The amendments were put to the House and carried.

[4th December 1924]

Mr. E. W. LEGH:—"Sir, I want to move amendment No. 61 separately, because it involves a question which was held over at the previous discussion. In the discussion on the 17th November in regard to section 50, the hon. Member, Mr. Narasimharaju, pointed out that the explanation contemplated only two classes of lands, private lands in the possession of registered holders and waste lands. He wanted to know what the idea of the Government is as to waste lands and relinquished lands, and in such cases to whom the notice is to be given. The hon. the Law Member replied that the Government would consider that matter before the Bill was passed. So, Sir, it is not strictly a verbal amendment. It has been moved by us in consideration of the undertaking that was given at the last meeting. I now move this amendment:

'In the explanation to clause 50 after the words "in respect of land" insert the words "in an estate", and after the figure "1908" insert the words "or which is not in the occupation of a ryot".'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put to the House and carried.

Mr. K. KOTI REDDI:—"I want to know whether I can now move the amendments which I submitted already."

The hon. the PRESIDENT:—"You have given notice of amendments which are not verbal but substantial."

Mr. E. W. LEGH:—"If the House permits me, I shall move amendments numbers 62 to 70 together."

(The permission was given and the speaker continued):

"Sir, I move the following amendments:—

Clause 51.

'For the figure "49" substitute the figure "50".'

Clause 53.

'For the figures and word "49 to 51" substitute the figures and word "50 to 52".'

Clause 55.

'For the figure "53" substitute the figure "54".'

Clause 56.

'For the figure "53" substitute the figure "54".'

'For the words "such rates" substitute the words "such rate or rates".'

Clauses 58 and 59.

The two clauses to be transposed, clause 59 being renumbered as clause 58 and clause 58 as clause 59.

Clause 59. [58 as proposed to be renumbered above.]

'For the figures and word "55 clause (2)" substitute the figure "56".'

Clause 60.

'In the third paragraph after the word "published" insert the words "in the manner prescribed".'

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[Mr. E. W. LEGH]

Clause 61.

'For the figure "24" substitute the figure "25".'

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the above amendments.

The amendments were then put to the House and carried.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move amendment No. 66-A, which runs thus:

'In clause 56 in the last paragraph, omit the words "provided that".'

'In section 60, paragraph 3 the word "drainage" be omitted.'

"As it is, the paragraph reads thus:—'Or the Local Government may cause a scheme for such drainage works. . . . But in paragraph 2 the wording is 'or that protection from floods or other accumulations of water, or from erosion by a river, etc.,' so that other works than drainage works are contemplated. So, I think this amendment is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendments were put to the House and carried.

Mr. E. W. LEGH:—"In clause 62, I want to move an amendment. The clause, as it stands, may lead to the impression that the annual rate is to be fixed by an Act of the Local Legislature every year. I do not think that was the intention of the House when they passed the clause. With a view to avoid the possibility of that interpretation, the alteration in this amendment is being suggested. So, I move that for the first paragraph of clause 62 the following shall be substituted:

'A charge at the rate or rates fixed by an Act of the Local Legislature in respect of such scheme may be levied annually on the owners of all lands which shall in the manner prescribed be determined to be so chargeable.'

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Mr. E. W. LEGH:—"Sir, I move the following amendments:—

'In the second paragraph of clause 62—

(a) *For the words "such rate" substitute the words "such rate or rates".'*

(b) *After the words "the said rate" insert the words "or rates".'*

'In the past paragraph for the words "for the remedy of" substitute the words "for remedying".'

Clause 63.

Sub-clause (1).

'For the figure "19" substitute the figure "20".'

The hon. Mr. C. P. RAMASWAMI AYYAR seconded the amendments.

The amendments were put to the House and carried.

Mr. E. W. LEGH:—"In regard to amendment No. 75 for deleting the words 'or project' from sub-clause (1) of clause 63, the hon. Member Mr. Narasimharaju raised some questions about some irrigation projects, and we will have to see whether there is anything he wishes to say before we pass it."

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Mr. E. W. LEGH:—"Sir, I want to move amendment No. 61 separately, because it involves a question which was held over at the previous discussion. In the discussion on the 17th November in regard to section 50, the hon. Member, Mr. Narasimharaju, pointed out that the explanation contemplated only two classes of lands, private lands in the possession of registered holders and waste lands. He wanted to know what the idea of the Government is as to waste lands and relinquished lands, and in such cases to whom the notice is to be given. The hon. the Law Member replied that the Government would consider that matter before the Bill was passed. So, Sir, it is not strictly a verbal amendment. It has been moved by us in consideration of the undertaking that was given at the last meeting. I now move this amendment:

"In the explanation to clause 50 after the words "in respect of land" insert the words "in an estate", and after the figure "1908" insert the words "or which is not in the occupation of a ryot."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put to the House and carried.

Mr. K. KOTI REDDI:—"I want to know whether I can now move the amendments which I submitted already."

The hon. the PRESIDENT:—"You have given notice of amendments which are not verbal but substantial."

Mr. E. W. LEGH:—"If the House permits me, I shall move amendments numbers 62 to 70 together."

(The permission was given and the speaker continued):

"Sir, I move the following amendments:—

Clause 51.

"For the figure "49" substitute the figure "50"

Clause 53.

"For the figures and word "49 to 51" substitute the figures and word "50 to 52"

Clause 55.

"For the figure "53" substitute the figure "54"

Clause 56.

"For the figure "53" substitute the figure "54"

"For the words "such rates" substitute the words "such rate or rates"

Clauses 58 and 59.

The two clauses to be transposed, clause 59 being renumbered as clause 58 and clause 58 as clause 59.

Clause 59. *[58 as proposed to be renumbered above.]*

"For the figures and word "55 clause (2)" substitute the figure "56"

Clause 60.

"In the third paragraph after the word "published" insert the words "in the manner prescribed"

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[Mr. E. W. LEGH]

Clause 61.

"For the figure "24" substitute the figure "25"."

The hon. Mr. C. P. Ramaswami Ayyar seconded the above amendments.

The amendments were then put to the House and carried.

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I beg to move amendment No. 66-A, which runs thus:

"In clause 56 in the last paragraph, omit the words "provided that".

"In section 60, paragraph 3 the word "drainage" be omitted"

"As it is, the paragraph reads thus:—'Or the Local Government may cause a scheme for such drainage works. But in paragraph 2 the wording is 'or that protection from floods or other accumulations of water, or from erosion by a river, etc.,' so that other works than drainage works are contemplated. So, I think this amendment is necessary."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendments were put to the House and carried.

Mr. E. W. LEGH:—"In clause 62, I want to move an amendment. The clause, as it stands, may lead to the impression that the annual rate is to be fixed by an Act of the Local Legislature every year. I do not think that was the intention of the House when they passed the clause. With a view to avoid the possibility of that interpretation, the alteration in this amendment is being suggested. So, I move that for the first paragraph of clause 62 the following shall be substituted:

"A charge at the rate or rates fixed by an Act of the Local Legislature in respect of such scheme may be levied annually on the owners of all lands which shall in the manner prescribed be determined to be so chargeable."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I second it."

The amendment was put and carried.

Mr. E. W. LEGH:—"Sir, I move the following amendments:—

"In the second paragraph of clause 62—

(a) For the words "such rate" substitute the words "such rate or rates".

(b) After the words "the said rate" insert the words "or rates".

"In the past paragraph for the words "for the remedy of" substitute the words "for remedying".

Clause 63.

Sub-clause (1).

"For the figure "19" substitute the figure "20"."

The hon. Mr. C. P. Ramaswami Ayyar seconded the amendments.

The amendments were put to the House and carried.

Mr. E. W. LEGH:—"In regard to amendment No. 75 for deleting the words 'or project' from sub-clause (1) of clause 63, the hon. Member Mr. Narasimharaju raised some questions about some irrigation projects, and we will have to see whether there is anything he wishes to say before we pass it."

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Clause 108.

'For the figure "103" substitute the figure "105".'

Clause 108.

Sub-clause (1).

'For the figures "20", "109" and "103" substitute respectively the figures "21", "111" and "105".'

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the amendments".
The amendments were put and carried.

Clause 111.

Sub-clause (2).

Mr. E. W. LEGH :—"I beg to move :

'In item (f) for the figure "46" substitute the figure "47".'

'Insert the following as item (g) and re-letter the remaining items :—

"(g) for the determination of lands chargeable with an annual rate under section 62."

'In the existing item (j) for the figure "83" substitute the figure "86".'

'In the existing items (k) to (q) both inclusive for the word "boards" wherever it occurs substitute the word "unions" and for the word "board" wherever it occurs substitute the word "union".'

"Mr. President, the first amendment is merely a change in figures. In the next one, we have to insert a new provision because section 62 says: 'in the manner prescribed'. We have to make the provision here which we had omitted in the previous reading."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Regarding the second amendment of the hon. the Revenue Secretary, I am not able to understand clearly what the intention is. In the case of the levy of an irrigation cess, the party has got the right of questioning it in the civil court. Now that the clause is amended does it mean that the party cannot question in a civil court that the liability is imposed upon him incorrectly?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I say it is open."

Mr. E. W. LEGH :—"In the next amendment it is merely a question of alteration in figures while the last in plies merely a verbal change."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I second the amendments."
The amendments were put and carried.

Mr. E. W. LEGH :—"I beg to move :

'In clause 111 (3) for the words "shall be made" substitute the words "shall be laid before the Legislative Council."

'For the words "are so made" substitute the words "are finally made".'

"Under section 111 (3) the rules under this Act shall be made within one year from the date in which the Act comes into force. The rules, Sir, have not only to be drawn up by the Government but they have also to obtain the approval of the Council. We do not know what time it will take. Under the circumstances I do not think it will be safe to say 'shall be made within one year'."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"In seconding it I may say all that can be asked for and intended was that it should be placed before the Legislative Council."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"The Member in charge may not bring up any motion for three years."

The amendments were put and carried.

The House then rose for lunch.

After Lunch (3 p.m.)

Mr. CHAVADI K. SUBRAHMANYA PILLAI :—"Sir, I move :

'In clause 8 for the words "under irrigation or drainage" substitute the words "under irrigation from a new source or with a larger supply of water from the old source than is available at the time of notification mentioned in this section or for bringing such land under drainage".'

During the second reading, I moved an amendment to define 'project'. My present amendment is, I submit, quite different in scope and meaning. If the hon. Law Member thinks otherwise, I shall abide by his judgment and withdraw my amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"May I say that I think, and I hope the House will agree with me, that this is a derogation of or deviation from the meaning of the words which has been really set by our discussion last time with regard to the improvement? This is really going back on that decision. I therefore object on that ground."

The amendment was not pressed and was by leave withdrawn.

Mr. K. PRABHAKARAM TAMPAN :—"I beg to move :

'Add at the end of sub clause (c) of clause 10 the following words: "and where the work belongs to a private owner the rights and privileges of such owner".'

S. R. Y. ANKINEDU PRASAD Bahadur :—"I second the amendment."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Mr. President, the amendment is exactly the same as the original amendment 99 which reads as follows :

'Add at the end the words "and where the work belongs to a private owner the rights and privileges of such owners."

The amendment was not moved by the hon. Member though he had the opportunity to move it and so I submit that he cannot move this amendment now."

Mr. K. PRABHAKARAM TAMPAN :—"I may frankly say, Sir, that I did not think it worth while to move it then. But now I want to move it and if you say I cannot do so, I am perfectly willing to abide by your decision."

Mr. P. ANJANEYULU :—"I beg to submit that I am not able to follow the arguments of the hon. the Law Member."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I did not conclude my objections. I was not quite sure whether my hon. Friend, the Mover, was proceeding with the amendment. But I now find that he is proceeding with it. I desire with your leave, Mr. President, to put one point of view

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for your consideration. Standing Order 49 (3) says that the Bill may be passed with or without *further* amendment. It is not an illegitimate construction of the word 'further' to say this: that it contemplates and can contemplate only those amendments which are not on the original agenda of amendments. That is, if, for instance, there has been a series of amendments tabled to the Bill, those amendments are not again to be the subject of discussion, debate and decision. This, I think, is not an illegitimate 'user' of the expression '*further* amendments'. If the phrase 'with or without further amendment' is not there, there might have been a possible argument that any amendment, whether it has been discussed or not before, can be brought forward. But I submit that it could not be the intention of the Standing Order that amendments which had been tabled, which either had been discussed, debated and decided upon or had not been moved by the hon. Member tabling the amendments could again be brought forward and discussed at length. I doubt whether that can be said to be a legitimate interpretation of the Standing Order. In addition to that—this is again a matter which arose incidentally yesterday—the question would also be whether this amendment ought not to be regarded as raising substantially the same issues. But I would very strongly urge this point that it could not have been the intention of the Standing Orders that amendments which were either debated or tabled and not moved should form the subject of discussion again at this stage."

Mr. P. ANJANEYULU :—"With due respect to the hon. the Law Member, I for one fail to understand how the construction of the word 'further' affects the case on hand. I quite appreciate the position that when once an amendment has been brought forward before the House and discussed and voted upon, it should not be brought forward again, and it will serve no useful purpose to discuss it again. But if no amendment is brought forward or if brought forward is not moved, I respectfully submit that the position is a different one. At the last sitting, we might not have thought it necessary to move the amendment but on a further consideration we may think it is necessary; and I see no reason why this privilege should be taken away. This amendment was not at all moved though, in fact, it was tabled. If at least the amendment was moved and withdrawn, we may, by a strain of arguments, say that that amendment should not be brought forward. But in the present case, where the amendment was never moved, I respectfully submit that it can be moved."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"What I intended to say was that in this case when the motion was called, the hon. Member said that he would not move it. At least some other hon. Member could have got up and said that he would move it. That was not done in this case. The House was in possession of that clause and the amendment, when called, was not moved. What is the difference between that and a decision on merits?"

Mr. A. RANGANATHA MUDALIYAR :—"What is the position with regard to those amendments which were ruled out of order on the last occasion and which have been re-tabled?"

Mr. P. ANJANEYULU :—"Suppose the amendment was not moved by the particular Member who tabled it at the time of the second reading, then I think it should be open to him to bring forward at the next time another motion on the same lines. If in this particular case the hon. Member did

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not move the amendment, I think this House should allow him to move it now and I hope that the hon. the Law Member will try to revise his opinion."

Mr. E. W. LEIGH :—"I think we must apply a certain amount of common sense in dealing with the interpretation of the Standing Orders. What really the hon. Member intends is this: that any amendment which the hon. Member decides not to press at the second reading of the Bill may be brought up again after a motion is made for passing the Bill into law. It seems to me that it is contrary to common sense and contrary to all rules of good order and procedure. If the Member who gave notice of the amendment does not take the opportunity which the procedure gives him for moving the amendment, I do not see how he can be given another opportunity. I think the Standing Order does not intend to give him another opportunity. It must be taken that the Member had good reasons for not moving it. He might have thought that he would not be successful or that that was not the right course. Therefore the only interpretation in accordance with good procedure and common sense is that the amendment cannot be moved again."

Mr. J. A. SALDANHA :—"Standing Order 48 says :

3-15 p.m.

'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.'

"So an amendment was brought by my hon. Friend, Mr. Tampan. The fact that it was dropped or withdrawn implies that it must have been taken and dealt with by the House. It would defeat the very object of the rules of procedure if such amendments are allowed to be pressed again. We may well apply here the analogy of the principle of *res judicata*. Standing Order 49 clearly shuts out at the third reading the moving of amendments of this sort. Further, it stands to reason that where there is a doubt in a matter like this, we must dispose of by common sense points with due regard to the decency and dignity of the House and business-like ways. Here is a Bill that has been dealt with at so many stages. There was the first reading, there was the second reading, it then went to a large select committee, then it came before the whole House and the House considered the various amendments and has spent so much time over them. It would be reducing procedure to an absurdity when at this stage the previous amendments withdrawn are brought forward again. We thought that we could rest on our oars and slumber at this stage. If I knew that there could be amendments of this sort allowed, I myself would have brought a number of amendments which could have been deserving of fresh consideration, but we have wisely refrained from being so foolish. For these reasons, I strongly oppose this amendment."

The hon. the PRESIDENT :—"It is now necessary that the House should come to an understanding on this question. I myself would prefer that the House should decide, even before any amendment of the Standing Orders is attempted, what construction it shall agree to place upon this Standing Order 49 (3). We have been repeatedly told in this discussion that it is the practice of most legislative assemblies that at this stage only verbal and consequential

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amendments are allowed. It has been argued on the other side that even at the third reading amendments of substance are sometimes allowed. It is not very clear what 49 (3) was meant to effect. But certain things are very clear. We have a provision in Standing Order 30 that if any question has been decided in the course of a session, any other question involving this identical matter shall not be put again during the same session. Then we have Standing Order 32 (4) which is, unfortunately not clear. It says that an amendment must not be inconsistent with any decision arrived at in the same stage. We do not know what a stage was meant to connote. It is open to many constructions; we may regard every section of the Bill as a fresh stage. In common parlance, we say, when a Bill has passed through some important crisis, that it has passed through a critical stage. There may be twenty different parts; and after any such part is passed we may say that such and such stage is passed. It is not a word capable of a legal definition, to the best of my knowledge. We have to come to some understanding.

"We have heard from the hon. the Law Member that he intends before long to place this matter beyond cavil by introducing an amendment to the Standing Orders upon which it will be for the House to say what its meaning shall in future be. For the present, I understand, the hon. the Law Member is willing to limit his objections on matters of order to cases coming under Standing Order 30. A question has been propounded to the House and has been disposed of; that question must not come up again in the shape of an amendment under the pretext of Standing Order 49 (3). It seems to me that as a *modus vivendi*, although I myself should have preferred a more clear cut decision, we might accept that."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Sir, I also laid some emphasis on the word 'further' in 49 (3)."

The hon. the PRESIDENT :—"Does the hon. the Law Member mean that an amendment like Mr. Tampan's which was not moved on the last occasion, and which is being moved now, should be ruled out of order because it is not a further amendment?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"My meaning is that it was tabled as an amendment in the old agenda of amendments. It is not therefore a question of further amendment at all. It is not a further amendment."

The hon. the PRESIDENT :—"The hon. the Law Member's meaning is either there shall be a further amendment or there shall be no amendment at all."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am afraid, Sir, that the objection raised by the hon. the Law Member is limited to one consideration, i.e., that this amendment does not come within the meaning of the words 'further amendments' in Standing Order 49. But the earlier objection, namely, that it ought not to be inconsistent with anything that has hitherto been passed or that it should not traverse the same ground already traversed by this House, has no case to stand upon."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"What I said, Sir, and what I still adhere to, is that there is no essential distinction between the actual discussion or debate or decision and an hon. Member saying 'I do not propose to press it'. It may be a decision by the House or a decision not

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to press it which has to be consented to by the House. If a Member is permitted to withdraw, I take it that the House has applied its mind to the matter."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am afraid, Sir, that my meaning is not made clear; perhaps I myself am responsible for it. What I am saying is, so far as the objection to the motion of my hon. Friend, Mr. Tampan, is concerned, it is based upon these words 'further amendments'; and this is not a further amendment, because it was once on the agenda, and whether it was discussed or not at an early stage, the very fact that it was not moved was enough to bring it within the purview of the section and thus exclude it from section 49. 'Further amendments' can only mean amendments in addition to those already passed. If I understand the English language aright, the wording in section 49 can only mean this, that it can be passed with or without the amendments already passed by the House. Of course, I can understand amendments discussed and rejected, but in the case of an amendment to which the mind of the House has not been applied, an amendment which was not moved because the Member did not happen to be in his place or because it was connected with some other amendment, to say that also is included in the wording 'further amendments' is what passes my comprehension. 'Further amendments' will only mean amendments in addition to the amendments already passed. Certain amendments have been passed, and if this House is so minded as to add still more amendments they can certainly pass them. The mere fact that at one time it was not pressed, I think, is no reason against discussing it now."

Mr. S. SATYAMURTI :—"I take it that the very simple question which the hon. the Law Member has raised for your ruling is that Mr. Prabhakaran Tampan is out of order because he did not move the amendment of which he had given notice, and his main argument is based on Standing Order 30 to which we have been referred, that is,

'A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session.'

"I have already made my statement to you yesterday that a motion is different from an amendment in these Standing Orders; but assuming I am wrong, and the hon. the Law Member is right, and that motions govern substantive motions as well as adjournments, neither argument is conclusive against the contention put forward. If you turn to Standing Order 29, there is only one way provided in which a decision can be given:

'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 do not see where any other method is provided by which the decision of this Council can be taken on a particular matter. The fact therefore that Mr. Tampan had given notice of this amendment but did not move it may make it very unfair, if I may say so, on his part to again press it. But it certainly seems to me to be a misreading of the Standing Order to suggest that this is a matter on which the Council has given its decision. The Council has not given its decision. Therefore this a matter which is coming for the first time before this Council. We have got to fall back only on this mystic phrase 'with or without further amendments.'

[Mr. S. Satyamurti]

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"A good deal of play has been made of common sense by both my hon. Friends, Mr. Legh and Mr. Saldanha—one of those over-worked phrases about the meaning of which each one has got a peculiar notion. Therefore I do not see any use in pitting my commonsense with anybody else's common sense. We are trying to understand these rules. I am sure, my hon. Friend the Law Member would have exclaimed 'save me from my friends' when the hon. Mr. Saldanha talked of *res judicata* in respect of Legislative Council decisions. I think the dead hand of past generations will be weighing upon us for ever if we cannot revise our previous decisions. If we apply *res judicata* we may shut up our shop and go home.

"With regard to the meaning of the phrase 'with or without further amendments', I suggest that has no reference to the previous history of these amendments. They may have been brought forward or they may not have been brought forward; or they might have been lost. But whatever happened, we ought to take the amendments as they come and vote on their merits. I only wish the hon. the Law Member had followed his inspiration of this morning and I am sure we could have got on more quickly, because I do not think that Mr. Prabhakaran Tampan will get more votes on his amendment to-day than before (laughter).

"One final submission I want to make. I thought, if I am not mistaken, you proposed to leave this matter in the hands of the House. I protest against any such course because the rule puts upon you and you alone such responsibility.

"The President shall decide all points of order which may arise and his decision shall be final."

"I have not discussed this with my friends on this side or on the other side, but speaking for myself and those friends on whose ears my words may fall with some appeal, I entreat the House not to share the responsibility with you."

3-30 p.m. The hon. the PRESIDENT:—"The hon Member may rest quite satisfied that notwithstanding any employment by me of conventional expressions such as placing myself in the hands of the House, I do not intend to shirk my responsibility. I am fully aware of that responsibility."

Mr. S. SATYAMURTI:—"Sir, I assure you that I did not say any thing like that. I only suggested that I would not take the responsibility and I asked my hon. Friends not to accept the responsibility, so that you may give your decision."

Mr. J. A. SALDANHA:—"The question is whether my hon. Friend, Mr. Prabhakaran Tampan, withdrew his motion with the permission of the House or whether he did not move it at all."

The hon. the PRESIDENT:—"He did not move it at all."

Mr. P. SIVA RAO:—"Mr. President, Sir, the whole matter has been discussed threadbare. I only wish to point out that Standing Order No. 30 does not apply to this. The Council must have given a decision according to that Standing Order. I am sorry I cannot agree with the hon. the Law Member that because the Council grants leave or permission to withdraw (Voices: No question of withdrawal). If that be so, it can in no sense be said that the Council has given a decision."

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[Mr. P. Siva Rao]

"As regards the words 'further amendments' they only mean that the Council is at liberty to carry any amendment in addition to those already carried. These words do not settle the question whether the Council is at liberty to move any new amendment or not. They simply mean that there is an additional privilege conferred upon the House to carry any amendment which had not been passed in the previous stage of the Bill. I think it cannot be construed for a moment that all amendments which were tabled but not moved should not be moved again nor can it be construed to mean that all amendments over which decisions have been come to cannot be moved. Either S.O. No. 30 applies or it does not apply. In the present state of our Standing Orders the only course open to you, Sir, in my humble opinion, is to allow the amendment to be moved. It may not be quite desirable to allow an amendment which an hon. Member deliberately withdrew or chose not to move on a former occasion. That may be so. I am not considering that aspect of the case. It may not be quite expedient to rake up matters which have been already decided. But what about the provisions of the Standing Order? So long as they remain what they are, I think this amendment seems to be strictly in order. No doubt under S.O. No. 46 liberty is given to any Member to propose amendments to a Bill; but such a specific liberty is not given to a Member at the final stage of the Bill. But there are these words 'with or without further amendments'. According to these words the Council is at liberty to pass any amendment in addition to those already passed. Under the circumstances it is possible to give only one ruling and that is to allow the amendment to be moved and leave it to what chance of success it may have."

Mr. K. PRABHAKARAN TAMPAN:—"As a layman I construe it"

The hon. the PRESIDENT:—"I am not greatly in doubt as to the merits of the particular point raised regarding this particular amendment. But what I am anxious is that we should come to an understanding—I hope I may use the word without being misunderstood by the hon. Member for the University—as to what kind of amendments shall be considered in order at this stage and what amendments not in order. If I was giving a ruling *in vacuo*, I should have said that anything except consequential or verbal amendments would be out of order at this stage. But there is the S.O. No. 49 (3): and we have every reason to believe that before long we shall be released from this state of doubt. I therefore for the present shall apply what is quite clear to me, viz., the provisions of S.O. No. 30. With all respect to certain hon. Members who have spoken on the subject, I think, S.O. No. 30 applies to amendments as well as to every other kind of motion. Accordingly I rule the present amendment to be in order because it has not hitherto been put to the House as a question and I propose to allow amendments or to disallow them according as they do or do not satisfy S.O. No. 30. If a question has been before the House already and has been decided one way or the other, it will not be open to hon. Members to raise it again under S.O. No. 49 (3)."

Mr. K. PRABHAKARAN TAMPAN:—"I thank you, Sir, for the ruling that you gave. I do not think the prediction made by the hon. Member for the University would prove true. I am confident of getting a good number of votes. (Laughter.) The hon. the Law Member himself would accept my amendment." (Laughter.)

[Mr. K. Prabhakara Tampan] [4th December 1924]

"Sir, my amendment is not inconsistent with or repugnant to any of the clauses we have passed nor is it a new provision. It has been conceded that

'Where the work referred to in clause (d) of section 8 is situate on the land of a registered holder, the survey numbers and the names of the registered holders of the lands included in the water-spread or the ayacut of such work, the assessment and the water-cess levied by the Government on such lands and the conditions if any subject to which the construction of the work was permitted by the Government as a private work, or the control and maintenance of such work has been transferred by the Government'

a record of rights should be prepared. My first difficulty is that there is no column in the memorandum attached to the A Register for entering the source of water-supply for all the lands in a village in Malabar. Further, over and above the conditions provided for in section 10 (c) there are other rights belonging to the owner of an irrigation work. I will illustrate it. I have an anicut from which I irrigate my own lands and sell the surplus water to the neighbouring landholders. There is no provision for recording such right of selling. There is again the right of cutting timber, stones and other materials from other people's land purchased by me for a consideration. When once certain rights are to be recorded, it is necessary that all such rights of owners of private irrigation works should also be recorded. This is my object in moving this amendment. It is only an amplification of the principle acceded to in this section. I hope Government will recognize the reasonableness of my proposition and accept it."

S. R. Y. ANKINEDU PRASAD Bahadur :—"I second it."

Diwan Bahadur M. KRISHNAN NAYAR :—"I do not know if the Government are accepting the amendment. If they accept it, I need not speak. I am supporting the amendment. I see the hon. the Law Member shakes his head . . ."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"If the hon. Member wants me to get up and say 'No,' I shall do it."

Diwan Bahadur M. KRISHNAN NAYAR :—"I do not want that he should do it. I see that I rightly interpreted his action. What I was going to say was that I do not know why the Government could not accept the amendment. As a matter of fact this section provides for record of rights and Register in respect of lands in Malabar does not contain a column relating to sources of irrigation for obvious reasons. There are no irrigation works in Malabar. As has been pointed out in another connexion there are in Malabar some private owners of lands and even individuals who do not own lands, who have constructed irrigation works and are using the water therefrom either for their own lands or sell it to other persons. These private irrigation works naturally do not find a place in the Government A Register. It will be only just and convenient also to everybody concerned that they should be given this record of rights. It would not prejudice the Government but, on the other hand, it will afford considerable help in the solving of questions regarding irrigation works in the future. Therefore I do not see any reason why the Government should not accept this innocuous and harmless proposition."

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"If I had been convinced by the speech of the hon. Member that the amendment is as innocuous as he suggested, I would have accepted it. But the very ground he has put forward and the arguments he has advanced in support of the proposition supply sufficient reasons for not accepting it. I take it that the case is briefly this: In Malabar there are certain private works and the person who puts up a dam or an anicut proceeds to levy cess from the other persons who derive advantage from it."

Diwan Bahadur M. KRISHNAN NAYAR :—"That is the price of the water."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"Let it be called anything, price or cess or levy. What I say is that it is entirely a private transaction between the owner who puts up an anicut and the people who are beholden to him. Such being the case I do not know why we should maintain a register and bring it up to date without any inaccuracy whatever and thus handicap the other people. If the Government are levying a cess, a record of rights should be maintained. But as this is a transaction between private persons who have among them various rights and obligations, the suggestion is quite out of place. Further I think a record of that kind maintained under this section would not be conducive to convenience. It is for that reason and because it is not the purpose of this enactment nor the object of this hon. House to have a record of these private transactions that I venture not to accept this amendment."

Mr. K. PRABHAKARAN TAMPAN :—"It is not a record of rights of private parties alone. In the A Register there is no mention at all about the source of water for the lands and if such a record is not maintained it will lead to trouble. There are other rights also belonging to owners in respect of certain private irrigation works and when the Government assumes control over them there will be difficulties unless a comprehensive record of all rights is not taken. That is why I say that such rights should be recorded. It is highly necessary and I do not think there will be any trouble involved in it."

The motion was put and lost.

Clause 19.

S. R. Y. ANKINEDU PRASAD Bahadur :—"The amendment that stands in my name runs as follows :—

'Between the words "registered holder" and the word "in" insert the words "in the said work, such as the rights".'

"The object of my amendment is to clear some doubt that has arisen in clause 19 as it stands. This clause consists of two portions. The first portion says that the rights of landholders shall not be extinguished in respect of an irrigation or drainage work over which control has been assumed under section 9. In the second part of this clause provision has been made for compensation with regard to certain rights that are endangered if the Government should take control over such works but in doing so, only a few specified minor rights have been mentioned. On the other hand, major rights and more valuable rights have been left off from this portion. Now the question is whether compensation will be paid for such valuable

[S. R. Y. Ankinedu Prasad Bahadur] [4th December 1924]

rights also if the Government should interfere with those rights. As it is, it is apprehended that compensation will be paid only to such rights, as rights in fishery, pasture, etc. In fact there are more valuable rights in the case of lanka lands than rights of fishery, etc. Therefore the object of my amendment is to clear that doubt and to secure to landholders the same rights that are given with regard to fisheries, etc."

Mr. K. PRABHAKARAN TAMPAN:—"I second it."

The hon. the PRESIDENT:—"It ought to be 'registered holders' and not 'holder'."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Mr. President, I might have raised a point of order on this but in deference to what fell from many hon. Members and in pursuance of the caution implicit in the remarks that fell from the Chair, I refrained from doing so, but I appeal to this House to bear in mind the circumstances under which this clause was passed. Certain landholders were apprehensive that their rights would be interfered with. There were two amendments dealing with this matter. After a very comprehensive and full discussion, as a matter of compromise, we arrived at this decision and hon. Members, if they will refer to the agenda paper, will find that the hon. Member from Tinnevely stated that 'nothing in this section shall affect the rights . . . in beds of rivers, bunds, tanks, etc.' Amendment No. 124 was that of the hon. the Raja of Challapalli, which stated 'that the notification shall not affect any rights except those of regulating and controlling water, etc.' He wanted the clause to be amended in wide and sweeping terms. We discussed that amendment and it went overboard. We came to amendment No. 90 and the hon. House accepted the amendment moved by the hon. Member from Tinnevely. Now the hon. Member wants to go back upon the decision which was arrived at after a considerable discussion extending over a number of pages in the proceedings books."

The hon. the PRESIDENT:—"It appears to me that this question was substantially before this House. Does the hon. the Raja of Challapalli wish to reply?"

S. R. Y. ANKINEDU PRASAD Bahadur:—"The latter portion of the clause, when the compromise was effected, was not properly considered. When the amendment was about to be put before the House, I said 'shall I add also another amendment?' Thereupon the hon. Mr. C. P. Ramaswami Ayyar said 'I may say that I accepted in that form as a kind of compromise. If you are going to have further discussion on this matter I shall have to say something'. The matter ended there. From this it will be seen that we were not fully satisfied with the language of the amendment. Somehow trolling waters. All that we want is that the rights of landholders should be safeguarded. I should have been very glad if the latter portion of this clause was omitted, but some of my friends wanted to have it. In fact, the Raja of Ramnad did not consent to include this clause. Now in the clause, as it stands, only certain minor rights are protected, but major and more valuable rights have been left out. Doubt has arisen whether those rights will come under this clause. It is for that purpose and in order to make the section clear I have moved this amendment."

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The amendment was put to the House and lost.
S. R. Y. Ankinedu Prasad Bahadur demanded a poll.
A poll was taken and the House divided as follows:—

Ayes.

- | | |
|---|---|
| 1. S. R. Y. Ankinedu Prasad Bahadur. | 8. Mr. J. Kuppuswami. |
| 2. Mr. C. Muttayya Mudaliyar. | 9. " P. Peddiraju. |
| 3. " P. C. Muttu Chettiyar. | 10. " M. Seetayya. |
| 4. " K. Prabhakaran Tampam. | 11. " K. Sitarama Reddi. |
| 5. Rao Bahadur K. Krishnaswami Nayudu. | 12. " Chavadi K. Subrahmanya Pillai. |
| 6. Mr. A. Ramaswami Mudaliyar. | 13. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 7. Rao Bahadur C. V. S. Narasimha Raju. | |

Noes.

- | | |
|---|---|
| 1. The hon. Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib. | 21. Mr. L. C. Guruswami. |
| 2. " Sir Arthur Knapp. | 22. Hon. Lieutenant Madurai. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 23. Mr. T. Mallesappa. |
| 4. " the Raja of Panagal. | 24. " B. Obalesappa. |
| 5. " Rao Bahadur Sir A. P. Patro. | 25. " K. S. Ponnuswami Pillai. |
| 6. " Diwan Bahadur T. N. Sivagnanam Pillai. | 26. Rao Bahadur P. Raman. |
| 7. " Mr. R. A. Graham. | 27. " T. A. Ramalinga Chettiyar. |
| 8. Mr. R. W. Davies. | 28. Diwan Bahadur P. Kesava Pillai. |
| 9. " G. F. Paddison. | 29. Mr. A. Ranganatha Mudaliyar. |
| 10. " E. W. Legh. | 30. " S. Muttayya Mudaliyar. |
| 11. " P. L. Moore. | 31. " P. Siva Rao. |
| 12. Dr. John Mathai. | 32. " C. V. Venkataramana Ayyangar. |
| 13. Mr. P. Hawkins. | 33. " R. Frinivasan. |
| 14. " T. R. Venkatarama Sastriyar. | 34. " P. V. S. Sundaramurti. |
| 15. " S. Arpudadaswami Udayar. | 35. Diwan Bahadur M. Krishnan Nayar. |
| 16. Rao Sahib T. C. Tangavelu Pillai. | 36. Rao Bahadur C. Venkataranga Reddi. |
| 17. Mr. H. B. Ari Gowder. | 37. Rai Bahadur T. M. Narasimhachari. |
| 18. " P. K. S. A. Arumuga Nadar. | 38. Khan Bahadur P. Khalif-ul-Jah Sahib. |
| 19. Rao Bahadur Cruz Fernandez. | 39. Mr. Abbas Ali Khan. |
| 20. Rao Sahib P. V. Gopalan. | 40. Khan Bahadur Haji Abdulla Haji Qasim Sahib. |
| | 41. Mr. Muhammad Ghousie Mian Sahib. |
| | 42. Munshi Abdul Wahab Sahib. |

13 voted for the amendment and 42 against

The amendment was lost.

Clause 20.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Sir, I beg to move:

4 p.m.
"that the following be inserted after explanation (c) of clause 20 and that the subsequent explanations be re-lettered:—

"(d) When land in an estate is supplied with water from an irrigation work control over which is not assumed in pursuance of a notification under section 9 and the water is conveyed by a channel that existed at the time of the permanent or temporary settlement or the inam settlement, as the case may be, of the estate, the extent of appropriation by the landholder shall be determined with reference to the physical conditions existing at the time of the settlement such as the size of the channel and the nature and dimensions of the sluices and weirs governing the water which enters the channel."

"Sir, I may be permitted to explain the effect of this amendment in clause 20 of the Bill as passed by the Select Committee. In the Bill as passed by the Select Committee the corresponding clause covered two classes of cases; those cases where the work belongs entirely to Government and the

[Mr. C. V. S. Narasimha Raju] [4th December 1924]

other class where the work was handed over to the zamindars by permanent settlement and over which control is sought to be assumed by notification under the provisions of this Bill. In respect of both these classes of cases the Select Committee provided that the capacity of the channels at the time of the permanent settlement shall be the determining factor. Now in the Council an amendment was passed altering the date of the permanent settlement to the date of notification. The effect of it is that one class of cases is retained and the other class of cases is removed from this clause. I say that it was not the intention of the Members of this House when they voted. The effect of it is that the quantitative test is removed from this class of cases where permanent settlement channels take water from an irrigation work belonging to Government. It is relegated to a residuary clause (f). I don't believe it was even the intention of the Government that it should be so. Therefore I believe this is purely a consequential amendment. Perhaps Government may say: 'The zamindars have gained so much by passing so many other amendments; therefore this may be in favour of the Government.' I do not think that they would take such an unfair position. It has been said off and on that the Government would respect the Urlam decision of the Privy Council. What has been decided there is that the capacity of the channel which takes its water from an existing Government irrigation work shall be the determining factor and not the area irrigated under such a channel. I do not think that Government would take advantage of this unhappy slip and want to stick to the position as it now stands. I hope the Council will see its way to rectify a mistake that has been unwittingly committed. With these words I move this amendment."

Mr. K. SITARAMA REDDIYAR:—"I second it"

Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I could understand my hon. Friend if he had moved that the old clause be reinstated and the clause as passed by the Council cut out of the Bill. On the other hand he says: 'Let the clause (c) remain . . .'"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The only objection then will be that we are raising a question that has already been disposed of by the Council."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Even now, my hon. Friend is going back upon the decision of the Council."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Unwittingly arrived at."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Whether wittingly or unwittingly it is a decision of the House. If the decision of the House is entitled to any respect, my hon. Friend must respect the amendment that has been passed by the Council. He has explained the position as to how it stands. I will explain it in my own way for the purpose of showing what indirect advantage he seeks to get by the amendment he has now moved. He invokes the aid of the Government to keep the original amended clause and to enact a new clause as well. There are two classes of cases included in the original clause (c). As a result of the amendment substituting the words 'on the date of the notification' for the words 'on the date of the Act' one class of cases went out of the clause and fell under clause (f) which we have accepted. Now he suggests: 'Let me retain the amendment and at the same time bring back the original clause for the second class of cases.' The

4th December 1924] [Mr. T. R. Venkatarama Sastriyar]

Select Committee agreed to treat the two classes of cases on the footing of the advantage to which they are entitled on the date of the Act. When it came to the House it was amended by substituting the words 'on the date of the notification'. As a result of this amendment they have secured advantage in one of the classes of cases. My hon. Friend says 'I have lost something by placing the other class of cases under clause (f). Let me get it also by having another clause now. Let me restore to myself the advantage which I have lost by shoving on one class of cases to clause (f).' I think this is very unfair."

Mr. E. W. LEGH:—"Sir, I am delighted to have an opportunity of meeting my hon. Friend opposite (Mr. Narasimha Raju) purely on the merits of the case. My hon. Friend stated that certain appropriations were defined by the Select Committee in a particular way, in the case of lands not within an estate which are supplied with water from a Government irrigation work. Now I should like to join issue with him on this matter. My recollection is entirely different. It has been decided that the Urlam decision should be respected right through. I believe it has been respected. The section as passed by the Council, with certain limitations, is nearer to the Urlam decision than the hon. Member thinks. The hon. Member is well acquainted with the decision itself. The decision does not deal at all with the cases of lands supplied with water from any source except a river. The whole of the argument is based on the supposition that the water is drawn from a river. I do not see there anything to point to what the decision of the Privy Council would have been if the case that came before them was that of a land supplied with water from a Government tank or a Government channel as part of an irrigation system. I do not think the hon. Member has any right to say, I do not think any one has any right to say, that the Urlam decision is contravened by the clause as it stands, except that it is more liberal to the zamindars than the Urlam decision itself would have been. Instead of the date of the settlement as the starting point we have the date of the notification. Therefore they have 120 years to the good. On the merits of the case it is not possible to contend that the zamindars have been injured; rather would I contend the other way that they have got more than they are entitled to under the decision. It is the Government that are the losers."

Mr. A. RAMASWAMI MUDALIYAR:—"Sir, I am afraid, I do not share the views expressed by the Advocate-General or the Revenue Secretary in this matter. If it is a question as to who is fair and who is unfair, the weight of the judgment would fall on the Government benches. The clause as amended by the Select Committee had the phrase 'at the time of the permanent settlement'. Now, Sir, the Council felt that that was a period of time when the extent of appropriation, the size of the channels, the nature of the sluices, their dimensions and other physical conditions were difficult to determine. That was the reason why an amendment was carried fixing a very much later period, the date of the notification, when these things could be determined with more accuracy. The section as provided by the Select Committee applied to two sorts of lands, all irrigation sources coming under that sub-clause. It included those to which a notification could be applied and those to which no notification could be applied. This particular amendment is operative to those to which a notification could be applied.

[Mr. A. Ramaswami Mudaliyar] [4th December 1924]

But it is not operative to those to which no notification could be applied. Now I should think that the amendment now moved is simply a consequential amendment to carry out the decision of the House. The class of cases to which a notification can be applied is far smaller in number than the class of cases to which no notification could be applied. This class of cases is automatically taken out from this sub-clause and relegated to the residuary clause (f). Therefore as a question of fairness or unfairness, where the cases to which a notification can be applied are smaller in number than those to which no notification can be applied, it seems to me that when we passed the amendment we were really prejudicing our own case. It was a case of mistake. It was not realized that all the cases intended to be covered by the notification were not included in this clause. It is fairly obvious that the idea of the Council was not to take away the right which they have got already in the Select Committee. They would only try to enhance it. Now Government say that they are in a better position in our having passed the amendment. The corresponding advantage that they have got is far more than the disadvantage they would suffer from if all these cases were such that a notification could be applied to them.

4-15 p.m. "And in all these cases where no notification is issued we stand to lose. We practically overrule the Urlam decision."

Mr. E. W. LEGH:—"Sir, that is the point which I was labouring. It is very much nearer the Urlam decision than the Bill as passed by the Select Committee."

Mr. A. RAMASWAMI MUDALIYAR:—"I knew that the hon. the Revenue Secretary would take that point. It seems to me that the Government insist upon their right to take their pound of flesh. The Urlam decision of course applied to a specific case. The Government now want to confine and grip the decision as they may to make it apply to that particular case only."

Mr. T. R. VENKATARAMA SASTRIYAR:—"May I point out, Sir, that the hon. Member wants to overrule the decision when it does not suit him and wants to retain it when it suits him?"

Mr. A. RAMASWAMI MUDALIYAR:—"It is not a very inconsistent position for a non-official member to take. Apart from that it seems to me that the Government want to use the Urlam decision merely for the judgment that was pronounced in that case. What is the Urlam decision after all? A definite principle has been laid down and that principle must be applied in all cases and must be carried out to the logical extent to which it can be carried out. And therefore to call the Urlam decision merely to show that it was a particular decision with reference to streams or rivers, I think, is merely missing the point because the principle underlying it has no particular application either to a river or a stream."

Mr. T. R. VENKATARAMA SASTRIYAR:—"That at any rate was not my point. What I said was by the words 'on the date of the notification' we overrule the Urlam decision to that extent. If we do so, we must take the other consequences as well."

Mr. A. RAMASWAMI MUDALIYAR:—"I knew that the Advocate-General would not take up that position. I am thankful for the assurance he has given me on the point. What I suggest is that it is really a case of hardship. That is really prejudicing by a decision of the House the thing that

4th December 1924] [Mr. A. Ramaswami Mudaliyar]

was not in the mind of anybody. It is really going back on a right which has been conceded by the Select Committee on behalf of a certain set of people. Sir, references have been made that this is a thing which is helpful to the zamindars. But I think all these references are absolutely irrelevant. What does it matter if the zamindar does get some right? After all the zamindars are as much entitled to protection of their rights as any other. I can understand this reference if the zamindar were to get rights at the expense of the ryotwari holders or of any other set of persons. If it is a question of protecting their own right without injuring the rights of others, question of protecting their own right without injuring the rights of others, I do not think that any question of democracy really arises at all. It is our duty to see that fair tests are applied to all classes of people and that justice is done and not to penalise a person because he is a zamindar or because he is a ryotwari proprietor. I do think that this amendment is not only in consonance with the decision of the House but also gives correct expression to that decision and I should have expected the Government to have come forward with this consequential amendment of its own because obviously the Government cannot for a moment suggest that this particular idea was in the minds of the committee or the Council. My hon. Friend, the Advocate-General, suggested that the idea was to exclude this class of cases to which no notification could be applied from (c) and keep them in a residuary sub-clause (f). Does my hon. Friend pretend to suggest that that class of cases was in the minds of the Council at the time? During the whole course of the discussion was not advertence made to this aspect of the case? After all, Sir, we are only human beings, much more human than the hon. Members on the Treasury Bench. I do suggest, Sir, that we are full of mistakes in these matters. And it is exactly for this reason that I suggested that at the third reading mistakes like this should be rectified; and it is not verbal amendments alone that are to be taken up. I do hope, Sir, that the hon. the Law Member who is going to speak next will support me in my view."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I feel myself unable to comply with the invitation extended to me by the hon. Member who spoke last. But let me remind the House of just two things. A certain amendment, I think, was moved by the hon. Member, Mr. Ramalinga Chettiyar, and thereupon it was, I think, the hon. Member from Chittoor who did not press his amendment"

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"No, no; it was quite the other way."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Yes; it was the other way, Sir. But what happened was that the House knew exactly what it was doing when it voted on this matter. I do not wish merely to rely upon an oversight or a mistake. Let me put one aspect of the matter which may appeal, I trust, to the hon. House. In the case of a river this notification may not issue, but in the case of other artificial works where the supply is limited, what will be effect of this amendment? It would be that the zamindars would get not only what they have been using but a supply to the full capacity of the channel. That is what the effect of this amendment would be. I submit that the House never intended to give effect to that idea. It is therefore not a question of remedying an oversight. It is a question whether you are going to keep the Urlam decision entirely or, as the

[Mr. C. P. Ramaswami Ayyar] [4th December 1924]

Advocate-General said, keep it in certain cases and reject it in certain others. It is not really rectifying a mistake or embarking upon a consequential amendment but laying down a new principle."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, it has been said that by moving this amendment I wish to respect the Urlam decision in some respects and not to do so in some others. I respectfully submit that the Urlam decision has nothing to do with notified works. The Urlam decision itself deals only with the irrigation works or a river belonging to Government. It does not at all deal with a river belonging to the zamindar. The Judges of the Privy Council have considered there the question in two aspects. In the first place they say supposing it is a river belonging to Government the whole of the river itself will then be a grant to the zamindar and therefore the capacity of the channel must be the determining factor. They then take the other aspect of the question, whether the river belongs to the Government or not. Even supposing the Government are the owner of the river, the Urlam decision says that the presumption must be that the channel has been granted to the zamindar by the permanent settlement and therefore the question, though it has been adverted to regarding the cases where the river belongs to the zamindar and the Government want to exercise control, has not been examined. The Fisher's case covers the case of unused water of rivers passing through zamindari areas. I submit therefore that the Advocate-General is not correct when he says that we want to take advantage of the Urlam decision in the one case and do not want to be bound by it in the other."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Why then does the hon. Member not want to restore the original section?"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The original clause deals with two classes of cases. It deals with the case where the origin is in a Government source and it also deals with the case where the origin is in a source to be notified hereafter. The second class of cases was not contemplated by the Urlam case. When you club these two classes of cases, only one is covered by the Urlam decision and the other has to be provided for under the provisions of this Act, as it is a new case. In this class of cases, the utmost extent to which you can rely on judicial decisions is really not in the Urlam decision, but in the 32 Madras case, Fisher's case—that in the case of waters running to waste the Government have got a right to control, provided they do not interfere with the existing rights of water utilized. Of course in the case of water utilized, one interpretation is that it is with reference to the area irrigated while the other interpretation is that it applied to the quantity of water appropriated. The Council was pleased to resort to the quantitative test and not the area test regarding notified works. That is how the decision in 32 Madras was dealt with. 32 Madras deals with notified rivers, but it does not relate to Government irrigation works which are covered by the Urlam decision. Government irrigation works may be classified into natural streams belonging to Government according to the blessed definition we have adopted in section 4 (5), namely, that all rivers which are not in zamindari areas are Government rivers and channels which may take their origin from a river which is situated in a Government village. The channel itself may be supplying water to a zamindari area. The test is the capacity of the channel, as laid down by

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the Urlam case. If you leave the clause as it is, what is the effect? It would mean that hereafter, instead of the capacity of the channel, the area that was being irrigated at the time of the passing of the Act would be the test. Is that the intention of the Government? Did the Government put forward that case either in the draft Bill or in the later stage before the Select Committee? The Government did not give notice of any intention on their part that in the case of pre-settlement channels taking from a river belonging to Government the area was to be the test and not the volume of water that passed through the channel. I would therefore appeal to them to argue the question fairly. Of course, the Government may say that they could take advantage of a slip on our part. If both the classes of cases are the cases intended by the Government, the case stands on a different footing. My submission is that from the beginning the Government have conceded that in the case of irrigation works which are to be notified the capacity shall be the test as it existed at the time of the settlement. The Council has decided that the actual capacity as it existed at the time of the notification shall be the test. But that is quite a different matter. In the second class of cases from the beginning of the introduction of the Bill down to the passing of this provision the position of the Government has been that in the case of permanent settlement channels that take their origin from an irrigation work belonging to Government, the capacity of the channel shall be the test and the capacity shall be as it existed at the time of the settlement. It is in a way respecting the terms of the settlement itself. The Privy Council, considering the matter as to what is granted to the zamindar or the inamdar, has said that if the irrigation system is a grant along with the land by the permanent settlement, the capacity of the channel shall be the test and not the area. If you retain it as it is, you certainly go against the Urlam decision and the pledges which you gave to this Council when you introduced the Bill that the Urlam decision would be respected everywhere. We trust in you; deal with the matter as you like."

The amendment was put and declared carried.

4-30 p.m. A poll was taken and the House divided thus:—

Ayes.

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| 1. S. B. Y. Ankinesu Prasad Bahadur. | 22. Mr. P. Anjaneyulu. |
| 2. Mr. H. B. Ari Gowder. | 23. " J. Kuppuswami. |
| 3. " P. K. S. A. Arumuga Nadar. | 24. " Muhammad Moosa Sait. |
| 4. Rao Bahadur Cruz Fernandez. | 25. " P. C. Venkatapatriaju. |
| 5. Diwan Bahadur Sir P. Tyagaraya Chetti- | 26. The Raja of Ramnad. |
| yar. | 27. Mr. K. Sarvarayudu. |
| 6. Mr. B. Mahabala Hegde. | 28. " K. Sitarama Reddi. |
| 7. Honorary Lieutenant Madurai. | 29. " Chavadi K. Subrahmanya Pillai. |
| 8. Diwan Bahadur P. C. Ethirajulu Nayudu. | 30. " M. Ratnaswami. |
| 9. Mr. B. Muniswami Nayudu. | 31. Diwan Bahadur M. Krishnan Nayar. |
| 10. " C. Muttayya Mudaliyar. | 32. " K. Suryanarayanamurti |
| 11. " P. C. Muttu Chettiyar. | Nayudu. |
| 12. " K. S. Ponnuswami Pillai. | 33. Mr. K. Venkatachala Padayachi. |
| 13. " K. Prabhakaran Tampan. | 34. Diwan Bahadur W. Vijayaraghava |
| 14. Rao Bahadur K. Krishnaswami Nayudu. | Mudaliyar. |
| 15. Mr. P. T. Rajan. | 35. Mr. T. M. Narayanaswami Pillai. |
| 16. " B. Ramachandra Reddi. | 36. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 17. " A. Ramaswami Mudaliyar. | 37. Mr. Abbas Ali. |
| 18. Rao Bahadur C. V. S. Narasimha Raju. | 38. Khan Bahadur Md. Haji Abdullah Haji |
| 19. " A. S. Krishna Rao Pantula. | Qasim Sahib. |
| 20. Mr. J. A. Saldanha. | 39. Mr. Abdul Wahab Sahib. |
| 21. " S. Satyamurti. | |

[4th December 1924]

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Habib-ul-iah Sahib. | 13. Mr. T. R. Venkatarama Sastryar. |
| 2. " Sir Arthur Knapp. | 14. " S. Arpudawami Udayar. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 15. Diwan Bahadur P. Kesava Pillai. |
| 4. " Rao Bahadur Sir A. P. Patro. | 16. Mr. A. Ranganatha Mudaliyar. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 17. " K. Koti Reddi. |
| 6. " Mr. R. A. Graham. | 18. " S. Muttayya Mudaliyar. |
| 7. Mr. R. W. Davies. | 19. " G. Rameswara Rao. |
| 8. " G. F. Paddison. | 20. Sriman Sasibhusan Rath Mahasayo. |
| 9. " E. W. Legh. | 21. Mr. C. V. Venkataramana Ayyangar. |
| 10. " P. L. Moore. | 22. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 11. Dr. John Mathai. | 23. Mr. R. Srinivasan. |
| 12. Mr. P. Hawkins. | 24. " P. V. S. Sundaramurti. |

39 voted for the amendment and 24 against. The amendment was carried.

S. R. Y. ANKINEDU PRASAD Bahadur:—"Sir, I move the following amendment in clause 20:

"In explanation (f) for the words "prior to the date of the commencement of this Act" substitute the words "prior to the date of the notification where the Government have issued a notification under section 9 in respect of such irrigation work or prior to the date of the commencement of this Act in other cases"."

"The amendment I have just moved is slightly different from the amendment to this sub-clause moved at the second reading of the Bill and passed by the casting vote of the President. Sub-clause (3) of clause 20 covers two classes of cases, namely, irrigation sources outside estates which supply water to lands within estates through channels existing at the time of the settlement and not transferred to the landholders or from channels which came into existence subsequent to the settlement. In regard to the first class of cases which under the Bill as amended by the Select Committee become irrigation works without the necessity of any notification, I am simply retaining what is already provided in this sub-clause, and my amendment does not deal with them. In regard to the second class of cases I propose that the landholders' right to appropriate should be measured with reference to the largest area irrigated free of cess in any one year prior to the date of the notification but not as laid down in the sub-clause in any one year prior to the passing of this Act. My amendment in regard to this point is in accordance with the decision of the Full Bench of the Madras High Court in the Kannivadi case and the decision of the Privy Council in the Bobbili case. These decisions have already laid down that when both the banks of a river belong to the landholder he is entitled to use the water of the river free of cess to any extent, without of course prejudicing the rights of the proprietors lower down. There is no reason why a right recognized by the highest tribunals should be whittled down as is done under this sub-clause. It will, perhaps, be contended that if my amendment is acceded to, the landholders may construct new channels after the passing of the Act and thereby extend their right of appropriation indefinitely. I wish to know why they should not extend irrigation in their estates by constructing new channels or widening old channels when under the existing law they are entitled to do so and when under the permanent settlement they are under an obligation to do so. There is absolutely no justification for prohibiting the landholders from

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exercising this right at least up to the assumption of control over the work in respect of which such right exists. In strict theory the landholder should be entitled to take water to the fullest capacity of any channel which he may construct from a river within the limits of his estate up to the date of notification. For these reasons in fact there should be an express provision saving the landholder's rights to the fullest extent in all cases when the river is notified. But my amendment does not go so far. It is much more restricted in scope and limits the rights of the landholder to the quantity of water required for the cultivation of the largest area irrigated in any year prior to the date of the notification. I earnestly hope that in these circumstances the Council will accord its support to my amendment."

Mr. K. Prabhakaran Tampan seconded the amendment.

The hon. Mr. C. P. RAMASWAMI AYYAR:—"Sir, I do not propose to say any word excepting this, that we have already been accused, and I think with some justice of yielding in many matters to the zamindars. If on this matter we yield, we shall really, I think, be not doing our work satisfactorily. This is an unwarranted extension of their privileges on a matter on which this House has already decided."

The amendment was put to the House and lost.

Mr. P. PEDDIRAJU:—"Sir, I move that in clause 20, explanation (e), in line 4, after the word 'owner' the following words be inserted:

'Or the occupancy tenant as the case may be'.

"I want to introduce those words because the idea is the same, and it is merely a verbal amendment. The idea is this. In the case of estates, if the land is a dry land the zamindar levies annual dry rent and the water-cess is paid by the tenant to the Government, and the rights of appropriation must therefore be obtained by the occupancy tenant who is himself the owner so far as that is concerned. If it is a kamatam land, the owner is the zamindar. So, I want the right of appropriation to be given to the occupancy ryot in one case and to the ryot in the other case. For this reason, I move my amendment."

Mr. B. Venkataratnam seconded the amendment.

Mr. E. W. LEGH:—"Sir, I have to object to this amendment on three grounds. First of all, the term 'occupancy tenant' is not a term which is used in this Act. It is not defined anywhere and we do not know what it means. Secondly, if by the term 'occupancy tenant' he means one having some ownership, he will find that the word 'owner' includes every person having a joint interest in the ownership of the thing specified under the definition in this Act. So, even assuming that the ryot who is the occupancy tenant has joint interest in the land, he is included in the term 'owner' under this Act. Thirdly, on the merits of the case, we are not concerned here with deciding as between the estate owner and his ryot. That is a matter which does not come within the purview of this Bill. The respective right as between a zamindar and an occupancy tenant or owner is not a matter with which we are concerned; it is a matter to be decided by the courts as between them. On these three grounds it seems to me that the amendment should be opposed."

Mr. P. PEDDIRAJU:—"Only one word in reply, Sir. Whether he is an occupancy tenant or ryot, whatever he may be, I want to point out that it is only the occupancy ryot that must acquire the rights of appropriation because

[Mr. P. Peddiraju]

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he is in possession of the land, which is a dry land. The zamindar can acquire rights of appropriation after he improves the land for the purpose of wet cultivation and invests large sums of money. It is not a matter of settling the rights between the zamindar and his tenant here. The question is who has got the rights of appropriation. Such rights should go to the person who converted the dry land into wet, and it is the ryot that does it. So, whatever the definition may be, the rights are there to be given to the ryot only. As regards the second objection, all that the definition of 'owner' says is that it includes the person who has conjoint interest in the land. At the second reading of the Bill, I did not put forward this amendment thinking that this definition would cover my point. But several doubts have been expressed by lawyers, and so I have to press my amendment so as to make it clear."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I may be permitted to draw the attention of the hon. Revenue Secretary to section 47 which deals with the class of cases regarding the levy of water-cess from the landholder or the ryot. Under that clause Government have already got schedules prepared and the cases as to who has to pay the water-rate are defined there. In the other class of cases, where the water-cess is directly collected from the landholder, they levy the tax under schedule A. Therefore as far as the zamindar and the ryot are concerned already there are schedules as to who is to appropriate the water and who is to pay the water-rate. When that is the case, I think an amendment in consonance with the terms of clause 47 may be a reasonable thing instead of leaving the question between the ryot and the zamindar and driving these two parties to court as to who is to have rights of appropriation."

"In all cases where water-cess is levied by the Government directly from the ryot, the ryot must have the right to appropriate and not the landlord. Unless this rule is made part of the Statute, the ryot will have to file a suit against the zamindar. According to clause (f) of clause 20 the extent appropriated shall be fixed with reference to the largest area irrigated free of water-cess. In the case of land not registered as wet, the period of ten years is taken into account. On the other hand, in the case of land included in an estate the determination is left to the sweet will and pleasure of the zamindar. Therefore, in order to remove that difficulty, this amendment is proposed."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"We do not decide the inter-relations between the zamindar and the tenant. I submit that this is not the proper place where the mutual inter-relations are to be defined. On this ground I cannot accept the amendment."

The amendment was put and declared carried. The hon. Mr. C. P. Ramaswami Ayyar demanded a poll and the House divided thus:

Ayes.

- | | |
|---|---------------------------------------|
| 1. Mr. K. Prabhakaran Tampan. | 11. Mr. S. Muttayya Mudaliyar. |
| 2. " B. Ramachandra Reddi. | 12. " P. Peddiraju. |
| 3. Rao Bahadur C. V. S. Narasimha Raju. | 13. " G. Ramaswara Rao. |
| 4. Mr. S. Satyamurti. | 14. Sriman Sasibhushan Kath Mahasayo. |
| 5. " P. Anjaneyulu. | 15. Mr. M. Seetayya. |
| 6. " A. Chidambara Nadar. | 16. " M. R. Seturatham Ayyar. |
| 7. " K. Koti Reddi. | 17. " V. C. Vellingiri Goundar. |
| 8. " J. Kuppuswami. | 18. " P. C. Venkateswari Raju. |
| 9. " C. Maruthavanam Pillai. | 19. " Q. V. Venkataratnam Ayyangar. |
| 10. " Muhammad Moosa Sait. | 20. " B. Venkataratnam. |

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Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Habib-ullah Sahib. | 18. Mr. T. Mallesappa. |
| 2. " Sir Arthur Knapp. | 19. " C. Muttayya Mudaliyar. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 20. " P. C. Muttu Chettiar. |
| 4. " Rao Bahadur Sir A. P. Patro. | 21. Rao Bahadur O. M. Narayanan Nambudripad. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 22. Mr. K. S. Ponnuswami Pillai. |
| 6. " Mr. R. A. Graham. | 23. Rao Bahadur K. Krishnaswami Nayadu. |
| 7. Mr. E. W. Davies. | 24. " P. Raman. |
| 8. " G. F. Paddison. | 25. The Raja of Ramnad. |
| 9. " E. W. Legh. | 26. Mr. K. Sitarama Reddi. |
| 10. " P. L. Moore. | 27. " B. Srinivasan. |
| 11. " P. Hawkins. | 28. " P. V. S. Sundaramurti. |
| 12. " T. B. Venkataratnam Sastriyar. | 29. Diwan Bahadur M. Krishnan Nayar. |
| 13. " S. Arpudawami Udayar. | 30. Mr. K. Venkatachala Padayachi. |
| 14. " H. B. Ari Gowder. | 31. Rao Bahadur C. Venkataranga Reddi. |
| 15. " P. K. S. A. Arumuga Nadar. | 32. Diwan Bahadur W. Vijayaraghava Mudaliyar. |
| 16. Rao Bahadur Cruz Fernandez. | 33. Rao Bahadur T. M. Narasimhaachari. |
| 17. Honorary Lieutenant Madurai. | 34. Mr. Abbas Ali Khan. |
| | 35. Munshi Abdul Wahab Sahib. |

20 voted for the amendment and 35 against.

The amendment was lost.

Mr. P. PEDDIRAJU:—"I beg to move that—

'In the proviso to explanation (e) in clause 20 the following words be added at the end, viz., "at the date of the passing of this Act."'

"This is a verbal amendment which is intended to convey the meaning as laid down by the report of the Select Committee. So far as the lands in the Kistna district served by the Godavari and Kistna rivers are concerned, certain lands were excluded from the irrigable area under arrangements and Government said that no compensation could again be claimed under the provisions of this Act. They also wanted to have a proviso to this effect in this Act. In page 6 of the report of the Select Committee it is said:

'The proviso to sub-clause 6 is intended to exclude from the privileges conferred by this sub-clause and the preceding one, those lands which have already been compensated for loss of right.'

"That is it only refers to cases where compensation has already been given and arrangements have already been entered into. Else the Godavari and Kistna lands would not have been referred to there. The hon. the Law Member has also said in his speech that compensation has already been given. To make it clear I only wanted to say 'On the date of passing of this Act'."

Mr. B. Venkataratnam seconded the amendment.

Mr. E. W. LEGH:—"I want to be quite sure of the hon. Member's intention here. Do I understand by his amendment that he wishes to exclude the possibility of any alteration being made in the present list of inclusions and exclusions, because that list is not final? The amendment will exclude the possibility of any revision of inclusion or exclusion."

Mr. P. PEDDIRAJU:—"It covers only cases of exclusion and not inclusion. It refers to the 20,000 acres which have been excluded and for which arrangements have been made either by giving new water rights elsewhere or new lands in other places. I only wanted to make that clear. It does not cover the cases of new inclusions at all."

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Mr. E. W. LEGH:—"Inclusion and exclusion are relative terms. If any land is not included it is excluded. If any new land is not included will it be covered by this amendment?"

Mr. P. PEDDIRAJU:—"The hon. the Revenue Secretary said that about 20,000 acres had been paid compensation and only about 16 acres or so were not paid compensation. He said that they had been compensated for either by giving water rights elsewhere or by selling the water rights. It is such people that should not again claim water rights after the passing of this Act. It was at the instance of the hon. the Revenue Secretary that this provision was put in. The question of inclusion and exclusion is entirely different. So far as inclusion is concerned if the land was registered as wet already and was now converted into dry what the Government did was that they gave water rights not for this land but for some other land. In that way compensation was given and agreements taken. In other cases where the people concerned had no other lands they were made to sell their water rights to other people. These are the arrangements referred to in the proviso. I am sorry that the hon. the Revenue Secretary wants to refer to other cases."

Mr. E. W. LEGH:—"What I want to suggest is that the arrangements already made should not be treated as though no alteration can be made. I do not think that is the case. The settlement of wet ayacut is not a simple matter. It concerns a very large area and it is possible that there may be alterations in that area. If the hon. Member's amendment is accepted it means that no arrangement can be made."

Mr. P. PEDDIRAJU:—"If any future arrangement is referred to, it would not have been confined to the Godavari and Kistna deltas. The Revenue Secretary referred to the Kistna district alone. It is only with reference to the 20,000 acres that this proviso is intended."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It seems to me that all that the hon. Member wants is to cover the cases of exclusions already made. It seems to me that for that purpose the word 'already' is unnecessary."

Mr. P. PEDDIRAJU:—"No doubt that was the meaning given to me at the time of the Select Committee discussions. I want to make the meaning more clear."

Mr. T. R. VENKATARAMA SASTRIYAR:—"Though the occasion may have been for the purpose of protecting the cases in which exclusion has already been effected, is it conceded that it is now the object of hon. Members to provide that future exclusion shall not take effect? The wording as it stands covers all classes of cases."

Mr. P. PEDDIRAJU:—"As certain doubts were expressed by certain people with regard to the present wording, I want to make it more clear."

Mr. T. R. VENKATARAMA SASTRIYAR:—"May I know the nature of the doubts?"

Mr. P. PEDDIRAJU:—"For instance, I consulted Diwan Bahadur M. Ramachandra Rao and he too feels the doubt. Our idea being the same, I do not know why there should be any objection to add this word."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I am afraid, after the speech made by the Advocate-General and what I have said, we are convinced that

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the wording as it stands carries out the object which animates the hon. Mover. With respect to the doubts of other eminent gentlemen, we cannot give up our convictions in favour of those that may have their honest doubts."

The amendment of Mr. P. Peddiraju was put and declared lost.

Mr. Peddiraju demanded a poll and the House divided as follows:—

Ayes.

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|---|---|
| 1. S. R. Y. Ankineedu Prasad Bahadur. | 11. Mr. C. Maruthavaram Pillai. |
| 2. Mr. C. Muttayya Mudaliyar. | 12. " S. Muttayya Mudaliyar. |
| 3. " K. Prabhakaran Tampun. | 13. " P. Peddiraju. |
| 4. Rao Bahadur C. V. S. Narasimha Raju. | 14. " G. Rameswara Rao. |
| 5. " A. S. Krishna Rao Pantulu. | 15. " M. Sitayya. |
| 6. Diwan Bahadur P. Kesava Pillai. | 16. " M. R. Seturatnam Ayyar. |
| 7. Mr. A. Kanganatha Mudaliyar. | 17. " P. Siva Rao. |
| 8. " S. Satyamurti. | 18. " B. Venkataratnam. |
| 9. " P. Anjaneyulu. | 19. Diwan Bahadur K. Suryanarayanamurti |
| 10. " K. Koti Reddi. | Nayudu. |

Noes.

- | | |
|---|--|
| 1. The hon. Khan Bahadur Sir Mubammad Habib-ul-lah Sahib. | 17. Honorary Lieutenant Madurai. |
| 2. " Sir Arthur Knapp. | 18. Mr. T. Mallesappa. |
| 3. " Mr. C. P. Ramaswami Ayyar. | 19. " B. Obalesappa. |
| 4. " Rao Bahadur Sir A. P. Patro. | 20. " K. S. Ponnuswami Pillai. |
| 5. " Diwan Bahadur T. N. Sivaganam Pillai. | 21. Rao Bahadur K. Krishnaswami Nayudu. |
| 6. " Mr. R. A. Graham. | 22. Rao Bahadur P. Raman. |
| 7. Mr. E. W. Davies. | 23. Mr. R. Srinivasan. |
| 8. " G. F. Paddison. | 24. " P. V. S. Sundaramurti. |
| 9. " E. W. Legh. | 25. " R. Veerian. |
| 10. " P. L. Moore. | 26. Rao Bahadur C. Venkataranga Reddi. |
| 11. " P. Hawkins. | 27. Diwan Bahadur W. Vijayaraghava |
| 12. " T. B. Venkatarama Sastriyar. | Mudaliyar. |
| 13. " S. Arpudawami Udayar. | 28. Rai Bahadur T. M. Narasimhacharlu. |
| 14. " H. B. Ari Gowder. | 29. Mr. Abbas Ali Khan. |
| 15. " P. K. S. A. Arumuga Nadar. | 30. Khan Bahadur Haji Abdulla Haji Kasim |
| 16. Rao Bahadur Cruz Fernandez. | Sahib. |
| | 31. Mr. Hamid Sultan Marakbayar. |

Neutral.

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|---|--------------------------------------|
| 1. Diwan Bahadur Sir P. Tyagaraya Chetti- | 6. Mr. V. C. Vellingiri Gounder. |
| yar. | 7. " P. C. Venkatapatiraju. |
| 2. " P. C. Ethirajulu Nayudu. | 8. " C. V. Venkataramana Ayyangar. |
| 3. Mr. B. Muniswami Nayudu. | 9. The Raja of Ramnad. |
| 4. " P. T. Rajan. | 10. Mr. K. Sitarama Reddi. |
| 5. Rao Bahadur T. A. Ramalinga Chetti- | 11. " Chavadi K. Subrahmanya Pillai. |
| yar. | 12. Diwan Bahadur M. Krishnan Nayar. |
| | 13. Mr. T. M. Narayanaswami Pillai. |

19 voted for the amendment and 31 against; 13 remained neutral. The amendment was lost.

Mr. K. KOTI REDDI:—"I move that Chapter VI be omitted."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I rise to a point of order. Chapter VI was dealt with by the House. Various amendments have been passed and we came to a certain decision with regard to that chapter. I submit that it is not open to this House, after having decided that Chapter VI do stand part of the Bill, to vote again on this amendment to omit the chapter. Though technically Chapter VI as such was not put, all the clauses in it were put and decided on."

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Mr. K. KOTI REDDI:—"I do not know the technicality of it. My intention was to omit the whole chapter. If each clause is put and carried, I do not think that will stand in the way of moving my amendment."

The hon. the PRESIDENT:—"In the absence of any one to defend the hon. Member's contention legally, I have no doubt myself that the amendment is not in order in accordance with the ruling I gave this morning. The amendment attacks the chapter as a whole—every individual clause in it. Every individual clause was put and passed by the House and I cannot allow this amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"A few consequential amendments seem to be necessary and so I want to move them. I move:

'In the proviso to explanation (f) (as renumbered) of clause 20, substitute "(e) and (f)" for "(d) and (e)".'

'In clause 46, proviso (b), substitute "(a), (b), (c), (d) or (g)" for "(a), (b), (c) or (f)".'

'In clause 46 (h), substitute "(c) or (d)" for "or (c)".'

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

The amendments were put and carried.

5-15 p.m. The hon. the PRESIDENT:—"I have now to put the question to the House that the Bill be passed into law."

Mr. S. SATYAMURTI:—"Sir, some of us want to speak on this question that the Bill be passed into law."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"If I may respectfully say so, I do not think we need take more than half an hour at the most on this matter. The two Bills may take only three minutes each and so to-morrow will be available for non-official work."

The hon. the PRESIDENT:—"Even if the other Bills are to stand over till to-morrow I should like this one to be finished to-day."

Mr. S. SATYAMURTI:—"It seems to me, Sir, that it would be rather unfair to those of us who want to review the question to be compelled, at the end of the day—it is 5-15 p.m.—to finish up. Some of us will not be doing justice to ourselves or the electorates who sent us here, if at 5-20, in the third reading of a very important Bill, we are asked to hurry up."

The hon. the PRESIDENT:—"I have received intimation from His Excellency the Governor that he intends to prorogue the House as early as possible on Saturday, if not to-morrow. I think we should be unduly reducing the amount of time at the disposal of the House if we took up so much as the whole of the forenoon to-morrow, as is definitely intended by hon. Members, with the concluding strokes on this Bill. Another thing is I have received private notice of an adjournment motion and that could come on only the afternoon to-morrow if not on Saturday, at 2-30 p.m. I do not see how at this rate any non-official business is going to be done."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I do not know if the new amendment has received the assent of His Excellency. Are we to begin the adjournment motion at 2-30?"

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The hon. the PRESIDENT:—"I do not know. I expect that His Excellency will sanction the new amendment before the end of to-day. It will be sent by him in the course of the day."

"Hon. Members of course realize the consequence of the step they are taking and I do not want to stand in their way. I now adjourn the House."

The House adjourned at 5-20 p.m. to meet again at 11 a.m. the next day.

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

APPENDIX I.

[Vide answer to question No. 1349 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 4th December 1924, page 614 supra.]

B. Safety.

7. Having regard to the fact that, while it is essential that the inspectorate should be invested with all the legal powers necessary for the performance of its duties, it is equally important, in order that inspection may progressively become more effective, that, in accordance with the tendency manifested in the oldest and most experienced countries, inspection should be increasingly directed towards securing the adoption of the most suitable safety methods for preventing accidents and diseases with a view to rendering work less dangerous, more healthy, and even less exhausting, by the intelligent understanding, education, and co-operation of all concerned, it would appear that the following methods are calculated to promote this development in all countries:—

(a) that all accidents should be notified to the competent authorities, and that one of the essential duties of the inspectors should be to investigate accidents, and more especially those of a serious or recurring character, with a view to ascertaining by what measures they can be prevented;

(b) that inspectors should inform and advise employers respecting the best standards of health and safety;

(c) that inspectors should encourage the collaboration of employers, managing staff and workers for the promotion of personal caution, safety methods, and the perfecting of safety equipment;

(d) that inspectors should endeavour to promote the improvement and perfecting of measures of health and safety, by the systematic study of technical methods for the internal equipment of undertakings, by special investigations into problems of health and safety, and by any other means;

(e) that in countries where it is considered preferable to have a special organization for accident insurance and prevention completely independent of the inspectorate, the special officers of such organizations should be guided by the foregoing principles.

APPENDIX II.

[4th December 1924]

[Vide answer to question No. 1367 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 4th December 1924, page 631 supra.]

Statement showing the capital expenditure incurred by Government and the lessee at the time of the opening of the extensions.

Factory.	Capital cost of the lay out of the extensions incurred.		
	By Government.	By lessee.	Total.
	RS.	RS.	RS.
1. Ganjam	11,729	...	* 11,729
2. Surla	...	14,438	14,438
3. Sumadi	10,957	3,29,065	3,40,022
4. Naupada	42,673	42,583	85,256
5. Pundi	57,924	29,189	87,113
6. Bimlipatam	374	18,500	18,874
7. Polavaram	5,010	1,120	* 6,130
8. Penuguduru	8,412	49,389	* 57,801
9. Turputallu	23,000	...	23,000
10. Pandraka	...	Not available.	...
11. Chinnaganjam	5,577	12,000	17,577
12. Kanuparti	424	5,000	5,424
13. Pakala	13,699	50,000	63,699
14. Krishnapatnam	2,043	21,500	23,543
15. Iskapalle	4,903	22,548	27,451
16. Tada	...	22,412	22,412
17. Kadaikadu	...	19,300	19,300
18. Chunampet	...	† 68,300	68,300
19. Covelong	...	Not available.	...
20. Vedaranniyam	6,985	53,870	60,855
21. Adirampatam	37,598	71,965	1,09,563
22. Levingapuram	...	1,83,332	1,83,332
23. Karapad	...	5,53,763	5,53,763
24. Sevandakulam	...	1,79,589	1,79,589

* Includes cost of works which existed at the time of the assignment.
† Includes (Rs. 25,000) cost of oil-engines and pumps purchased by the lessee.

APPENDIX III.

[Vide answer to question No. 1879 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 4th December 1924, page 641 supra.]

Memorandum.

By the passing of the Madras Local Boards Act, 1920, and the Madras District Municipalities Act, 1920, the taxation powers of local bodies were increased as shown below :—

(i) Local Boards Act, 1920.

(1) Under the old Act the maximum rate at which land-cess for general purposes can be levied in a district was one anna per rupee except in the

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districts of Malabar and South Kanara. Under the new Act the maximum was fixed at one anna and a half for all districts and the power to levy a land-cess of three pies in the rupee for construction of railways was withdrawn.

(2) The maximum rates of tolls in certain cases were enhanced.

(3) The maximum rates at which the house-tax may be levied in unions were done away with.

(4) Provision was made for the levy of the following new taxes by taluk and union boards :—

Tax on companies,
Profession tax,
Pilgrim tax.

(ii) District Municipalities Act, 1920.

(1) The maximum percentage limits of property tax for general purposes and for water and drainage purposes provided in the old Act were done away with.

(2) The maximum rates of profession tax, tax on carts, carriages and animals and tolls on certain animals and vehicles were enhanced.

(3) Provision was made for the levy of the following new taxes :—

Tax on companies,
Lighting tax,
Railway tax.

2. By the passing of the Madras Elementary Education Act, 1920, local bodies have been enabled to levy an education tax. Under section 37 of the Act local bodies are paid every year provincial subsidies equivalent to the proceeds of the education tax actually raised during the previous year.

3. Since 1920 the Government have afforded the following relief to local bodies :—

(1) The Government have undertaken to reimburse to local bodies the actual expenditure incurred on trunk roads subject to a maximum limit of Rs. 500 a mile in the case of district boards and Rs. 1,000 a mile in the case of municipalities.

(2) From 1921-22 the Government have waived the payment of the contributions previously received by local bodies towards the cost of District Headquarter Hospitals of which they have assumed control.

(3) The Government have waived the recovery of the cost of lymph supplied to vaccinators from the King Institute at Guindy.

(4) From 1922-23 the Government have taken over the veterinary institutions under their control and relieved local bodies of the charges for maintaining them.

(5) With effect from 1st April 1923 the Government have transferred to municipal councils that portion of the land revenue which represents the difference between the ordinary agricultural assessments and the approximate annual value of such lands as town site represented by ground-rent.

(6) The service of District Board Engineers has been provincialized from 1st March 1924.

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(7) The pay of Government medical officers in taluk headquarters institutions is met entirely from Provincial funds from 1st September 1923.

(8) The cost of office establishment of District Medical Officers which was being met by district boards with the assistance of municipal councils in some cases, is borne entirely from Provincial funds from 1st April 1923.

(9) The Government have from time to time sanctioned grants from Provincial funds for specific purposes such as water-supply and drainage schemes, construction of bridges and buildings for medical and educational institutions, pay of District and Municipal Health Officers and cost of maintenance of second-class roads. They also make grants to municipal councils whose balances have been depleted by the prevalence of epidemics. Compassionate grants have been sanctioned to local boards which are unable to make both ends meet even after levying taxes at maximum rates.

APPENDIX IV.

[Vide item IV (1) Communications to the Council on page 656 supra.]

The following report of the Labour Commissioner on his enquiry into the causes that led to the recent exodus of coolies from Assam is placed on the table of the House :—

From G. F. PADDISON, Esq., M.A., C.S.I., I.C.S., Commissioner of Labour, to the Secretary to Government, Law (General) Department, dated the 22nd November 1924, No. E. 276/24.

As directed by Government in their G.O. No. 2873, Law (General), dated 14th October 1924, I have the honour to submit the following report on the reasons for leaving Assam given by the coolies recruited from the Ceded districts. I made enquiries in the following centres which were suggested to me by the Collectors of the districts concerned :—

Bellary district.—Chippagiri, Beldona, Nemakal, Hattibalagal, Ilur, Aspari, Adoni and Kowtalam ;

Anantapur district.—Dharmavaram and Mudigubba ;

Cuddapah district.—Rajampet and Cuddapah. I did not visit Turnool district as the Collector informed me that he did not know of any coolies having returned thither. In Cuddapah I examined the migration depot. I had no time to visit the headquarters of the other districts. In several of the centres I visited I examined coolies from the neighbouring villages. In addition I had conversation with men in the street and with some persons in the railway train who had just returned. In all I took written statements from 1 persons. In some cases where groups of persons from the same family or the same village came together only one or two of them were examined in writing as it was found that they were all prepared to tell the same story.

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In fact almost invariably persons from the same village did tell the same tale. Whether the reasons given were the wages, or the fever, or the leeches, or the medicines, or the rain, or the heat, or the excessive nature of the task set, or the methods used to compel them to fulfil their task, or any or all of these discomforts the same motives seem to have actuated all the coolies who came or went together. It is therefore unsafe to draw conclusions as to the real reasons for their return from the number of persons who gave any particular reason for so doing. Naturally the coolies from a particular village who knew that they would be questioned as to the reasons of their departure discussed the matter and agreed upon the story that they should give. With this precaution I append in tabular form the number of persons who gave particular reasons for their departure.

Not infrequently the coolies complained that they received quite good wages at first and that their wages were reduced later on. It would be more natural to expect that when they became more used to the work they would be able to earn higher wages. As regards fever they nearly all said that they were given medicines when they were ill but complained that the medicines made headaches worse and that they were administered in ways which they did not like. It would appear that they were given a regular course of quinine either through the mouth or through injections. There were practically no complaints as regards housing though some persons said that surroundings of the houses were muddy. They did not like working in the rain. As regards the task, several of them mentioned the difficulty in getting through the task set for hoeing or grumbled at the weight of the weapons they were given, but practically no complaints were received as to the task set for plucking tea.

Generally one of two accounts was given of the way in which they were enabled to return to their districts from Assam : either they came stealthily begging a lift from the guard or getting in when he was not looking, or they were returned by Gandhi Maharaja. This latter statement which does not appear to have any truth certainly points to their having been in contact with some persons who were against the Government as at present constituted. It was the Government of Assam who in most cases paid for the repatriation.

Most of the persons examined belonged to the agricultural castes—Boyas, Malas, Setti Baliyas, Madigas. One or two were working on the railway ; two were private servants of a member of the Legislative Council ; one a peon of the co-operative society. But as

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a general rule there was no cause for complaint of the class of persons being unsuited to agricultural work. The statements of the coolies as to what they earned must be taken with a grain of caution. It is difficult to believe that the same manager would give five annas a day and rice to a pregnant woman and at the same time give a man who did a good day's work only a few annas a week.

I found the Cuddapah depot a suitable building with a good kitchen, good food, adequate and good water-supply and latrine accommodation. The men in charge were clerks on about Rs. 50 a month who had not any very accurate knowledge of conditions in Assam. They did not even know the meaning of one or two words used in some of the sardars' licences, but the Collector informed me that they did their best to convey to the coolies the true facts of what they had to expect. I examined their registers and a large number of sardars' licences. From them I found that the average earnings according to the managers of the estates varied from Rs. 7 to Rs. 15 a month for a man. These however were given in round figures, the averages given in rupees, annas and pies which were probably actual figures obtained by dividing the total wages by the number earning, vary from Rs. 8-4-0 to Rs. 10-8-0. In addition they get about Re. 1 a month as bonus for each year of completed service. The women and children are paid in proportion. It must be remembered that the average earnings per month would not disclose how many days were worked by each man and are therefore to some extent misleading. However if a man gets Rs. 9 a month and his wife Rs. 7 and his children Rs. 4 or 5 each the family should have enough to live upon and even to save a little. In many estates women get substantial maternity benefits. On several of the estates coolies were given Rs. 5 when they were recruited and Rs. 5 on arrival in Assam.

About the first thirty sardars who received licences came from all over the Presidency. Thereafter the sardars were almost entirely district coolies who had been to Assam and returned. On the inadequate data before me it is not easy to give any valuable opinion of the real reasons for the exodus. The frequent reference to Gandhi Maharaja may suggest that some political influence was brought to bear upon them, though no one stated that they were induced by outsiders to leave the estates. In some estates the wages may be too low and improper methods might be used to compel the coolies to work. The difference in language, the climate especially the rain, malaria, leeches, all may have had some effect. But the real reason which I believe to be at the bottom of the whole trouble was that the Assam planters were in too great a hurry. If a new connexion

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is to be built up and is to be lasting it must be built up gradually. The proper way to set about it is that adopted in Kowtalam where half a dozen Christians went to the Dooars with a catechist to interpret for them and to see if they liked it. Perhaps this number was too small as they might feel lonely. But the right method is to take a few first and to see whether they like the place. If they do and if they find the conditions to their liking they can then send word or write to their relatives and friends to come to them. In Cuddapah however, and I presume in other districts also, after the original foreign sardars had come and got as many coolies as they could to go to Assam, these coolies who had received Rs. 10 each as presents and remained only for a few days in Assam—so that they could have no knowledge of the real conditions of climate or of working—were sent back to bring their friends and relatives with a considerable advance. Those who know the simple nature of the coolies of the Ceded districts do not need to be told that there need not have been any fraud either on the part of the planters or on these new sardars for the account given by them on their return to be misleading. These men had had a joy ride to Assam and back for nothing. They had been given a present before they went and a present on their arrival and a considerable advance on their return. It is not therefore surprising that the accounts that they gave of the estates and of life in Assam were painted in glowing colours. Probably the coolies whom they recruited expected the same career as these sardars had themselves experienced. To their astonishment they found that they were expected to do regular, fairly hard work, sometimes in the rain, and this was, I think, the real reason for the discontent. As regards the conditions in Assam itself I think Mr. Austin who has just gone there from this Presidency with absolutely no predilection in favour of Assam may be trusted to report if the conditions on any particular estate are not suitable. As regards the Madras districts I think it would be as well to have a higher paid and more responsible person in charge of each depot. In addition I recommend strongly that no person should be given a sardar's licence who has not worked on an estate for at least three months. Collectors may be asked to inspect the depots fairly frequently and see that the conditions in Assam are being fairly explained to the coolies before they start. Moreover there should, I think, be a provision for sending back on a medical certificate, coolies who are unable to stand the climate. If these alterations are carried out I recommend that recruitment to Assam should continue. I see nothing that would justify the refusal to allow a coolie to go from here to Assam that would not apply to his going to Bombay or other parts of India, if conditions are fairly explained to him.

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ENCLOSURE

Reasons given by the repatriates for leaving Assam.

Fever	23	Medicines	3
Leeches	19	Ill-treatment	3
Insufficiency of wages.	16	Climate	2
Excessive task	6	Language difficulty ...	1
Dysentery	6	Domestic reasons ...	1
Rain	4	Bad water	1

MIGRATION TO ASSAM—EVIDENCE.

Chippagiri.

1. *Kavali Anjaneya*.—Boya. Before I went I was a cultivator. I had ten acres of land. The sardar said I should get two rupees and 12 seers of rice, so I went. I left the land with my mother-in-law. I went to Bagdad for two years. I went to Rajiquali estate. I was plucking tea. I was given five annas daily. I went alone. I left my wife with my mother. I began work at 8 and stopped at 12. I was not able to work in the afternoons as I had fever. People do not go in the afternoons for work. I stayed for four months. I left because of rains and leeches. One woddar and I went to this estate. The others went to different estates. The woddar is still there. There were five Telugus in that estate. Three came away and two are staying there. The other two came back as recruiting agents. Nine of us came back together. We had no tickets. No one paid our fare. For weeding we had to hoe 180 × 8 yards. I was in the hospital for about ten days. I came back six days ago.

2. *Narayana*.—Mala. I went to Assam about six months ago and came back two months ago. Before I went I was doing coolie on the railway. I got five annas a day and was paid once a week. I went to Tippu Bhaga estate weeding and hoeing. I worked from 6 to 12 and 2 to 5. I got one rupee every Friday, out of which eight annas was in rice and eight annas in money. I got boiled rice. This was a tea estate. I left the estate because of fever and leeches. I came back on a pass as a sardar to recruit coolies. My wife came also. She got twelve annas a week. We worked for 15 days and then I got dysentery and was in the hospital. Our task for hoeing was 60 × 4 yards. I have no idea of the amount of coolie. If we did not do this they would compel us to do the work.

3. *Ramayya*.—Setti Balija—Coolie. I get two seers of cholam a day (six annas). I went to Assam because my belly was empty. I went to Saigali Bhaga estate. I went four months ago. I stayed there for two days. I worked for two days and got fever. Gandhi Maharaja gave me my railway fare. The police constable actually gave it to me. The constable told me it was the present of Gandhi Maharaja. There were 50 of us there. I left my wife here. When I got there I took seven seers of rice in advance. I do not know what coolie we would have got. Here we were told we should get 2 rupees. There we were given to understand we would get seven seers of rice and eight annas cash per week.

4. *Kavali Anjaneyalu*.—I am a coolie. Two seers of cholam (6 annas a day) are given me here. I went with the last man. I came back with him. I have heard all he said. It was true. Our hours were 6 to 12.

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Beldona.

5. *Linganna*.—Boya. I returned about 2 months back. I stayed there for about 6 months. At each disbursement I used to get 4 to 6 annas. I worked from 8 a.m. to 4 p.m. No leisure in the middle (Lakkawi garden).

6. *Narasimhadu*.—Boya—Lakkawi garden. I went there six months back for the first time. I worked there for 20 days and came back as a recruiting agent. I took 25 people with me to the same garden. I worked there for one and half months. I hoed 136 × 20 yards. Coolie is 8 annas per day for this task. This task took us the whole day. The manager paid us coolie with his own hand. I was actually given 10 or 12 annas. If I asked him the full wages of Rs. 4, the manager used to raise his stick at me. If one got fever and stayed at home, the manager used to go to our huts and drive us to the garden for work. As I had fever, as I was beaten and as I was troubled with leeches, I came away to my native place. I was given 4 seers of raw rice (good rice) and 10 or 12 annas once in eight days.

7. *Hanumanna*.—Boya—Age, 10 years. I worked in tea garden. I got 4 annas once in eight days. I was given one seer rice once in eight days in addition to 4 annas.

8. *Thimmappa*.—Boya—Age, 30 years. I was taken to the Lakkawi garden by Narasimhadu. I was given the same coolie as Narasimhadu. I worked there for five months. I got into the train without ticket. I got into the train with 200 or 300 persons. The manager told me that I ought to get 8 annas for each day's work. During the first 30 days I was there, I got at Re. 1 and 6 seers of rice per week. All the coolies got the same rate then.

9. *Anjaneya*.—Boya—Age, 40 years. I was the first to go to Lakkawi garden. I went to the garden about eight months back. I was given coolie at Rs. 3½ to 3 and six seers of rice per week. I got coolie at this rate for two months. The coolie has been gradually reduced. We then struck work. Wire was sent to our agent at Bellary, Narayana Babu. He came to Assam. We represented our grievances to him. He gave us encouragement saying that he would get the coolie increased. We resumed work. We got coolie for two weeks at Rs. 3 and 3 seers of rice after Babu left Assam. After this period, the coolie was again reduced. The manager found out I was advising others not to go to work and so he gave me railway fare to my home. We, 19 persons of three families, returned in one batch. Narasimhadu's son deceived me.

10. *Manga*.—Madiga—Son of Chinna Nagappa—Age, 35 years. I went to Lakkawi garden about five months back. I was given coolie at 8 to 12 annas and 3 seers of rice per week. I worked from 8 a.m. to 4 p.m. I got the same wage all along. I worked there for five months, myself, my wife and two children. My wife got 4 or 5 annas and 3 seers of rice per week. Children got nothing. We got into the train without tickets along with others. I learnt from others that Gandhi got us tickets.

No other trouble except insufficient coolie. My wife was pregnant and she was given 5 annas and 3 seers of rice without work. By the time we went there, there was a large number of coolies.

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Nemakkal.

11. *Lachumamma*.—Boya—Age, 40 years. I went to Lakkawi garden about six months back and stayed there for five months. Coolie was 4 annas and 5 seers of rice per week. On account of fever and insufficient coolie, I returned to my native place. I was one of the 5,000 that returned. We walked for 20 days and afterwards Gandhi got us into the train. We lost five persons on the way. Out of pity, Gandhi got us into the train. First of all I got only at 8 annas and 5 seers of rice. This was reduced as men increased.

12. *Obalamma*.—Madiga—Age, 16 years. I went to Assam about six months ago. A sardar by name Yenappa of Yerur recruited me. I went with my elder brother. We were given coolie at 3 to 6 annas and 5 seers of rice per week. We collected tea leaves. I worked from 8 a.m. to 4 p.m. without any leisure in the middle. I worked in Lakkawi garden.

13. *Anjaneya*.—Edeya—Age, 20 years. I went to Mellingi garden about eight months back and stayed there for seven months. I got 12 annas and 7 seers of rice per week in the beginning. This was reduced to 3 annas and 5 seers of rice as men increased. If we object to the small rate of wages, the manager used to seize us and beat us. I worked from 6 a.m. to 3 p.m. without leisure in the middle.

14. *Nagappa*.—Wodda—Age, 30 years. I worked in Lakkawi garden. I tilled soil. I worked from 6 a.m. to 6 p.m. without leisure. I came away as the climate did not suit me. Leeches also troubled me. I got 8 annas and 5 seers of rice in the beginning for about one month. This was reduced to 3 annas and 5 seers of rice as men increased.

Hattibalagal.

15. *Huchappa*.—Madiga—Age, 45 years. I went to Lakkawi garden about six months back. I worked there for six months from 8 a.m. to 4 p.m. I got coolie at 3 annas or 4 annas and some quantity, i.e., about $3\frac{1}{2}$ seers of rice per week. I got the same wage throughout. I went with seven others at the same time. We walked for 20 days till we got into the train. Some gentlemen (names not known) got us into the train. No sleep during nights. There was a rumour there that heads of persons are removed. Females were paid 9 pies. We represented our grievances to Narayana Babu from Bellary. He told us to do work that would fetch us 8 annas daily. We did the work but were not paid at that rate. We remained for 15 days after Narayana Babu left Assam. We suffered from dysentery.

Ahur.

16. *Balappa*.—Telaga—Age, 15 years. I went to Mellingi estate. I was a peon in a Co-operative Society. I got Rs. 8 a month. I went about seven months ago. I stayed there for six months. I got 4 annas a day. I got no rice, only cash. We were paid once a week. I left because of leeches and fever. Two of us left. He also had fever. We took no tickets. The guard got us through for nothing. No other trouble but leeches and fever. We worked from 8 to 12 noon. We did not go in the afternoons as we were not required. We were told we should get extra work if we went in the afternoons but we did not go on account of fever. The other man is here suffering from

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17. *Sunkadu*.—Boya—35 years. I went about eight months ago. I stayed there for ten days. They sent me back to fetch more coolies. I sent three. Two went to the estate—one went half way and returned. They went to Melling garden. I was given Rs. 5 when I got there and Rs. 5 when I came back. My journey expenses were all borne by the manager. It is a very cold country and the climate did not suit me.

(Three others were only there for ten days.)

Aspari.

18. *Narappa*.—Son of Ramanna—Golla—45 years. I went to Lakkawi garden about six months ago and stayed there for four months. I worked from 6 a.m. to 4 p.m. I went to the garden at the instance of a local Sirdar. I was given Rs. 5, my wife Rs. 5 and my daughter who died of leeches Rs. 5. I was promised 8 annas per day and 5 seers of rice per week. It was raining throughout every day. I was asked to till the soil and cut grass. My coolie was 4 annas and 3 seers of rice per week. My wife was given 3 annas and 3 seers of rice per week. My wife collected tea leaves. I was given task 6 yards by 40 yards for removal of grass. I could not do this task. I was able to do only half of it. My children did weeding under tea trees. Three of my children did the work. Gandhi sent us home. (He retracted this.) It is not Gandhi but the District Collector of Gauhatee that fed us for 4 days after making enquiries of us and then got us into the train. I was in hospital for one month. I was then given a ration of 3 seers of rice. My daughter died 12 days ago after my coming here. (Reddy supports this.)

19. *Madanna*.—Boya—45 years. I went with Narappa and returned with him. When I returned there were about 100 persons in the train. Children were given only one anna to $1\frac{1}{2}$ annas and $\frac{3}{4}$ to 1 seer of rice per week. I agree with what Narappa stated.

Adoni.

20. *Hussingadu*.—Son of Hanumanta—about 25 years—Madiga. I went about 3 months ago and remained one month. I went to Lakkipur garden. I got Rs. 4-1-0 for 15 days and it was not enough. (Asked his reasons for leaving.) I did not know the language. I was clearing the ground and I worked from 9 to 4 p.m. I left my wife behind. Before I went I used to sell fuel. I came back stealthily from station to station. I went after the rest had left. I was the only Telugu speaking coolie. I went to ask the manager to let me go home as I knew no one to talk to and they took back all they had given and two rupees I had saved. I got no rest in the middle of the day. I got one seer of rice and three annas a day. I don't know the name of the manager. I had to do 180 yards by 1 yard per day for 4 annas. Nothing was given for extra work, but wages were cut for short work. The place was very muddy.

21. *Narasanna*.—Madiga—25 years? We went six together, all Madigas. We stayed there for 15 days. It is three months since we came back with the agent's consent. The manager gave us our tickets to Wadi. From there we came by begging. We did not come away as thieves. We got leave to come. We had been promised Rs. 40 a month with meals by a

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wodda who had been there. Also we had been promised to have our marriages arranged. We did not like the place. There were leeches as big as that. Rain every day. Our legs swelled up and we could not work for three days running, so we came home. We did clearing work. We did not get any wages. We were given food and were sleeping in the hospital. We worked for 15 days. For 8 days we were clearing round the hospital. In the presence of my father and my God, I say I got no wages at all. The estate was Lakkipur.

Dharmavaram.

22. *Nagappa*.—Setti Baliya—35 years. I went to Melling estate. I went five months ago and came back about 2½ months ago. No one gave us a ticket. We travelled stealthily. If we work for a day, next day we lay down and groaned in our houses. They came and drove us to the work. In the same way if we did not work at the work-spot, we were driven to it. We worked from 8 a.m. to 12. We worked for clearing the ground. The only trouble we had was fever. (Asked about wages they got.) We got 4 annas a day. They did not ask us to work in the afternoons. They sold us rice at six seers a rupee, 5½ of our seers. All our pay was in cash. There was a hospital but the medicines were poison and made us worse. In this hospital they treat us according to the diseases but there we all got the same medicine. Our wages were all right. Our one trouble was fever. If we do not get fever we are all right. If we do, they take us to the sheds and give us kanjee which we do not like. If the disease increased, they gave us medicine through enema, and then we die.

23. *Kondappa*.—Setti Baliya of Dharmavaram—20 years. I went about five months ago and returned one month ago. As I could not work I was driven out. My work was clearing under tea. We worked from 8 to 12. We had to work quickly which I did not like. The work was difficult. (Nothing about wages.) This was my only trouble. I fell sick after returning, not there. I was given As. 4 a day. They paid us in cash. We were paid every week.

24. *Lingadu* of Potlamadi—Boya—50 years. I went to Assam as I had no work. I was digging under the coffee trees. I did not like Assam about. If we didn't work they beat us. We got fever and were unable to work. They gave us some medicine which increased our cough. We had a cold meal and worked till 12 and then came home. I got Rs. 1-4-0 for six days. We got it in cash. We could have extra wages if we worked in the afternoons, but we were unable to work because of fever. My only reason for returning was that I was bed-ridden and as Bellary persons were coming I came with them. The estate manager asked us to remain there, but no one would stay as we said we had fever. We walked for three days and then some peons of Gandhi Maharaja came and gave us tickets to return. The peons had white things sticking out with red round about.

25. *Narnamma*, wife of Tirumala—Boya—Medapuram. My husband and I went to Assam. We lived by collecting minor forest produce before we went. I didn't like the place. We asked leave to go home. They said we could only leave if we got a substitute. We left because when we had a trifling injury on our legs they made it big by putting medicines. We got fever both there and since. Even now I get it. We all came away in a body. Some people came and asked us to go away, so we came

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with them. We prostrated ourselves and they told us to leave. On the way they told us they belonged to Gandhi Maharaja. (No word about wages till asked.) I was paid As. 2 a day. I did not like the rice they gave. We boiled it in iron pots.

26. *Jalappa*—Gaundla—Medapuram. I went to Melling estate. I came away because I lost my wife. Four of us went. We got As. 4 a day. We worked from morning till noon. We did not work in the afternoon because we were tired. We got 5 seers of rice for a rupee (it is 4 or 5 seers a rupee here).

(N.B.—Not one says anything about leeches.)

27. X of Othabanyadupalli (examined in the street). I came to the bungalow to tell you all about it and you were not there. I went to Indereese garden. We had to work all day from morning till evening 5 p.m. We got no rest in the middle of the day. I only got two or three rupees a month, certainly not more than Rs. 4 a month—one anna or one anna and a half a day. Not enough to live on. I did not die because they gave me rice! Eight seers. It was very wet. There were leeches, so I came away. I did not come with the others. I begged my way home.

28. *Narappa*—Boya of Potlamadi. I belonged to Melling estate. I left because I was suffering from fever and thought I should die. We all talked together and left. No one suggested we should go. We were not called by any one. I left because of fever and was ill-treated if I did not work. If we went to the hospital they gave us medicine which increased our fever. This was the only reason why we came away. (Asked about wages.) I got Rs. 1-4-0 for six days. We worked from morning till 12 noon. The women worked in the evening. I did not work in the afternoon because I was tired. Persons who worked in the afternoon got extra pay, but we were too tired.

29. *Gangappa*—Youth of Medapuram—Gaundla. I belonged to Melling estate. I worked at digging. We came away because the water was bad and didn't suit us and the coolie was inadequate. I got Rs. 1-8-0 a month. Here I get As. 4 a day. We were told that Gandhi Maharaja had given us the tickets. Some of his subordinates came and told us it was Gandhi Maharaja.

30. *Somala*—Lambadi (representative of five).

31. *Sugudi*—Boya.

We left because of fever, leeches and dysentery. I fell out of the train at Dhone. We picked coffee leaves. We had to use pick-axes which were too big for us. They told us we should get Rs. 20 a month. We got Rs. 1-8-0 or less a week. They also gave us rice. It is not our seer. They gave it to us by weight. I don't know how much. The leeches were horrible. They gave us fear. We are not used to do such things. Before we went we used to do trade. We used to go in Assam after food at 7 a.m. and worked till 4 p.m. We have no idea who gave us tickets. No one told us to go. Our bellies told us to go there. No one told us to go back. We were told that Gandhi Maharaja gave us tickets. The floors of our houses were muddy. It was so cold at night that we could not sleep. There were worms a cubit long. We thought they were snakes. When we had fever they gave us medicine which made our headache worse.

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Mudigubba.

32. *Lal Singh Gadu*.—Sugali of Ramasagaram. I came back two months ago. I worked for 15 days. Fever came. Four families went and returned. Many died. We had fever, there were leeches and many died. The Sircar Gandhi Maharaja sent us home. We only went because the Sirdar told us lies. I went to Melling.

33. *Narayanagadu*.—Sugali—Adri Brahmapalli. I went three months ago to Melingi Bhaga. The water did not suit. I got fever. I got cough. My belly was swollen. There were leeches in the garden. It was extremely hot. It is better when it rains. I like this climate. The heat in April is good for us here, but not there. We don't know that country. It does not suit us. Our tickets were given to us by Gandhi Maharaja. We were told so by some strangers. I don't know who they were or anything about them.

(N.B.—Five or six more from the same village gave the same reasons—fever, leeches, etc. No word about pay.)

34. *Lakshmanagadu*.—Sugali—40 years. Mangalamuduku. I was only there for eight days. I went to Tippu Bhaga garden. I passed blood with urine, so I came. Twenty of us came from our garden. Half had fallen sick, and half were well, so we came away in a body. We were given tickets by the Collector. We walked three days. The water did not suit us, nor the food. We got headache and fever, so we came. We came away with the consent of the manager. Before we went we were agricultural coolies.

35. *Ramudu*.—Same caste and village. We fell sick: we got swellings; there were leeches and dysentery and swellings in our heads. The sardar told us we should get Rs. 25 a month. Chandrayya of Anantapur called us. His family are all there. He went there when he was young, so he is accustomed to the water of that place. We got Re. 1 for eight days.

36. *Narayanigadu*.—Sugali—17 years? I was there for three months at Melingi Bhaga. I had fever for two months and worked for one month. My sister worked for me when I was ill. I left on account of fever and leeches and swelling of the legs and throat. I was beaten if I didn't work when I was sick. We were given tickets by the Sircar. I don't know who it was. It was sent by Gandhi Maharaja's orders. Many said so. One thousand and forty came together.

37. *Asirvatham*.—Kamma—About 40 years—of Mudigubba. I went to Assam four months ago and came two months ago. I went to Kilmony garden. It is a bad place. We still have fever and have not yet recovered. There are leeches. It rains day and night. We had to work whether it rained or not. We were not allowed to stay a minute in our sheds.

Q.—Are there any other troubles?

A.—We had to remove grass under the coffee trees. If we removed the grass under 30 trees we got 4 annas; if not 2 annas. We had to do seven rows a day—about 30 or 40 yards long. We started at 8 o'clock and worked till 4 p.m. We were paid Re. 1-8-0 a week. They sold us rice at 4 seers a rupee, not more. I was getting Rs. 13 as a waterman in the railway station. I have served in the Railway department for 24 years. Now I live on casual coolie. I came home stealthily. If any one saw me in the train I had to get out.

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38. *Kamal Sahib* of Mudigubba. I went four months ago to Joladi district, Nurrie garden. I was a railway coolie, a pumping coolie. I left this place because of the difficulty. I was told I should get Rs. 40 or Rs. 50 a month as an educated man. I can read and write. I came away because I fell ill. I got fever. There were also leeches. The ground was all muddy. My legs swelled when I worked in the garden. Rice was sold by weight. We got 4 annas a day. Half a seer of rice and chillies, etc., took up all this and I could not save. I was given a ticket from Gauhatee by the Collector. We walked for 20 days to Gauhatee, twelve of us. We went of our own accord. No one suggested it to us. The sirdars used to kick us. We were sick and couldn't do the work. We worked from 7 to 12. Others who could not complete the task stayed till 2. We could not work in the afternoon, we were too tired.

Rajampet.

39. *Saiyid Meeran*.—Nandalur—35 years (?) I stayed for three months and came away. I went to Tippu Bhaga. I left because I only got Re. 1 per week if I worked; if not 8 annas or 7 annas. I started at 6 a.m. and worked till 3 p.m. and came home. They gave me 3 seers of rice for 8 annas if we liked to take it. It smelt nasty. If I ate it burnt my stomach. The Collector gave me a ticket to come back. The work was either clearing or picking tea. There were huge leeches. If we had fever, the assistant would say "Damn fool! Go and work."

40. *Arumugadu*.—Venkatagiri—Setti Balija—30 years (?) I was at Tippu Bhaga. I was there for more than two months. I left because the pay was not enough. We got fever and couldn't do full work. If we did full work we got Re. 1 per week. They gave me three seers for 8 annas if I liked. We walked to the headquarters. The Gandhi people and merchants fed us. Then the Collector gave us tickets and we came home.

41. *Gangaraju*.—Boya—30 years (?) I went to Assam two months ago, no, a month. For the first fifteen days, I got 14 annas. For the second fifteen days, I didn't take anything. We asked for it. Thirty of us came in a jatha. The sardars told me we should get Rs. 15 a month. I was a forest watcher. I got Rs. 15 on one job and Rs. 10 on another. The Collector gave us tickets. Thirty of us came in one lot. We got 7 seers weight of rice in addition to the cash.

42. *Mustan Sahib*.—Rajampet—50 years. I was looking after a garden before I went. I went four months ago and stayed a month. I went to the Sukiri Bhaga. I fell ill. I had dysentery. My son and son-in-law went first. The sardar said they wanted me, so I went. I asked my son later on whether he really asked me to come. He said he had not. My son-in-law is still there. My son came back with me. Illness was my only reason for returning. I was paid Rs. 2-12-0 for a month and 7 seers of rice per week. We worked from 6 to 3 or 4 p.m. No time off in the middle of the day. The Sirdar used to take meals while they were working. The Manager of the estate sent me back because I was ill.

43. *Avasani Venkatasamigadu*.—Mala—43 years. Asked what estate he went to, he says "The Sirdar promised me . . ." I went to Sukkili Bhaga. It is a good thing I did not die. I got fever, cough, dysentery, cold. God and the Collector saved me from dying. The doctor on the tea estate gave me medicine. I was there for three weeks and they did not

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give me any money. They gave me 7 seers of rice a week. Nothing for children, etc. I bought some from my own money. I was not paid because I stayed only three weeks. I was given Rs. 5 in Cuddapah and Rs. 1-8-0 on two other occasions, Rs. 8 in all. I was vetti of Manur before I left. I took leave before I went.

44. *Elia*.—Christian of Akkipadu—I went to Assam in April. I was there for three months. I left on account of ill-health, troubles and leeches. The Sirdar told me I could get Rs. 15 cash and 7 seers of rice a week and 1 lb. of mutton. This was all false. There was no rice. I worked from 10 to 4 and got 5 annas. If we did short work we got half. This was in Kanchipur estate. Before I went I used to get 4 annas with meals or 6 to 8 annas without meals. The Manager sent me back as I was ill. I have been ill since I got back. (He looks extremely well.) Listen to my belly.

45. *Reuben*.—Akkipadu—Christian—30 years. I was in Kanchipur state for three months. (Same as last man.) I was given Rs. 5 here and Rs. 5 on arrival—Rs. 10 in all.

46. *Andrew*.—I left because of fever. (Taps his spleen.)

47. *Venkataswami*.—Besta—Terrapakkapalli. I went four months ago to Sugiri Bhaga. They told us we should get Rs. 20 a month. When we got there we got Re. 1 a week. On arrival they gave 7 seers of rice by weight. They gave us Rs. 5 each here. From 6 a.m. to 12 we worked. We had meals before we went. We got up at 5. If we worked in the afternoon we got extra. Twelve of us came away together. We told the Manager the food was not enough and the rain was excessive, so he gave us our tickets to come here. Before I went I was Koti Reddi's waterman. He gave us Rs. 7 and food.

48. *Obayya*.—Weaver—40 years? Terrapakkapalli. I was sixteen days there and came back a month ago. I went to Tippu Bhaga Ekalodi. I came back as a Sirdar. While I was working there I got blister. I was given 4 annas for a day's work. I have sent ten persons since I came. No 1 (taxed with being unfair). Some one else came along with me and sent them. When I went I was given Rs. 5 here and Rs. 5 on arrival.

49. *Subbanna*.—Weaver—Terrapakkapalli. I went six months ago. They gave us Rs. 5 here and Rs. 5 on arrival. I went to Tippu Bhaga. I was sent back here to recruit. I was there for three months. I fell ill of fever. The water did not suit me. There were leeches. I had to work with a heavy pick-axe. I was given Rs. 10 advance. This was not an advance but payment. They gave me $3\frac{1}{2}$ seers per week, but no money till I came.

50. *Besti Subbanna*.—I went to Sukkiri Bhaga Ekalodu. I was called by Obayya (last witness but one). I was there for three weeks. I left as the coolie was not sufficient. I was given Rs. 5 here and Rs. 5 on arrival and 7 seers and then 8 annas a week. I came on foot as far as the steamer. There I fell ill: some charitable person gave me a ticket home.

51. *Ayyavarappa*.—Muthulingapalli—Balija. I was there for three months in Tippu Bhaga estate. We left because of fever, leg swellings, and sickness. The Collector of Dibrugarh gave us our tickets home, 250 in number. I was a cultivating coolie before I went. (Asked.) We got Rs. 7

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a month. We got half a rupee worth of rice a month. We paid for it. They gave us Rs. 5 in Cuddapah and Rs. 5 on arrival. We worked from 6 to 10 and then till 4 p.m.

V. T. KRISHNAMA ACHARIYAR,
Acting Secretary to Govt., Law Dept.

APPENDIX V

[Vide item IV (2) Communications to the Council on page 656 supra.]

Proceedings of the Eighth Meeting of the Finance Committee for 1924-25 held on Friday the 14th November 1924 at 1-30 p.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

Rai Bahadur Sir K. VENKATA REDDI NAYUDU Garu, Kt., M.L.C.
M.R.Ry. A. RAMASWAMI MUDALIYAR Avargal, M.L.C.
" C. V. VENKATARAMANA AYYANGAR Avargal, M.L.C.
" P. N. MARTHANDAM PILLAI Avargal, M.L.C.
R. W. DAVIES, Esq., I.O.S., M.L.C.

Sir K. Venkata Reddi Nayudu was requested to take the chair.

Messrs. P. Hawkins, Chief Engineer for Irrigation, and P. Panduranga Row, Deputy Secretary, Local Self-Government, were also present.

Scheme of new expenditure.

1. Creation of a leave reserve of Municipal Health officers—

	RS.
Average cost per annum	3,969
Cost in 1924-25	1,000

The scheme was recommended for acceptance.

Supplementary demands.

2. "31. Education"—Grant to the Madras University in 1924-25 for additions to the University Library—

	RS.
Recurring grant	10 000
Non-recurring grant	10,000
Total	20,000

The Committee recommended that a supplementary demand for Rupees 20,000 be moved, the expenditure being met from the reserve provision of 6.96 lakhs under "47. Miscellaneous—Miscellaneous and unforeseen charges"—Grant XXXV.

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3. "41. Civil Works—Transferred".—Repair of flood damage to the Cauvery bridge at Trichinopoly—

	RS.
	LAKHS
Total cost	2.04
Grant in 1924-25	1.04

It was recommended that a supplementary demand for Rs. 1.04 lakhs be moved under Grant XXX.

4. "15. Other Revenue Expenditure financed from Ordinary Revenues"—Appointment of staff to investigate the Bellary West Canal project, Rupees 35,000.

The Committee recommended that a supplementary demand for Rs. 35,000 be moved under Grant No. VIII.

5. "XIII. Irrigation, Navigation, Embankment and Drainage works for which capital accounts are kept and 15. Other Revenue Expenditure financed from ordinary revenues"—

	RS.
1. (a) Improving the road from Tiruverambur to the Grand Anicut—XIII. Extensions and Improvements, Cauvery Delta system.	38,000
(b) Repairs to flood damages from Tiruverambur to the Grand Anicut—XIII. Extensions and Improvements, Cauvery Delta system.	6,00,000
2. Repairs to the flood damages of December 1923 in the Srivaikuntam Anicut system, Tinnevely division—XIII. A. Maintenance and repairs.	40,000
3. Flood repairs in the Pollachi subdivision, Coimbatore division—15. A. Maintenance and repairs.	21,250
Total ..	6,99,250

With reference to item 1 (a), the Committee suggested that the work, being an improvement and not a flood repair, should be excluded from the present demand and treated as a separate scheme. The Chief Engineer for Irrigation who was present, explained that, although the note for the Committee made no mention of the fact, the expenditure was necessitated by the damage caused to the road during the floods. The Committee therefore recommended that a demand for 1 (a), 1 (b) and 3 in the sum of Rs. 6,59,250 be moved to meet the expenditure incurred owing to the flood damages of 1924 and that a demand for Rs. 40,000 be moved on account of flood damages incurred in 1923 in Tinnevely district, the latter sum being met by re-appropriation from the reserve provision of 6.96 lakhs under Grant XXXV. A provision of Rs. 4,900 on account of tools and plant should be added to the former demand.

FORT ST. GEORGE,
18th November 1924.

K. VENKATA REDDI,
Chairman.

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 5th December 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, 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.

Assignment of lands to depressed classes and local Revenue officials.

1390 Q.—Mr. R. VEERIAN: With reference to the answer given by Government to question No. 1095 put at the meeting of the Council on the 23rd October 1924 regarding assignment of lands to the members of the depressed classes, will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether it is a fact that whenever the members of the depressed classes apply for darkhast lands the local Revenue officials in several districts send memos. to them through the village officers to the effect that certain darkhast lands are meant for communal purpose and hence the same cannot be assigned and subsequently they send memos. in connexion with the same darkhast lands intimating that the lands have already been assigned to others on darkhast;

(b) whether darkhast lands are intended to be assigned to landless people or to those who are already in possession of a vast area of patta lands of their own; and

(c) whether the Government propose to take any action or intend to take any action regarding the assignment of lands to those who are already in possession of patta lands of their own ignoring the claims of the landless depressed classes?

A.—(a) No such complaint has been made to the Government.

(b) The assignment of land is made in accordance with the provisions of Board's Standing Order No. 15.

(c) The rules and special orders regarding reservation sufficiently provide for the case.

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Inams.*Village community and resumption of artisan inams.*

1391 Q.—**MR. B. RAMACHANDRA REDDI**: Will the hon. the Member for Revenue be pleased to state whether the village community and the different factions of the village wherever they exist are being consulted by the Revenue authorities before the resumption of artisan inams?

A.—Yes.

The hon. Member is referred to Board's Standing Order No. 55 and its appendix.

Land Revenue.*'Land cess' and 'Land revenue' accounts in Bellary district.*

1392 Q.—**MR. A. RANGANATHA MUDALIYAR**: Will the hon. the Member for Revenue and the hon. the Minister for Local Self-Government be pleased to state—

(a) the circumstances under which a sum of Rs. 1,12,746 was ordered to be transferred from 'Land cess' to 'Land revenue' in the Bellary district;

(b) whether the alleged excess was first wrongly credited to 'Land cess' partly in the official year 1919-20 and partly in 1920-21;

(c) whether the erroneous credit was neither brought to the notice of the district board until the latter part of 1923 nor adjusted in the March final treasury accounts of 1920, 1921, 1922 or 1923;

(d) whether up to 1st December 1923, the accounts of local bodies were being prepared by the Treasury department of the Collector's office, whether the local fund revised budgets for 1921-22 and 1922-23 were prepared by the district and taluk boards, after adopting the balance shown in the final treasury accounts of the concerned years, and whether the said figures were also approved by the Government without any objection;

(e) the balances with which the district and taluk boards were asked to begin their accounts respectively on or after 1st December 1923 when the maintenance of local fund accounts was taken away from the Treasury department of the Collector's office; and

(f) the steps taken by the Government to wipe off the deficit of the district and taluk boards, due to the mistakes in the accounts maintained by the Government officials, and the action, if any, taken by the Government against the officer or officers responsible for the mistake?

A.—(a) In July 1921, the Collector of Bellary intimated to the Treasury Deputy Collector, Bellary, the actual collection of land cess in the district in 1920-21 and asked him to propose the transfer of the amount from 'Land revenue' to 'Land cess' so that the credit might be brought into the final accounts of March 1921. The Treasury Deputy Collector sent an alteration memo. to the Accountant-General for the transfer of the sum without deducting the instalments of land cess already made from December 1920 to June 1921. A sum of Rs. 1,12,731 was thus credited to the boards in excess of the amount due.

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(b) The excess amount of land cess was credited to the boards in 1921-22 and was carried into the March 1921 final accounts.

(c) The circumstances in which the erroneous credit was made were explained by the Collector to the President, District Board, on 1st August 1923. The excess credit was not readjusted in the March 1922 final or March 1923 final accounts.

(d) The accounts of local boards were up to 1st December 1923 prepared by the local audit branch of the Treasury Deputy Collector's offices. The Government have no information as to whether the balances according to the final treasury accounts were adopted in the revised budgets. The Government were not able to check the closing balances shown in the revised estimates (which are carried on as the opening balances for the budgets of the next succeeding years) as final figures were received from the Examiner of Local Fund Accounts only subsequent to the issue of orders on the budgets.

(e) Bellary District Board	...	...	...	...	Rs. — 71,236
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Taluk Boards—

(1) Bellary	...	...	...	...	Rs. — 13,275
(2) Rayadrug	...	...	...	...	— 24,640
(3) Adoni	...	...	...	...	— 22,325
(4) Hospet	...	...	...	...	2,992
(5) Harpanahalli	...	...	...	...	— 34,724

(f) Compassionate grants aggregating Rs. 96,951 were made to the boards in 1923-24 to wipe off the deficits of the boards caused partly by the readjustment of the excess credit and partly by other causes. Further compassionate grants amounting to Rs. 38,437 have been made to the local boards in the district in the current year. The Treasury Deputy Collector responsible for the mistakes had retired from Government service before the Government came to know of the mistakes. The Government did not take any action against him.

Court of Wards and Zamindars.*Purchase of a bungalow for the Sivaganga zamindari.*

1393 Q.—**MR. C. V. VENKATARAMANA AYYANGAR**: With reference to the answers given to the question No. 1098 and supplementary questions given on the 23rd day of October 1924, will the hon. the Home Member be pleased to state—

(a) whether a bungalow was recently purchased at Madras for the Sivaganga zamindari and if so, when and what price;

(b) whether there was a litigation pending regarding that property at the time of the purchase and if so, in what court and of what nature;

(c) whether the opinion of the hon. the Advocate-General was taken before the purchase was made;

(d) whether any security has been given for the title being held to be good and if so, to what amount and of what nature;

(e) whether a bungalow is being built up in the zamindari itself and if so at what cost;

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(f) whether there was a bungalow in the Kodaikānal owned by the zamindari at the time of purchase of the Madras house;

(g) what was the necessity to purchase the Madras house; and

(h) whether the Madras house yields any income and if so, what income; what is the sum spent on its maintenance?

A.—(a) Yes. In 1923 for Rs. 1.60 lakhs.

(b) The Government understand that an appeal was pending at the time before the Privy Council in regard to the succession to the Sivagiri zamindari. The Zamindar of Sivagiri claimed that the bungalow in question had been incorporated with the zamin. This claim was rejected by both the lower courts.

(c) No.

(d) The Court of Wards has retained a sum of Rs. 25,000 out of the purchase money as security against all claims and costs of litigation and has also taken an indemnity bond to the extent of a like sum.

(e) No.

(f) Yes.

(g) For the zamindar's residence during his visits to Madras.

(h) No income is derived from the Madras house.

The Government have no information as to the cost of its maintenance.

The RAJA OF RAMNAD :—"With reference to clause (a) of this question, may I ask the hon. the Home Member whether he had looked into the papers and ascertained the original value of the property at the time when it was purchased?"

The hon. Sir ARTHUR KNAPP :—"No, Sir. I have nothing whatever to do with the original rate at which it was purchased. That is the business of the Court of Wards."

The RAJA OF RAMNAD :—"May I know, with reference to (b), if the hon. Member has satisfied himself that the matter went up to the Privy Council?"

The hon. Sir ARTHUR KNAPP :—"In the answer it is already stated that 'the Government understand that an appeal was pending at the time'."

The RAJA OF RAMNAD :—"To the best of my recollection the matter never went up to the Privy Council. Therefore, I am anxious to satisfy myself about it."

The hon. Sir ARTHUR KNAPP :—"I may say that the information embodied in this answer was received directly from the Court of Wards. They stated that there was an appeal pending before the Privy Council."

The RAJA OF RAMNAD :—"With reference to clause (e), may I ask the hon. the Home Member whether it is not a fact that some architect had been engaged to prepare plans and estimates for a building at Sivaganga and that he had to be given a fat sum?"

The hon. Sir ARTHUR KNAPP :—"I am sorry I have no information."

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The RAJA OF RAMNAD :—"Sir, the answer to the question whether a bungalow is being built in the zamindari itself is 'No.' I want to know if any preliminary work has been done."

Mr. C. V. VENKATARAMANA AYYANGAR :—"With reference to clause (a), I wish to know whether, at the time of the purchase, the Court of Wards went into the question as to at what price the bungalow was originally purchased and, if so, what was it?"

The hon. Sir ARTHUR KNAPP :—"I do not quite follow my hon. Friend. Is he asking whether the Court of Wards considered the details of the price, etc., of the property?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am only asking whether the Court of Wards went into the question of the price at which it was originally purchased and whether it was not purchased for a lakh of rupees or so a short time before it was purchased by the Court of Wards?"

The hon. Sir ARTHUR KNAPP :—"There was no suggestion in the question that the Court of Wards should be asked to say whether they considered the previous price of the property in question. The question was whether a bungalow was recently purchased at Madras for the Sivaganga zamindari, and if so, when and what price, and we have answered it."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am not complaining about the incompleteness of the answer. I am putting a supplementary question because the report was alleged to have been received from the Court of Wards. Now, as regards (b) and (c), I want to know whether any Government lawyer was consulted in the matter as to the title of the vendor of the property."

The hon. Sir ARTHUR KNAPP :—"I ask for notice."

Mr. C. V. VENKATARAMANA AYYANGAR :—"As regards (d), may I know why an indemnity bond for only Rs. 25,000 has been taken when the price of the property is Rs. 1,50,000?"

The hon. Sir ARTHUR KNAPP :—"I can only assume that the Court of Wards considered that Rs. 25,000 would be a sufficient security against any claims and the costs of litigation."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Do I understand the hon. the Home Member to say that we have no right to ask the hon. Member to go into the question and see whether the Court of Wards has exercised its functions correctly? Our complaint has been from the beginning that there is a good deal of room for complaint about the working of the Court of Wards. In this case I am only appealing to the hon. the Home Member to see if the security of Rs. 25,000 would be enough for a property purchased for Rs. 1,60,000 when the very title of the property was in litigation before the Privy Council. This is not the first time I am appealing to the hon. Member to go to into the question."

The hon. the PRESIDENT :—"The answer to clause (c) is that the Court of Wards has retained a sum of Rs. 25,000 . . . and has also taken an indemnity bond to the extent of a like sum. The hon. Member wishes to know why a larger sum was not retained. It is not a supplementary question, but if the hon. Member likes he can table another question upon it."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know, Sir, whether the vendor has got any other property and if so to what extent? I want to know this information to see if his indemnity bond is worth anything at all?"

The hon. Sir ARTHUR KNAPP :—" I may mention, Sir, that the indemnity bond has been backed by a second person about whose solvency we have no doubt whatever."

The RAJA OF RAMNAD :—" Sir, I request the hon. the Home Member to institute an inquiry into the value paid by the vendor when he purchased it, the value paid by the man who purchased it previous to his purchase and so on, and see whether the Board of Revenue when sanctioning this purchase took all these things into consideration and fixed the proper value. I am simply making an appeal to the hon. Member to institute an inquiry just to satisfy himself.

" Besides this I would like to ask a supplementary question. The zamindar has been declared a major for a long time. He is allowed control over certain matters and the Court of Wards retains control over certain other matters. I would like to know whether the purchase of a house is within his right and whether he can purchase a house from funds at his disposal."

The hon. Sir ARTHUR KNAPP :—" I am afraid, on the second point, I must certainly ask for notice. It goes a good deal beyond the original question.

" As regards the recommendation made in the first part of the hon. Members speech I have no objection to make an inquiry into the circumstances under which this indemnity bond was taken."

The RAJA OF RAMNAD :—" I did not suggest an inquiry of that sort. I only suggested an inquiry as regards the value paid to the vendor. I said that to the best of my knowledge the suit relating to succession did not go to the Privy Council."

The hon. Sir ARTHUR KNAPP :—" If my hon. Friend is really acquainted with the circumstances, I am prepared to enquire whether the price paid for the property was reasonable."

The RAJA OF RAMNAD :—" Sir, in this case a property worth Rs. 30,000 or 40,000 has been found sold for Rs. 70,000 or 80,000 and then the Court of Wards . . ."

The hon. the PRESIDENT :—" The hon. Member has said enough about the subject."

Mr. S. SATYAMURTI :—" With reference to clauses (a) and (g) of the answer, may I ask if the zamindar's wishes were consulted in the matter, that is to say, whether the zamindar wanted this house in Madras?"

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

Mr. S. SATYAMURTI :—" May I know if the zamindar has lived in this house?"

The hon. Sir ARTHUR KNAPP :—" I am told that he has lived in the house."

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Depressed Classes.*Scholarships to depressed classes pupils.*

1394 Q.—Mr. R. VEERIAN: With reference to question No. 1102 answered on 23rd October 1924 [answer to clause (d)], will the hon. the Home Member be pleased to state—

(a) the number of boys' schools, girls' schools and combined schools for boys and girls maintained by the Labour department for depressed classes in those districts;

(b) why only one Labour school is maintained in the Salem district and only seven in the Guntur district; and

(c) whether the six schools maintained by the Labour department in Madras are day schools or night schools?

A.—(a) The information required is given in the following statement :—

District.	Boys' schools.	Girls' schools.	Combined schools for boys and girls.	Total on 31st March 1924.
Tanjore	..	4	209	213
Godavari	37	1	44	82
Chingleput	..	..	56	56
South Arcot	..	..	48	48
Kistna	5	..	9	14
Guntur	..	1	6	7
Bellary	..	..	12	12
Trichinopoly	..	..	39	39
South Kanara	..	..	16	16
Madras cum Ramnad	100	4	196	300
Madras	..	..	6	6
Salem	1	..	..	1
Total	143	10	641	794

(b) The special operations of the Labour department have not been extended to the Salem district and one school is being supported there by the Labour department on the special recommendation of the Collector of the district. Owing to the fact that numerous schools are already at work in the cheris in the Guntur district only seven Labour schools were opened during the year in places where the necessity was felt.

(c) Five are night schools and one is a combined day and night school.

Emigration.*Recruitment of coolies from the Madras Province to Assam.*

1395 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether all the coolies recruited for Assam from the Madras Province are only for the tea estates there or also for sugar estates and coal mines; and

(b) if the coolies are recruited for sugar estates and coal mines, the terms of employment on which they are recruited?

A.—(a) The labourers are recruited only for the tea estates.

(b) Does not arise.

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Percentage of coolies recruited from the Madras Presidency, seasonal conditions of work, etc.

1396 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether there is any age-restriction as regards the coolies employed in the Assam tea estates, and if so, what it is;

(b) the percentage of coolies recruited from the Madras Presidency employed in premises providing shelter from rain like tea houses, etc., and in open fields, roads, etc., where no such shelter can be had, respectively;

(c) the months which are usually dry and wet, respectively, in the areas where the tea estates are situated and the proportion of wet days to dry during the winter months; and

(d) approximately the number of tea plantations in Assam where wages are paid in cash, daily and weekly, and by counters respectively?

A.—(a) There is no age-limit prescribed by law and children belonging to a labourer's family may and do supplement the family earnings by their work.

(b) There is no information.

(c) The hon. Member's attention is invited to page 23 of the Imperial Gazetteer of India—Volume on Western Bengal and Assam. The estates are mainly in the Brahmaputra and Surma valleys. In the former, the monsoon rainfall (June to September) ranges from 42 inches to 72 inches and in the Surma valley from 74 to 105 inches. The spring rainfall (March and April) ranges from 16 to 28 inches in the Brahmaputra and 37 to 41 inches in the Surma valleys. In the other months the rainfall is very light.

(d) The custom in this respect varies from estate to estate. In many gardens in the Surma valley it is the practice, at the morning muster, to pay for the previous days' work with brass tokens of different face values: once a week the gardens cash the tokens. These tokens, to a large extent, take the place of current coin in the neighbouring shops and bazaar. Other gardens pay weekly, fortnightly or at the end of the month according to custom or convenience. Coolies, it is reported, dislike or are suspicious of changes in the system of payment. In some gardens where the system of monthly payments is in force, there are a certain number, usually physically unfit or improvident coolies, who are paid weekly. The Government have no information as to the numbers of estates in which daily, weekly, etc., payments are in force.

Mr. S. SATYAMURTI:—"With reference to clause (a) of this question, am I to understand that children of very tender age also are allowed to work in these tea estates?"

The hon. Sir ARTHUR KNAPP:—"I can only reply that there is no statutory restriction any more than there is in many other occupations."

Mr. S. SATYAMURTI:—"May I ask as a matter of information whether children from Madras are working in these factories and if so what is the age-limit for them?"

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The hon. Sir ARTHUR KNAPP:—"I have said I have no information. As my hon. Friend is aware, the object aimed at is to take whole families to Assam. The Assam planters are better pleased to have a whole family rather than a single coolie. I am afraid I have no information about the number of children working in the tea estates nor do I know at what age children begin to work."

Mr. S. SATYAMURTI:—"In view of the fact that this Government must be interested to see that juvenile labour is not exploited by the tea planters, may I ask the Government to find out from the tea estates the average age of a child coolie employed for labour in the estates?"

The hon. Sir ARTHUR KNAPP:—"I have no objection to do so when we next address the Assam Government on the subject. But I must say that I see no ground for the expression 'exploited' employed by the hon. Member."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if there is any Factory Act in force there prescribing the limit of age?"

The hon. Sir ARTHUR KNAPP:—"Yes, there is the Act. But it would apply only to labour inside the factory. The Factory Act does not apply to out-door labour on tea estates."

Mr. S. SATYAMURTI:—"With reference to clause (b), may I ask the hon. the Home Member whether the Government will be pleased to call for the information from the Assam Government?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I cannot see what possible public purpose can be served by ascertaining whether wages are paid in cash, daily and weekly, etc. There is a very full answer given."

Mr. S. SATYAMURTI:—"I am referring to clause (b)."

The hon. Sir ARTHUR KNAPP:—"If my hon. Friend will be so good as to make his question a little more clear, it would be easier for me to reply."

Mr. A. RANGANATHA MUDALIYAR:—"I am told there are certain kinds of works which have to be done in roofed buildings and that most of the labourers are employed in the open fields subject to the inclemencies of the weather. I want to know what proportion of the people who go there have reasonable protection against sun and rain and what proportion not."

The hon. Sir ARTHUR KNAPP:—"The answer is that a certain proportion of the coolies from Madras will be sometimes in the tea factories and at other times work in the fields themselves. Therefore I am afraid it is quite out of the question to get a stable percentage. If it would be enough, I am quite prepared to find out what normally the distribution of out-door and in-door coolies is."

Mr. C. GOPALA MENON:—"May I know whether it is a fact that these coolies are made to work on what is called the task work system and that it is difficult for the coolies to earn their livelihood unless they complete their work?"

The hon. Sir ARTHUR KNAPP:—"Our information is that the task work is light and that it can ordinarily be done in from 2½ to 3 hours. The highest figure I have seen quoted is 4 hours."

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Mr. C. GOPALA MENON :—"I noticed from newspapers that these labourers found it difficult to finish their work and were therefore unable to earn their wages."

The hon. Sir ARTHUR KNAPP :—"Our evidence is to the contrary."

Mr. A. RANGANATHA MUDALIYAR :—"Are coolies paid the minimum wage irrespective of the fact whether they are physically fit to do their work or not?"

The hon. Sir ARTHUR KNAPP :—"I do not know whether this question is quite in order. I have no objection to answering it, but it occurs to me that this question is in precisely the same terms as one to which an answer was sent yesterday to the Council Office. I am not sure how far my hon. Friend ought to anticipate by a supplementary question a regular question of which he has given notice."

Mr. A. RANGANATHA MUDALIYAR :—"I do not know anything about it. In the answer to clause (d) it is stated 'there are a certain number, usually physically unfit or improvident coolies, who are paid weekly'. So I wished to know whether a coolie, however physically unfit he may be, would get a minimum wage."

The hon. Sir ARTHUR KNAPP :—"There is no statutory minimum wage in Assam. There was a statutory minimum, but that section no longer applies. Therefore I am correct in saying that there is no statutory minimum. But in practice a minimum wage which in some estates amounts to Rs. 6 or 7 is in force and that minimum represents, as another hon. Member called it, the wages earned for task work. According to our information this minimum is given to all coolies except those who persistently refuse to do work. My hon. Friend asked what steps are taken in the case of those who are unable to work. In such cases I have no doubt whatever that the minimum wage will be paid to them."

Mr. A. RANGANATHA MUDALIYAR :—"In such cases may I know whether the coolies are compelled either to go to hospitals or to go on doing work in the estates?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is it a fact that these tea factories have asked the Government to be excluded from the Factories Act regarding the provision of having one holiday in a week in the plucking season so that they may be allowed to continue their work which they were doing previously?"

The hon. Sir ARTHUR KNAPP :—"I do not quite see how that question arises out of the answer."

Factories.

Registration of factories in the province.

1397 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state—

- (a) the number of tea factories in the province;
- (b) the date on which 17 of them were served with notices under rule 87 with a view to bring them under the Factories Act;

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- (c) how many of these have since been registered and, if so, when; and
- (d) the action taken in regard to the others to ensure their registration?

A.—(a) 44.

(b) The hon. Member presumably refers to paragraph 3 of the Labour Commissioner's remarks on the report on the working of Indian Factories Act during the year 1923. The seventeen factories therein referred to were served with notices on the 14th November 1923.

- (c) Fifteen of them have been registered on the 9th May 1924.
- (d) The other two factories have objected to registration and the objection is under enquiry.

Mr. C. V. VENKATARAMANA AYYANGAR :—"In answer to clauses (c) and (d) it is stated that 'fifteen of them have been registered and the other two factories have objected to registration'. I am asking on what ground they are objecting for registration. Is it on the ground that they do not want that those factories should be closed for a day in every week during the plucking season?"

The hon. Sir ARTHUR KNAPP :—"Quite on separate grounds. Such arguments cannot support an application for exemption from registration."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I take it therefore that most of the factories have applied to be exempted from the condition of closing their factories during the plucking season?"

The hon. Sir ARTHUR KNAPP :—"I am afraid I must ask for notice."

Forests.

Cattle-grazing in Mel Arasampet village.

1398 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state with reference to his answer to interpellation No. 1049 at the Council meeting, dated 21st October 1924, regarding cattle-grazing in Mel Arasampet village—

- (a) whether Government have received the report called for;
- (b) whether any orders were passed on the same; and
- (c) whether he will be pleased to lay them on the table of this House?

A.—(a) The information obtained with reference to Legislative Council question No. 1049 is appended.*

(b) & (c) No orders of Government are called for.

Mr. T. ADINARAYANA CHETTIYAR :—"Is there any objection to bring all the three blocks under one range so that the cattle may be allowed to go to whichever block the ryots may choose?"

The hon. Sir ARTHUR KNAPP :—"My hon. Friend is asking whether there is any objection to allowing cattle to graze in all the three blocks indiscriminately. I would refer my hon. Friend to the first sentence in the answer given in clause (b). In that sentence it is mentioned that the number of cattle allowed to graze is fixed separately for each block."

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Mr. T. ADINARAYANA CHETTIYAR :—"I have perused the first part of clause (d). I have seen the place myself. All the three blocks are close together and there is no clear marked demarcation between them. You know that as a rule cattle are grazed by little boys and when they take their cattle to the grazing ground, they wander from one block to another. Besides there is more 'green' in one block than in another. In clause (d) it is stated that the amount of compensation collected for illicit grazing is Rs. 236 in 1922 and Rs. 584 in 1923-24. This is clear evidence that ryots are put to increasing hardship on this account. The present arrangement of having the three blocks separately causes very great inconvenience and hardship to the ryots."

The hon. Sir ARTHUR KNAPP :—"My hon. Friend's suggestion is that the three blocks should be made into one."

Mr. T. ADINARAYANA CHETTIYAR :—"All the three blocks within the one range."

The hon. Sir ARTHUR KNAPP :—"I have noticed that one is apparently large and the others small and am prepared to refer the matter to the Chief Conservator. If he says that there is no objection to combine the three blocks into one, the matter will be considered."

Mr. T. ADINARAYANA CHETTIYAR :—"I am much obliged."

Forest Conservator's office, Fourth Circle.

1399 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Home Member be pleased to state—

(a) whether there is a proposal to shift the Forest Conservator's office, Fourth Circle, from Salem to Matigiri;

(b) if so, what is the necessity for the shifting;

(c) whether it is a fact that a bungalow has just been built at Salem or the occupation of the Conservator, Fourth Circle, at a cost of nearly Rs. 80,000;

(d) whether Matigiri is off the railway main line and not centrally situated as regards the area comprised in the Fourth Circle;

(e) whether it is a fact that plague visits Matigiri almost regularly every year; and

(f) if so, whether Government will be pleased to reconsider the matter?

A.—(a), (b) & (f) Proposals for the transfer of the office are under the consideration of the Government.

(c) The construction of a building was sanctioned at a cost of Rs. 48,500.

(d) Matigiri is a suburb of Hosur which is on a branch line. It is not centrally situated.

(e) The Government have no information.

Mr. J. A. SALDANHA :—"With reference to the answer given in clause (c), I know what is the actual cost of the building?"

The hon. Sir ARTHUR KNAPP :—"I have no information as to what the actual cost is. But the cost of the building was estimated at Rs. 48,500."

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Mr. J. A. SALDANHA :—"Government simply say that they sanctioned Rs. 48,500 for the cost of the building. I want to know what the building actually cost. Perhaps they might have spent more money than what was actually sanctioned."

The hon. Sir ARTHUR KNAPP :—"The rule is that no money is spent without the sanction of the Government. If Government sanctioned Rs. 48,500, they took it that the building would cost only that amount. If my hon. Friend can suggest any reason for thinking to the contrary, I am quite prepared to look into the matter."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Has the building been completed?"

The hon. Sir ARTHUR KNAPP :—"I understand the building has been completed."

Mr. T. ADINARAYANA CHETTIYAR :—"With regard to the answer given in clause (e), does not plague visit Matigiri every year?"

The hon. Sir ARTHUR KNAPP :—"I have since found that it is so, but would point out that it is not nearly so much affected by plague as Salem town."

Mr. T. ADINARAYANA CHETTIYAR :—"A portion of Salem is affected."

Mr. P. SIVA RAO :—"May I know what is to become of the building that has just been built at Salem?"

The hon. Sir ARTHUR KNAPP :—"The whole matter is under consideration."

Reservation of the Paithur hills in Attur taluk.

1400 Q.—Mr. V. C. VELLINGIRI GOUNDER : Will the hon. the Home Member be pleased to state—

(a) whether the Government have decided to issue the final notification regarding reservation of the Paithur hills in Attur taluk, Salem district;

(b) if so, whether such conclusion was arrived at in the teeth of the opposition of the whole Malayali villagers, and without rendering them any facility to represent their objections to such reservation;

(c) whether it is a fact that the Malayalis were unnecessarily teased with fines and penalties on score of their cattle having strayed beyond the reserved lines, even though the attention of the authorities was drawn to the close proximity of the said line to the village;

(d) whether it is a fact that proposals to reserve these hills were made and deliberately abandoned, by the Board of Revenue, as early as 1896, and that these lands were gazetted to be dharkasted subsequently, whether grazing and other privileges under section 7 of the Forest Act were confirmed to the Malayalis in respect of these hills by notice, dated 28th September 1908; and

(e) what special new circumstances have now induced them to take up these reservations and rush through them?

A.—(a) Yes.

(b) A memorial was received from the Malayalis of Paithur. Their objections were fully considered.

(c) The Government have no reason to think so.

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- (d) Yes. A notice was issued under rule 7 of the rules framed under section 26 of the Forest Act.
- (e) Reservation was recommended in 1916 by an officer on special duty in Salem district on the ground that the Paithur block was required for the protection of water-supply. In 1923 the area was again inspected by the Conservator who reported that, as a result of the protection during the preceding four years, the tree growth showed considerable improvement and strongly recommended reservation. The original area proposed for reservation was 18,000 acres, but this was reduced by about 5,000 acres to provide for the needs of the villagers affected. The reservation was not 'rushed through'. The initial notification under section 4 of the Act was published in June 1921 and the final notification reserving the area was published in June 1924.

Malabar Affairs.

Punishment of Government servants during the martial law regime in Malabar.

1401 Q.—Mr. K. UPPI SAHIB: Will the hon. the Home Member be pleased to state—

(a) how many Government officials have been punished either with dismissal, suspension, or reduction as a consequence of their misbehaviour during martial law period in Malabar under the following heads:—village officials, sub-inspectors of police, inspectors and other officials; and

(b) how many of them were reinstated by the Government?

A.—(a) A statement * giving the information is laid on the table.

(b) A clerk of the Ernad Taluk office who had been dismissed was reinstated by Government.

Mr. S. SATYAMURTI:—"With reference to the answer given in the appendix on page 18 that two were suspended for their political activities, may I know for what kind of political activities they were suspended?"

The hon. Sir ARTHUR KNAPP:—"That activity consisted in taking part in political meetings."

Mr. S. SATYAMURTI:—"Political meetings for what purpose? There are political meetings, and political meetings."

The hon. Sir ARTHUR KNAPP:—"Political meetings in connexion with Khilafat agitation."

Mr. S. SATYAMURTI:—"With reference to the answer given in (b) in the appendix that 'one was suspended for cowardice', may I know what was the charge of cowardice?"

The hon. Sir ARTHUR KNAPP:—"I have no details."

Mr. S. SATYAMURTI:—"With reference to the answer given in clause (b), may I know why that clerk was dismissed and why he was reinstated?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I must ask for notice."

Mr. T. ADINARAYANA CHETTIYAR:—"Is there any rule that persons can attend congress alone and not Khilafat conferences? Does Government make any difference like that?"

* Printed as Appendix II on pages 816-818 infra.

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The hon. Sir ARTHUR KNAPP:—"No."

Mr. S. SATYAMURTI:—"What part did the village officials take in the Khilafat movement and for what reason were they punished?"

The hon. Sir ARTHUR KNAPP:—"I think they were punished for attending meetings in connexion with Khilafat agitation. I am quite prepared to uphold the view expressed that there is no rule forbidding Government servants from attending political meetings in general. In this case as my hon. Friend knows, the Khilafat movement was largely responsible for the Mappilla rebellion and these village officers were punished for taking part in it."

Mr. S. SATYAMURTI:—"On a point of information, may I know what these people did apart from attending the Khilafat meeting which in the opinion of the Government justified dismissal?"

The hon. Sir ARTHUR KNAPP:—"They took part in a meeting which in the opinion of the Government was calculated to lend support to the rebellion."

Mr. S. SATYAMURTI:—"On whose report were they dealt with?"

The hon. the PRESIDENT:—"The hon. Member had better ask a separate question. There is nothing in the answer which is doubtful and which is open to a supplemental question. If the hon. Member wants the details he may ask a separate question."

Mr. S. SATYAMURTI:—"Sir, the words 'political activities' may mean anything or nothing. What are the political activities that are referred to?"

The hon. the PRESIDENT:—"We all know that it is a conventional expression. Supplemental questions are put in order to elucidate something doubtful, something which is not quite clear in the printed answer. We may concede that the expression is not self-evident, but if the hon. Member is not satisfied, if he wants to know what are the possible political activities, and whether taking part in a meeting is a political activity, he may ask separate questions. These matters cannot be cleared up in one moment's time in this Council."

Mr. S. SATYAMURTI:—"If it is a matter of advice, I am thankful and I shall take it. It seems to me that I would have to wait for three months to know why these unfortunate people were dismissed. It is hard lines on some of us."

The hon. the PRESIDENT:—"The hon. Member did not ask a question as to why these people were dismissed. He only asked a general question and Government have furnished a general reply, containing a very long list of details."

Political.

The pension of the late Nawab Dawood Khan Bahadur of Kurnool.

1402 Q.—Mr. ABDUL HYR SAHIB: Will the hon. the Home Member be pleased to state—

(a) whether any of the descendants of the late Nawab Dawood Khan Bahadur of Kurnool relinquished his pension as gift in favour of the King-Emperor during the Great War as a token of loyalty;

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(b) whether any grant of land was recommended by Mr. H. G. Stokes, Collector of Kurnool, to any of the members of the family of the abovesaid Nawab for the education of his children; and

(c) the reasons why the recommendations of the Collector were set aside by Government?

A.—(a) No. Mr. Shuja-ul-mull Bahadur contributed the amount of a year's pension to the Madras Hospital Ship Fund.

(b) No.

(c) The question does not therefore arise.

Engineering Service.

Powers and duties of Superintending Engineers.

1403 Q.—Mr. P. N. MARTHANDAM PILLAI: Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) what are the powers and duties of the Superintending Engineers; and

(b) what is the necessity for Superintending Engineers in the Public Works Department—a class of officers which does not exist in Police, Medical, and Educational Departments?

A.—(a) The duties and powers of Superintending Engineers are given in the Public Works Department Code, X Edition. Besides the powers specified therein they also exercise certain powers delegated to them under the several Codes and rules such as Madras Travelling Allowance rules, Fundamental rules, etc.

(b) Superintending Engineers are necessary to perform the duties mentioned above. The Public Works Department is a large spending department. It is most important that there should be effective control of expenditure and supervision of works and this is secured by the appointments of Superintending Engineers. In the Police Department the Deputy Inspector-General corresponds in status to a Superintending Engineer.

Mr. S. SATYAMURTI:—“With reference to the answer to clause (b), may I know how many Deputy Inspectors-General there are in the Police Department and how many Superintending Engineers in the Public Works Department?”

The hon. Rao Bahadur Sir A. P. PATRO:—“This information is found in the list of officers of the Public Works Department—a copy of which is available in the library.”

Mr. S. SATYAMURTI:—“Sir, my question was what is the necessity for Superintending Engineers in the Public Works Department—a class of officers which does not exist in the Police, Medical and Educational departments. The answer to that is that in the Police Department the Deputy Inspector-General corresponds to the Superintending Engineer. Apparently there is none in the Education and Medical Departments. I want to know from the hon. the Minister how many Deputy Inspectors-General there are in the Police Department.”

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The hon. Rao Bahadur Sir A. P. PATRO:—“The answer says that the status of the Deputy Inspector-General corresponds to that of a Superintending Engineer. As to how many Deputy Inspectors-General there are, my hon. Colleague says that there are four.”

The RAJA OF RAMNAD:—“In answer to clause (b) it is stated that the Public Works Department is a spending department. May I ask whether the Police, Medical and Education departments are not spending departments?”

The hon. Rao Bahadur Sir A. P. PATRO:—“It is open to the hon. Member to draw his inference from the nature of the work of each department whether it is a spending department or a revenue earning department.”

The RAJA OF RAMNAD:—“May I ask the hon. the Minister holding the Education portfolio whether from his experience he cannot say that his department is a spending department or not?”

The hon. Rao Bahadur Sir A. P. PATRO:—“As far as that department is concerned it is so.”

The hon. the PRESIDENT:—“I candidly wish to put it to hon. Members whether the question as to the necessity of Superintending Engineers was a kind of question that should have been asked at all. It does not relate to a definite matter of administration but to a policy. But the answer has been given and it is obvious that hon. Members could put any number of supplemental questions upon it. It is a matter that should properly be raised in a resolution.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“May I ask one supplemental question? Does the hon. the Minister think that all the Superintending Engineers are necessary or does he intend to curtail their number?”

The hon. Rao Bahadur Sir A. P. PATRO:—“The Retrenchment Committee enquired into the matter and found that the Superintending Engineers are necessary. But the question whether all the Superintending Engineers are necessary is a matter that requires further investigation by the Government.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“May I know whether the matter is being investigated?”

The hon. Rao Bahadur Sir A. P. PATRO:—“It requires further investigation.”

Mr. C. V. VENKATARAMANA AYYANGAR:—“May I know whether the investigation is going on or whether it will be conducted later on?”

The hon. Rao Bahadur Sir A. P. PATRO:—“The suggestion of the hon. Member will be taken into consideration.”

Sriman SASIBHUSHAN RATH Mahasayo:—“Will the hon. Minister consider the advisability of the abolition of the Waltair Superintending Engineer then?”

The hon. the PRESIDENT:—“That is an illustration of what I was saying.”

Appointments.

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Staff Selection Board and the number of selected candidates.

1404 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. Member for Finance be pleased to state—

(a) the number of candidates selected finally by the Staff Selection Board up to now in various departments;

(b) the number of candidates selected finally by the heads of departments from those selected by the Staff Selection Board;

(c) whether the principles laid down in communal Government Order of 15th August 1922 and Public No. 76 of 1924 were observed by the Staff Selection Board in selecting the candidates and the heads of the departments while making the final selection; and

(d) the names and the community (communities as detailed in G.O. No. 658 of 15th August 1924) to which the finally selected candidates in the various departments belong?

A.—(a) & (b) A statement giving the information in the possession of the Government is appended.*

(c) The Government believe so.

(d) The Government have not this information.

Rao Bahadur C. NATESA MUDALIYAR:—“Sir, in answer to (a) and (b), we are given some meagre information in the appendix. May I ask when the Government will be able to know the number of appointments made in the Indian Audit and Accounts Service and also the number of appointments made to the Police service?”

The hon. Mr. R. A. GRAHAM:—“As regards the Indian Audit and Accounts service, I am afraid, I cannot answer the hon. Member because the appointments are made by the Audit Department. As regards the sub-inspectors of police, I have ascertained since this answer was provided that the number was five.”

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—“Sir, in answer to clause (d) asking for the community and the names of the candidates finally selected to the various departments, the Government say that they have no information. In answer to clause (c) asking whether the principles laid down in the Government Order were observed by the Staff Selection Board, they have replied that they believe so. If the Government have not got information as clause (d) discloses, will the Government be pleased to say how they came to believe that the principle of this Government Order was observed?”

The hon. Mr. R. A. GRAHAM:—“The appointments in these cases are not made by Government. Government have given certain instructions generally to the officers who make the appointments. They have no reason to suppose that their instructions are not carried out. It is hardly the business of the Government to be asking the head of the department or the Collector of the district every time he makes an appointment whether he has observed this Government Order or not.”

Rao Bahadur C. NATESA MUDALIYAR:—“From the facts before them, will the Government be pleased to state whether this Government Order was observed or not? When the Government Order was passed by this Council it was meant to be observed; it is not a farce Government Order.”

* Printed as Appendix III on page 816 infra.

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Mr. A. RAMASWAMI MUDALIYAR:—“In answer to clause (c), Government have replied that they believe that the principle of the Government Order has been observed by the Staff Selection Board. May I ask the hon. the Finance Member whether it is a fact that the Staff Selection Board is holding an examination for candidates who are proposed to be chosen by the Board; and, if so, whether that examination was contemplated in the Government Order in question and if not, when this was contemplated by the Government?”

The hon. Mr. R. A. GRAHAM:—“My impression is that an examination was contemplated in the Government Order. But I am not sure that any examination has been held.”

Rao Bahadur C. NATESA MUDALIYAR:—“In answer to clause (d), Government reply that they have not got the information. I sent this information long ago; and, in the meanwhile, four appointments have been made for the deputy tahsildarship. Was it very difficult for the hon. the Finance Member to get the required information from the hon. the Revenue Member?”

Mr. ABBAS ALI KHAN:—“Who corrects these examination papers?”

The RAJA OF RAMNAD:—“May I ask the hon. the Finance Member whether the sub-inspectors of police in the mufassal also are recruited by the Staff Selection Board?”

The hon. Mr. R. A. GRAHAM:—“Not so far, Sir.”

Rai Bahadur T. M. NARASIMHACHARLU:—“Is there any Brahman on the Staff Selection Board?”

The RAJA OF RAMNAD:—“If the selection is not made by the Staff Selection Board, may I know why the district committees were dispensed with?”

The hon. Mr. R. A. GRAHAM:—“I do not know, Sir. Perhaps the hon. Member has information to that effect.”

Rao Bahadur C. NATESA MUDALIYAR:—“Will the hon. the Finance Member give us the names and the communities to which the five sub-inspectors belong?”

The hon. Mr. R. A. GRAHAM:—“I have no objection, Sir. I got this information only this morning. There are one Anglo-Indian, two Brahmans, one Mudaliyar and one Muhammadan.”

Rao Bahadur C. NATESA MUDALIYAR:—“Is that following the communal Government Order?”

The hon. Mr. R. A. GRAHAM:—“May I ask the hon. Member to quote the part of the Government Order which has been contravened?”

Rao Bahadur C. NATESA MUDALIYAR:—“Government Order No. 658 says that all the communities should be represented. In fact, Sir, the majority community should be represented there. There is only one non-Brahman Hindu; and there is none of the depressed classes.”

The hon. Mr. R. A. GRAHAM:—“The Government Order does not say that Brahmans should not be recruited.”

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Rao Bahadur C. NATESA MUDALIYAR :—"The Government Order says that all the communities should be represented; if one community is over-represented, then the other communities must receive adequate representation."

The hon. the PRESIDENT :—"There will be no more supplemental questions on this."

Depressed classes and Government appointments.

1405 Q.—Mr. R. VEERIAN : Will the hon. Member for Finance be pleased to state—

(a) whether the Government are aware that no preference is given to the members of the depressed classes in matters of appointments in various Government branches though suitable candidates apply for such posts;

(b) whether there is any resolution passed by the Reformed Council moved by the hon. Mr. Tanikachalam Chettiyar to the effect that preference be given to the members of the non-Brahman communities and depressed classes in matters of appointments in various Government branches;

(c) if so, state the reason for not giving effect to the resolution in the strict manner possible as laid down in the resolution; and

(d) whether the Government will be pleased to lay a copy of the resolution on the Council table?

A.—(a) The answer is in the negative.

(b) The hon. Member presumably refers to a resolution moved by Mr. Tanikachalam Chettiyar on the 5th August 1921 which resolution was finally carried in an amended form.

(c) The resolution was, to put it briefly, to the effect that with a view to increase the proportion of posts in Government offices held by non-Brahman communities endeavour should be made to distribute all appointments between all communities and castes and not to allow any one caste or community to monopolise any one class of appointments and that periodical returns of the appointments held by different communities and castes should be made. The Government have given effect to this resolution.

(d) The hon. Member will find the resolution quoted in full by the hon. the President at page 430 of the Report of the Legislative Council Proceedings, Second Session, Volume II, 1921.

Mr. R. VEERIAN :—"With reference to the answer to clause (c), Government have replied that they have given effect to the Government Order in question. May I know why, one Kannan, a qualified clerk in the Malabar Collectorate, a member of the depressed classes, was not appointed as a probationary revenue inspector though his application was recommended by the treasury deputy collector, while only a Nayar candidate was appointed although the collectorate is already monopolised by the members of that community?"

The hon. Mr. R. A. GRAHAM :—"I am afraid I have no information on the point."

Mr. R. VEERIAN :—"Will the Government be pleased to call for the information?"

The hon. Mr. R. A. GRAHAM :—"No, Sir."

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Rao Bahadur C. NATESA MUDALIYAR :—"In answer to clause (e) Government have said that they have given effect to the Government Order in question. But the returns of the gazetted officers supplied to us show that there are only 200 non-Brahman Hindus while there should be 700 and there are none of the depressed classes at all. Is this giving effect to the Government Order and making appointments in the proportion of the population?"

The hon. Mr. R. A. GRAHAM :—"Does the hon. Member think that all the Brahman gazetted officers in the service should be dismissed and their places taken by non-Brahman Hindus?"

Rao Bahadur C. NATESA MUDALIYAR :—"The list further shows that while on a pay of Rs. 35 to 100 there ought to be 12,000 members belonging to the non-Brahman Hindus there are only 7,000 and while there should be 3,000 of the depressed classes there are only 46?"

The hon. Sir ARTHUR KNAPP :—"May I ask whether the Government Order fixes a definite proportion. The question of fixing did not come up in this House at all. Government have all along declined to fix any definite proportion."

Rao Bahadur C. NATESA MUDALIYAR :—"The resolution fixes the proportion, Sir. With reference to the answer to clause (c) may I say that the community of the non-Brahman Hindus are in no better position now than they were in 1921 when they passed the resolution referred to?"

Mr. R. VEERIAN :—"Hear, hear." (Laughter.)

The hon. the PRESIDENT :—"I would advise the hon. Member to bring in a resolution if he is so minded. But I do not think we can carry on the discussion upon this question any further."

Finance.

Preliminary budget for 1925-26.

1406 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Finance be pleased to state—

(a) whether arrangements will be made for placing the preliminary budget next year in the hands of the hon. Members at least twenty days before it is introduced; and

(b) whether in arranging the demands and in allotting the period of time for the discussion of each he will consult the Leader of the Opposition?

A.—(a) The Civil Budget Estimates are circulated at the earliest possible date.

(b) The answer is in the negative.

Mr. S. SATYAMURTI :—"With reference to the answer to (b), may I ask the hon. the Finance Member the reasons why he declines to consult the Leader of the Opposition in arranging the demands and in allotting the period of time for the discussion of each?"

The hon. Mr. R. A. GRAHAM :—"So far as the allotment of time is concerned, it is entirely within the province of His Excellency, and the Finance Member has nothing to do with it. As regards the arrangement of demands, it is the duty of the Finance Member, and he is not in a position to share responsibility with anybody else."

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Mr. S. SATYAMURTI:—"May I ask the hon. Member whether His Excellency allots the period of time without any consultation with the hon. the Finance Member or his Cabinet?"

"Then, Sir, I want to know, I am simply asking, whether the hon. the Finance Member would consult the Leader of the Opposition. I am sure the hon. Member realizes the difference between consultation and sharing responsibility. I know too much of the constitution to ask the hon. Member to share responsibility. I am asking the hon. Member the reasons why he will not consult the Leader of the Opposition with regard to the arrangement of the demands. I may just say, Sir, you will remember, last time when the budget came up, we Members of the Opposition complained to you that the demand for the salaries of the Ministers was jumbled together along with so many other demands, and we could not vote upon it. You were good enough to say, Sir, in reply that there was a good deal in the complaint, and that you would do your best to set it right."

The hon. Mr. R. A. GRAHAM:—(Rising to speak).

Mr. S. SATYAMURTI:—"On a point of order, Sir, when I am on my legs, unless you call any hon. Member to speak, he is not in order in rising up."

The hon. Mr. R. A. GRAHAM:—"I wanted to correct a misunderstanding, Sir . . ."

The hon. the PRESIDENT:—"Order, order. The hon. Member will please resume his seat. I should say that two hon. Members cannot be on their feet at the same time. If neither of them yields the floor, it is the duty of the Chair to intervene, and I do so for this reason."

The hon. Mr. R. A. GRAHAM:—"I merely wish to point out, Sir, that on the former occasion the demand for the salaries of Ministers was not jumbled up. It was entirely a separate demand."

Mr. S. SATYAMURTI:—"My point was that it was put together with a number of other demands at the tail end of the 2½ or 5 hours allotted to the whole. You will remember, Sir, that the complaint was made by my hon. Friend, Mr. C. Ramalinga Reddi, on the floor of this House, and you were good enough to say that there was a good deal to be said for our view of the position, and you undertook when the matter came before you to do your best to see that sufficient time was given to us to vote upon that demand separately and as early as possible within the time allotted for that purpose. I may put it to you and to the Treasury Bench if they are interested in working dyarchy—for my part, I am not—to say whether they will not do something in the direction."

Mr. P. L. MOORE:—"On a point of order, Sir. Is the hon. Member in order in making such a long speech at question time? Secondly, is the hon. Member in order in saying that he is against the working of dyarchy which so far as I know we are here to work?"

Mr. A. RAMASWAMI MUDALIYAR:—"Especially after the oath of allegiance that the hon. Member has taken as a Member of this Council?"

Mr. S. SATYAMURTI:—"I would like you to give a ruling on the point of order, Sir. There is neither relevancy nor point in these two interruptions."

The hon. the PRESIDENT:—"I think it would be enough that I should answer the hon. Member for the University. I remember perfectly well all

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that took place at budget time. To the best of my recollection, the then Finance Member and the Leader of the House, Sir Charles Todhunter, undertook to place before His Excellency all that was said by hon. Members on that occasion in regard to the distribution of time among the several demands and in regard to the arrangement of the demands. I have no doubt that the present Finance Member will carry out that pledge. But what is being said, I understand, by the Government in answer to this question is that the matter rests with His Excellency. I have no doubt whatever that the Finance Member will, as already promised, place these facts before His Excellency. When I have an opportunity of doing so, I shall do the same."

Marine.

Boatmen's Compensation Fund.

1407 Q.—Rao Sahib P. V. GOPALAN: Will the hon. the Member for Finance be pleased to state—

(a) whether there are two funds known as the 'Disabled Boatmen's Fund' and the 'Boatmen's Compensation Fund' now in the custody of the Government;

(b) why and under what circumstances these funds were acquired by or came into the possession of Government;

(c) who were the original contributors to or proprietors of these funds, and how their claims are now met by the Government; and

(d) whether the Government will be pleased to lay on the table of this House all papers relating to these funds, including G.O. No. 117, Marine, dated the 25th May 1882?

A.—(a), (b) & (c) There is now only one fund known as the 'Disabled Boatmen's Fund' and it is under the management of the Madras Port Trust, not of Government. The 'Compensation Fund' ceased to exist in 1842. It was then merged in the Monsoon Fund created after the passing of Act IV of 1842 but the latter ceased to exist a few years afterwards since it had no income and its resources were depleted, the small balance at the credit of the fund being transferred to the Disabled Boatmen's Fund. The Disabled Boatmen's Fund was first instituted early in the last century on the application of the boat-owners in Madras and was originally financed by deductions from their daily earnings. In 1859 it was decided that no further contributions should be made by the boat-owners. Since then, the income of the fund has consisted merely of the interest on the securities at the credit of the fund. The fund is utilized for the payment of pensions to disabled boatmen and their families.

(d) The references to these funds in the old correspondence are combined with references to other subjects. As the gist of these references is contained in the answer given above, no useful purpose will be served by placing all the papers on the table of the House.

Rao Sahib P. V. GOPALAN:—"Sir, if the Government Order referred to in the last part of the question had been laid on the table of the House, I would

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have had all the information that I need on the present occasion. Since the Government think that no useful purpose will be served, I wish to ask the hon. the Finance Member the original totals with regard to these two funds."

The hon. Mr. R. A. GRAHAM :—"Does the hon. Member wish to have the original totals? If so, I must ask for notice."

Rao Sahib P. V. GOPALAN :—"Supposing the descendants of the original contributors appeal to the Government to refund the sum, will the Government be pleased to do so?"

The hon. the PRESIDENT :—"It is a hypothetical case."

Pensions.

Premature retirements on Proportionate Pensions.

1408 Q.—Mr. C. GOPALA MENON: Referring to the answer given by Professor Richards in the House of Commons on 2nd June 1924 (vide *Hindu*, page 9, column 3 of the issue of 23rd June 1924) under the caption 'Proportionate Pensions in India', will the hon. the Member for Finance be pleased to state—

(a) the number of officials prematurely retired on proportionate pension with their names, period of service and the salary drawn prior to retirement and the circumstances under which each of these officials retired or are on leave pending retirement as far as this Presidency is concerned in the various services cadre since the Reforms Act of 1919 was introduced;

(b) how many of such covenanted but retired officials who served different departments have taken up appointments outside India and what action Government are prepared to take to prevent such premature retirements in future; and

(c) the number of Indians who have been appointed in the place of these retired officials?

A.—(a) The total number of officials in the Madras Presidency who have retired on proportionate pension is 25.

(b) The Government have no information and do not propose to take any action.

(c) There has been no special recruitment to fill the places of officers who have retired on proportionate pension.

Mr. A. RANGANATHA MUDALIYAR :—"May I ask for the names of the officials and the period of service and the other details which have been asked for but not furnished? Will the hon. Member be pleased to furnish these details?"

The hon. Mr. R. A. GRAHAM :—"I am afraid I cannot."

Public Service.

Cases of prosecution of Government officials for bribery and corruption.

1409 Q.—Mr. M. RATNASWAMI: Will the hon. the Member for Finance be pleased to state—

(a) the number of cases in which Government officials have been prosecuted for bribery and corruption before the courts of law or dealt with departmentally during the years 1922-23 and 1923 and 1924;

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(b) the number of such cases which ended in the punishment of the offenders; and

(c) the chief kinds of punishment meted to such offenders

(i) by courts of law and

(ii) by Government departments?

A.—The information asked for is not readily available and could only be compiled by calling for reports from all heads of departments who would in turn have to collect the particulars from their own records or from the districts. The number of cases must be small, and as the Government are not aware what useful purpose would be served by collecting the particulars they do not propose to undertake the compilation.

Mr. M. RATNASWAMI :—"Sir, the answer to the question states that the number of cases must be small. May I ask the Government whether the number of cases detected is small or the number of cases of bribery and corruption is small?"

The hon. Mr. R. A. GRAHAM :—"Personally I do not know of any case; I do not know if the hon. Member does."

Mr. M. RATNASWAMI :—"May I ask, Sir, whether the Government are of opinion that there is no bribery or corruption in any administrative service in our presidency?"

The hon. Mr. R. A. GRAHAM :—"May I point out, Sir, the question is with regard to the number of cases in which Government officials have been prosecuted for bribery and corruption?"

Mr. M. RATNASWAMI :—"I want to know whether the cases of prosecution are small or whether cases of bribery and corruption that exist are small in number."

Salt.

Sale of salt by weight in retail.

1410 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government have issued a circular to all local bodies and non-official organizations calling for opinion as to the advisability of selling salt by weight in retail;

(b) what was the consensus of opinion in the matter; and

(c) whether the Government passed any order on the subject; and if so, whether it will be placed on the table of this House?

A.—The Government have issued no such circular.

Mr. T. ADINARAYANA CHETTIYAR :—"I think there was a Board's proceedings circulated to all local bodies to that effect."

The hon. Mr. R. A. GRAHAM :—"I do not think, Sir, that the Board of Revenue circularized local bodies at all. I believe some inquiries were made as to whether local bodies were willing to get the matter up, but nothing further than that has been done."

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Mr. T. ADINARAYANA CHETTIYAR :—"Did the Board get any reply from the local bodies?"

The hon. Mr. R. A. GRAHAM :—"I do not think that the Board circularized the local bodies at all."

Alleged abnormal stock of salt.

1411 Q.—Rao Bahadur CRUZ FERNANDEZ : Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that owing to abnormal stock of salt and want of places to store further productions some of the salt factories in Tuticorin Circle have stopped from the end of August manufacturing salt further, though the departmental authorities have permitted them to manufacture till the end of 15th October 1924;

(b) whether it is a fact that some licensees in Karapad and Arasadi factories of the Tuticorin Circle have not considered it worth while to manufacture salt, in view of the existing market value for salt, which is much below the manufacturing cost; and

(c) if the answers to (a) and (b) are in the affirmative, whether it is a fact that the quantity consumed in a year is far less than the quantity produced in the Presidency?

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

(c) The quantity consumed in the Presidency is not on an average much less than the quantity produced. In order to provide against the contingency of a bad season, measures are usually taken to ensure the production of a quantity slightly larger than that normally consumed in the Presidency. During the year 1922–23 the quantity expended, whether consumed in the Presidency or elsewhere, exceeded the quantity received in store by about 12 lakhs of maunds; during the year 1923–24, the quantity received in store exceeded the quantity expended by about 15 lakhs of maunds.

Mr. J. A. SALDANHA :—"Sir, I want to know whether it is a fact that the abnormal stock of salt is not due to the fact that large quantities of salt are imported from England and other foreign countries in vessels and they are not taxed by the Customs Department."

The hon. Mr. R. A. GRAHAM :—"I think there is no foundation for that allegation, Sir. So far as I know, salt is not imported into this Presidency; when it is imported into India, it is taxed."

Secretariat.

Under Secretaries to Government of Madras and Provincial officers.

1412 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Finance be pleased to state—

(a) the number of offices of Under Secretary to the Government of Madras, listed for the Provincial officers, if any, and the number actually held by them in the beginning of November 1921 and 1924, respectively; and

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(b) whether any rule has since been introduced that the posts of Under Secretaries to the Government of Madras should be classed as those reserved for the members of the I.C.S., and, if there is no such rule, why no Provincial officer has been appointed to any of the said offices?

A.—(a) Two posts of Under Secretary to Government were held by members of the Provincial Civil Service, in the beginning of November 1921, and one in the beginning of November 1924. The post of Under Secretary to Government is now classed as *inferior* and *inferior* posts are not 'listed.'

(b) Officers are appointed to these posts with reference to their qualifications and the services likely to be required of them in the future.

Mr. A. RANGANATHA MUDALIYAR :—"My question in (a) as to the number of offices is not answered, Sir."

The hon. Mr. R. A. GRAHAM :—"The answer is there is no listing of such appointments."

Mr. A. RANGANATHA MUDALIYAR :—"The answer only says: Two posts of Under Secretary to Government were held by Members of the Provincial Civil Service."

Local Boards and Municipal Councils.

Qualifications of nominated members of local boards.

1413 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any qualification is prescribed for nominated members of local boards and municipalities;

(b) whether the qualifications held necessary in the case of elected men apply to cases of nominations as well; and

(c) whether non-residence within the area could not be a disqualification for nomination to these bodies?

A.—(a) & (b) The attention of the hon. Member is invited to the provisions of sections 49 and 50 (1) of the Madras District Municipalities Act, 1920, and sections 55 and 56 (1) of the Madras Local Boards Act, 1920.

(c) The answer is in the negative.

Mr. T. ADINARAYANA CHETTIYAR :—"With regard to the answer to (c) may I ask the hon. the Minister whether in considering nominations for local boards and municipalities, the residential qualification is honoured?"

The hon. the RAJA OF PANAGAL :—"As far as possible, care is taken to pay attention to residential qualification."

Opening of the Pulamanthole Bridge for traffic.

1414 Q.—Rao Sahib P. V. GOPALAN : With reference to my interpellations regarding the Pulamanthole Bridge, put at the last session of the Council and the replies thereto, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that Mr. Bozman, I.C.S., Assistant Collector, and P. K. Narayana Menon, clerk in the Collector's office at Calicut, had

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furnished the Collector of Malabar with statements complaining against the conduct of the sub-overseer in charge of the Pulamanthole Bridge, in closing the bridge against flood-stricken refugees;

(b) whether it is also a fact that the Collector had forwarded those complaints to the President of the District Board;

(c) whether it is a fact that the Assistant Director of Agriculture, Mr. Unnikrishna Menon, had written a second letter practically retracting his statements to the Collector and forwarded by him to the President; and that the Collector is in possession of this letter or its copy;

(d) whether it is a fact that Mr. A. Anantakrishna Ayyar of Perintalmanna had written to the President of the District Board on 17th October 1924 complaining against the overseer; and

(e) whether the Government will be pleased to get copies of all those letters and lay them on the table?

A.—(a) The complaint of the clerk of the Collector's office has been referred to by the Collector in his letter to the President, District Board, dated 26th July 1924, which was placed on the table in reply to question No. 1080. The Government have no information about the other complaint.

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

(e) The Government do not propose to call for copies of the letters referred to.

Water-supply in Coimbatore.

1415 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether the necessary detailed estimates and plans for the Coimbatore water-supply scheme have been received by the Government and finally sanctioned;

(b) whether it is the Public Works or the Sanitary Department which will be entrusted with the execution of the work;

(c) whether the Sanitary Engineer has entered or is arranging to enter into an agreement with the South Indian Export Company for the supply of cast-iron pipes to the value of 20 lakhs of rupees, and if the plans and estimates have not yet been sanctioned, why orders for the supply are placed in advance and under whose authority;

(d) whether the Sanitary Engineer called for tenders for the supply of pipes by advertisement in the local papers and, if he did not, the reasons for the omission;

(e) whether he obtained the previous permission of the Government to arrange for the supply of pipes, after merely calling for quotations from a few selected firms; and

(f) the names of the persons who gave 'quotations' and the details of the quotations?

A.—(e)* The Chief Engineer accepted the offer of the South India Export Company under the Stores Rules Nos. 1, 2 and 13. The Stores Rules state that 'all articles which are produced in India in the form of raw materials or are manufactured in

* A revised answer to clause (e) of question No. 1134 was promised on 12th November 1924 when the whole question was being answered in the Council.

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India should by preference be purchased locally, provided that the quality is sufficiently good for the purpose and the price not unfavourable.' The Chief Engineer acted in the best interests of Government and the municipality by placing the order with a reliable firm.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, this is a revised answer to my question, as the one already given was somewhat incorrect, and if you will permit me, Sir, I may say that I thought there was some inaccuracy in the answers furnished yesterday in regard to the Tanjore hospital and the Director of Livestock. In doing so I never for a moment imputed any personal inaccuracy to either of the Ministers. So far as the Tanjore affair is concerned, I know far too well the part taken by the hon. the Minister to suggest that he could have given deliberately or even inadvertently an inaccurate answer. Apart from all that, I wish to know in this case whether the hon. the Minister will take up the whole question now at least?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I do not fully understand what the hon. Member means by the question."

Mr. A. RANGANATHA MUDALIYAR:—"The fact is this, Sir. The Engineer has entered into some agreement or sanctioned some tender. The whole file, I expect, must be in the hands of the hon. the Minister."

The hon. Rao Bahadur Sir A. P. PATRO:—"The file is pending with the Government."

Mr. A. RANGANATHA MUDALIYAR:—"Any orders have been passed on it?"

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, may I know the answer to (f) of the question? I do not think it has been answered at any time before. We have only been told on the last occasion that the particular firm gave the least quotation."

The hon. Rao Bahadur Sir A. P. PATRO:—"On the last occasion I said that the Government did not want to disclose the names of the firms that had given quotations."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Or at least the details of the quotation, keeping back the names?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"What is the harm in giving the names of the firms?"

Behaviour of the Chairman of the Villupuram Municipal Council towards an Adi-Dravida representative in the Council.

1416 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that one Mr. M. Subbarayan, Municipal Councillor, Villupuram, representing the depressed classes, submitted a petition, dated 20th August 1924, to the Secretary, Local Self-Government Ministry, complaining against the chairman of the municipality for objectionable and insolent behaviour towards the Adi-Dravida councillor;

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(b) whether it is a fact that the headmaster of the Government Training School, Villupuram, peremptorily directed Mr. Subbarayan (a student undergoing training) to attend the municipal meeting on 1st August 1924 on the strength of a letter of the chairman while Subbarayan was indisposed on that day;

(c) whether the Government will be pleased to lay on the table a copy of the letter, dated 20th August 1924, addressed and submitted to the Secretary, Local Self-Government Ministry, by Mr. Subbarayan, praying to make early enquiries into the matter;

(d) what steps the Government have already taken or intend to take in the matter;

(e) whether it is a fact that the chairman and the headmaster of the Government Training School are trying their best and scheming to remove Mr. Subbarayan either from the school or from the council;

(f) whether it is a fact that Mr. Subbarayan gave due notice already to the chairman requesting him to place the matter before the council meeting, dated 9th August 1924, with the consent of other municipal councillors in order to consider the chairman's objectionable behaviour towards the councillor;

(g) if the matter has not yet been placed by the chairman before the council meeting in accordance with the request of Mr. Subbarayan, the reason for such refusal by the chairman; and

(h) if the Government have no information with reference to questions (a) to (g), whether they will be pleased to call for the information?

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

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

(c) The Government do not consider that any useful purpose will be served by laying the letter on the table.

(d) The Collector and the Director of Public Instruction have reported on the matter. Mr. Subbarayan seems to have exaggerated a small affair.

(f), (g) & (h) The Government have no information, nor do they consider it necessary to call for it. Mr. Subbarayan has since resigned his councillorship.

Mr. R. VEERIAN :—"With reference to the answer to (f), (g) and (h), may I know whether the Government have made any enquiry as to why Mr. Subbarayan, an Adi-Dravida, has resigned his councillorship? Surely there ought to be some reasons."

The hon. the RAJA OF PANAGAL :—"The Government have not made any enquiry into the matter."

Mr. R. VEERIAN :—"May I ask whether they will be pleased to make one?"

The hon. the RAJA OF PANAGAL :—"They do not think it necessary to enquire into the matter."

Mr. R. SRINIVASA AYYANGAR :—"Has there been any instance of a student undergoing training having been nominated as municipal councillor?"

The hon. the RAJA OF PANAGAL :—"I am not aware of any instance."

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Right of election to the presidency of the district board, Coimbatore.

1417 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have received a copy of the resolution of the district board of Coimbatore passed in May 1923 that the members of that board should be given the right of electing their president and a copy of another resolution of the board passed in October 1924 repeating the same request; and

(b) whether the Government have any intention of giving effect to the request and if so, when?

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

(b) The question will be considered when the present President vacates his office.

Mr. S. SATYAMURTI :—"May I ask the hon. Minister as to why the matter has not been considered as soon as the resolution of the district board was received and why the Government want to wait till the seat is vacated? Is it because there is a vested interest for three years in the office?"

The hon. the RAJA OF PANAGAL :—"Sir, it is not a question of vested interest. But upon the advice of the Advisory Committee the Government decided that the appointments should be considered as vacancies occurred."

Mr. S. SATYAMURTI :—"May I know if the Advisory Committee unanimously recommended that the throwing open to election should be considered only as vacancies arise and not earlier?"

The hon. the RAJA OF PANAGAL :—"I cannot say that the Committee passed a resolution to the effect that the Government should take up the question of appointments as vacancies occurred."

Mr. S. SATYAMURTI :—"They are not against their considering it earlier?"

Mr. P. ANJANEYULU :—"May I know when the Advisory Committee was formed and its members?"

The hon. the RAJA OF PANAGAL :—"The list would be laid on the table."

Medical.

Enhancement of fees in the Medical College.

1418 Q.—Sriman SASIBHUSHAN RATH Mahasaya : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the fee of the students in the Medical College, Madras, has been enhanced from Rs. 125 to Rs. 200 per session from 1924;

(b) what has occasioned this enhancement; and

(c) whether it is proposed to collect enhanced rates from students who have been admitted to College prior to 1924?

A.—The attention of the hon. Member is invited to Notification No. 589 published on page 303 of Part I-A of the *Fort St. George Gazette*, dated the 3rd July 1923.

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Sriman SASIBHUSHAN RATH Mahasayo :—" I wish to know whether the hon. the Minister for Local Self-Government has received complaints that the notification referred to works as a hardship on students that joined the college before the notification was issued but failed last year ? "

The hon. the RAJA OF PANAGAL :—" No. "

Mr. G. RAMESWARA RAO :—" May I ask whether the unfortunate notification applies to even students who are studying for one subject alone and not undergoing the whole course ? "

The hon. the RAJA OF PANAGAL :—" I think it so. "

Mr. G. RAMESWARA RAO :—" I have got the notification in my hands. It is silent on the matter. Will the Government be pleased to consider the introduction of compartmental system with regard to the fees also ? "

The hon. the RAJA OF PANAGAL :—" The question will be referred to the head of the department. "

Mr. G. RAMESWARA RAO :—" I understand, Sir, that the college authorities are levying full fees and I therefore put the question. "

Sriman SASIBHUSHAN RATH Mahasayo :—" Will the Government be pleased to enquire into the matter ? "

Matron Superintendents of the Government Maternity Hospital and Tanjore Hospital.

1419 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the grounds on which a private nurse from the Bombay Presidency was appointed as a Sister in the Government Presidency Hospital, Tanjore, overlooking the claims of many nurses in the Madras Presidency Hospitals ;

(b) whether the present Matron Superintendent of the Government Headquarter Hospital, Tanjore, is fully trained and qualified and what her qualifications are ; and

(c) the reasons why the Matron Superintendent of the Government Maternity Hospital, Egmore, has been asked to resign her post and has been given eight months' leave preparatory to retirement ?

A.—Information is not available but has been called for.

Education.

Number of Muhammadan schools opened under G.O. No. 1598, Law (Education), dated 16th October 1924.

1420 Q.—Khan Bahadur HAJI ABDULLA HAJI KASIM SAHIB : Will the hon. the Minister for Education be pleased to state whether out of 825 new schools sanctioned in G.O. No. 1598, Law (Education), dated 16th October 1924, there are any Muhammadan schools ; and, if so, how many ?

A.—All the schools in question are open to pupils of the Muhammadan community, but none of them are special Muhammadan schools.

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Introduction of conscience clause in Grant-in-Aid Code.

1421 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education be pleased to state—

(a) whether he has received opinions of the Secondary Education Boards on the introduction of the conscience clause in the Grant-in-Aid Code and on the making of one of the Indian languages the medium of instruction in secondary schools ;

(b) the names of the boards which have not sent their opinions yet ; and

(c) whether the opinion so far received will be placed on the table of the House ?

A.—(a) & (b) All the boards have sent in their opinions.

(c) The Government will consider the question of placing the opinions on the table.

Mr. S. SATYAMURTI :—" Sir, with reference to the answer to (c) of the question, may I know if the Government will consider and decide the matter before they pass orders ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That will be noted. "

Excise.

Transfer of sub-inspectors of Excise.

1422 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education be pleased to state—

(a) the number of orders transferring the sub-inspectors of Excise passed by the Assistant Commissioner, Nellore division, since he took charge of the office ; and

(b) the reasons for these frequent transfers ?

A.—The Government have no information.

Protection of depressed classes from drink.

1423 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) with reference to question No. 912 put at the meeting of the 15th October 1924, regarding the protection of the depressed classes from drink whether the Government have already issued any circulars regarding the prohibition of sale of drink to girls and women ; and

(b) if not, why not ?

A.—(a) & (b) The hon. Member is referred to clause 7 of paragraph 3 of the Press Communiqué * No. 1551, dated 4th October 1924. The question of imposing further restrictions in respect of sales of intoxicants for women is under the consideration of Government.

* Printed as Appendix IV on pages 817-819 infra.

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Registration.*Removal of clerks from the Registration department in the Guntur district.*

1424 Q.—Mr. P. ANJANEYULU : Will the hon. the Minister for Education be pleased to state—

(a) how many clerks in the Registration department in the Guntur district who had been working for long years, have been removed during the last two years; and

(b) for what reasons they were so removed?

A.—The Government have no information.

Agriculture.*Filling up the post of Professor of Agricultural Bacteriology.*

1425 Q.—Mr. P. ANJANEYULU : Will the hon. the Minister for Development be pleased to state—

(a) for how long the post of Professor of Agricultural Bacteriology has been kept in abeyance;

(b) what the reasons for the abeyance are;

(c) when it is likely to be filled; and

(d) whether the Government propose to select an Indian to the post?

A.—(a) Since April 1923.

(b) As a measure of retrenchment.

(c) & (d) It is not proposed to fill the post of Bacteriologist in the Indian Agricultural Service at present.

Mr. A. RANGANATHA MUDALIYAR :—“With regard to clauses (d) and (e), 12 noon. when they fill up the post, will they at least then appoint an Indian?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“The question will be considered.”

British Empire Exhibition.*Participation of Madras next year in the Wembley Exhibition.*

1426 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Development be pleased to state—

(a) whether Madras will take part in the Wembley Exhibition if it is kept open next year;

(b) the profit or loss on account of the British Empire Exhibition; and

(c) the nature and value of the orders received by the Government or Madras merchants on account of the participation of Madras in the Exhibition?

A.—(a) The matter has not yet been considered.

(b) The Government are awaiting a report from England.

(c) The Government have no more information than what is contained in the answer given on 20th August 1924 to question No. 314.

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Mr. S. SATYAMURTI :—“With reference to the answer to clause (a) of this question, may I know whether since the answer was sent to your office, the matter has been considered by the Government?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“The answer given still holds good.”

Mr. S. SATYAMURTI :—“May I know with reference to the answer to clause (b) of this question, when the report is expected?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“In a few days after Mr. Sundaracharlu returns from England.”

Mr. J. A. SALDANHA :—“Is it a fact that the Government of India have refused to take part in the Exhibition?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“We have no information.”

Mr. S. SATYAMURTI :—“When the report is received with Mr. Sundaracharlu, will the hon. the Minister kindly place that report on the table of this House?”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“Yes.”

Co-operation.*Inspectors and clerks in Co-operative Department.*

1427 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Development be pleased to state—

(a) (i) how many inspectors and clerks from among those appointed prior to 31st December 1919 in the Co-operative Department were serving in the year 1923;

(ii) how many were removed from service among them since 1923, giving their caste and service of such persons;

(b) whether they were all confirmed in their posts;

(c) how many posts were left to be confirmed after the confirmation referred to in (a) and (b); and

(d) the names of persons appointed to fill up their places, with their caste, period of service and qualifications?

A.—(a) (i) one hundred and twenty-one inspectors and 12 clerks.

(ii) None.

(b) one hundred and eighteen inspectors and 11 clerks were confirmed and one Chief Inspector reverted to the Revenue Department.

(c) Three.

(d) It is not understood what places the hon. Member refers to.

Allegations against the Assistant Registrar, Vellore.

1428 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the President of the District Banking Union, Vellore, presented a memorandum to the Registrar of Co-operative Societies against the action of the Assistant Registrar, Vellore section, when he inspected the District Banking Union in April 1924;

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(b) whether the Registrar enquired into those allegations; and
 (c) whether the hon. the Minister will be pleased to call for a report in the matter and place it on the table of this House with the orders of the Registrar of Co-operative Societies, if any?

A.—(a) Yes.

(b) Yes.

(c) The allegations in the note relate to the subjects dealt with in the answers to questions Nos. 832 and 989 asked on the 31st March and 17th October 1924 respectively. The Registrar's report and the Government Order thereon are being separately placed on the table. The Government do not propose to call for any further report.

Non-official co-operative propagandist agencies.

1429 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister or Development be pleased to state whether the Government are prepared in the same manner as Local Governments in the other parts of India—

(a) to give subsidies to non-official co-operative propagandist agencies; and

(b) before the enactment of new rules and the inauguration of new schemes to consult non-official bodies as is done in Bengal and Bombay?

A.—(a) The question of the grant of subsidies to certain non-official bodies to enable them to undertake educative work is now under the consideration of Government.

(b) Whenever a new rule is framed or an existing rule is amended, the draft of the rule or the amendment is published for general criticism as required by section 43 (4) of the Co-operative Societies Act. In regard to new schemes affecting the working of the societies, the Registrar consults representative non-official bodies. The Government take the advice of the Standing Advisory Committee in important cases.

Provincial Co-operative Conference and land-mortgage banks.

1430 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister or Development be pleased to state—

(a) whether it is a fact that the Provincial Co-operative Conference held at Madras in December 1923 held that the present scheme of land-mortgage banks is not workable and whether the conference recommended a scheme of debentures instead;

(b) whether Government have consulted the Provincial Co-operative Union in the matter; and

(c) if not, why not?

A.—(a) The Conference did not find that the land-mortgage scheme was unworkable. It made certain recommendations about debentures.

(b) & (c) The Government understand that the Registrar addressed the union on the subject with a view to obtaining the opinion of the Conference. The Government did not consider it necessary to consult the union separately in the matter.

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Honorary Assistant Registrar of Co-operative Societies for Kallars.

1431 Q.—Mr. R. VEERIAN: With reference to question No. 1149 answered at the meeting, dated 12th November 1924, relating to the appointment of an Honorary Assistant Registrar of Co-operative Societies for the Kallars, will the hon. the Minister for Development be pleased to state—

(a) whether the gentleman recommended for the post belonging to the Kallar community is the President or Secretary or the Panchayat member of any of the co-operative societies, taking active part in the movement;

(b) how many co-operative societies were started by him;

(c) what are the general educational qualifications of the gentleman; and

(d) what is his approximate age now?

A.—The Government have no information.

After all the questions were finished, Mr. A. RANGANATHA MUDALIYAR asked:—"If you will allow me, I want to ask a supplementary question on question No. 1392, Sir. Of course, I am aware that I should have asked it in time."

The hon. the PRESIDENT:—"Did the hon. Member rise when the question was being passed over?"

Mr. A. RANGANATHA MUDALIYAR:—"No, Sir."

The hon. the PRESIDENT:—"In that case, I think it would be more conformable to our practice if the hon. Member would put the supplementary question in writing. In fact it is an observation that I may make with reference to a very large number of supplementary questions which are being asked in this Council, namely that they would show very much better, equally with their answers, on paper. It must very often be difficult to answer a complicated supplementary question on the spur of the moment. I am sure if hon. Members would take the trouble to put down their supplementary questions in writing, they would take more time over them, and the questions would be better framed and more easily answered. But there are two or three hon. Members who rose when questions were asked. I think one was Mr. Saldanha."

II

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE REGARDING DINDIGUL MUNICIPALITY.

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, under Standing Order No. 20, I move an adjournment of the House to consider a definite matter of urgent public importance, namely, the withdrawal by the Government of the privilege of electing its Chairman from the municipality of Dindigul."

The hon. the PRESIDENT:—"I presume that the equivalent resolution that the hon. Member contemplates is that the privilege be restored. The motion is in order from that point of view. Do the Government wish to say anything on the matter?"

The hon. the RAJA OF PANAGAL:—"I have no objection to the question being discussed, Sir."

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The hon. the PRESIDENT :—"If I am of opinion that the matter proposed is in order, I have to read the statement to the Council and ask whether the hon. Member has the leave of the Council to move his motion."

"The motion is to ask for leave to move the adjournment of the House to consider a definite matter of urgent public importance, namely, the withdrawal by the Government of the privilege of electing its Chairman from the municipality of Dindigul." I have to ask whether the hon. Member has the leave of the Council. Is objection taken?"

No objection having been taken, the hon. the PRESIDENT continued :—"Then I declare that the hon. Member has the leave of the Council. I understand that the new Standing Order has come into operation and that it has been assented to by His Excellency the Governor, and I shall be able to know it in a minute. That, I would put it down for to-day at 2-30 p.m. in case the Standing Order has come into force, and if not, at 4 p.m."

The hon. the RAJA OF PANAGAL :—"It can be taken up this afternoon, Sir."

The hon. the PRESIDENT :—"It will have to be taken up at half-past two if, as I understand, the assent has been received already."

Mr. A. RANGANATHA MUDALIYAR :—"I understand, Sir, that the Governor's assent, the order containing his assent, is not in your hands just now. If it is not, I think this motion should be taken up at 4 o'clock."

The hon. the PRESIDENT :—"I did not say that it was in my hands, but said that I understood that assent had been given, and if that is the case, it should be brought into force at once. Supposing the order reaches me at 4 o'clock, the motion will have to be taken up at 2-30."

Mr. A. RANGANATHA MUDALIYAR :—"Can we anticipate the order, Sir?"

The hon. the PRESIDENT :—"I did not anticipate it. The motion has to be taken up either at 2-30 p.m. or at 4 p.m. according as the assent has been received by then or not."

Mr. A. RANGANATHA MUDALIYAR :—"But I submit, Sir, the decision must be made now."

The hon. the PRESIDENT :—"I understand that His Excellency himself has informed one of the Secretaries that he has assented to the Standing Order, and so the adjournment motion will be taken up at half past two this afternoon."

Mr. S. SATYAMURTI :—"May I humbly submit that although that information may be absolutely correct, which fact I am not questioning now, so long as the assent is not communicated to us in the ordinary way in which such assents are communicated, it would not come into force. In regard to this matter, I may say that yesterday the Secretary laid on the table of the House the assent of the Governor to an amendment of some Standing Order, and it was put as an item in the agenda 'Communications to the Council' or 'Papers laid on the table.' I submit that at present we have at this Standing Order No. 22 which says that the 'President shall intimate that the motion will be taken up at 4 o'clock.' That at the present moment the Standing Order that governs the procedure of the House, whatever might have happened about its amendment outside this House, and that

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existing order says that you should intimate to us that the motion *shall be taken up at 4 o'clock*. Then, if we turn to section 72-D, clause (6) of the Government of India Act it says that the Standing Orders may, subject to the assent of the Governor, be altered. Our alteration is not a legal alteration until the assent has been communicated to us. I therefore submit with some confidence and in all humility that, whatever the fact may be, until the assent is communicated to us and forms part of the records of this House, you have no option in the matter but to intimate to us that it should be taken up at 4 o'clock."

Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, speaking on the spur of the moment and on the terms of the section just now read to us, my submission for your consideration is that for the validity of the Standing Order the assent of the Governor is required. If the assent is there at the time, then I submit that the Standing Order becomes effective. It is not necessary that it should be communicated in any particular form to the House. All that the section says is that the Standing Order becomes effective subject to the assent of the Governor. If the assent is there, the Standing Order is effective. If you are satisfied that the assent has been given, it is not necessary that it should have been communicated to the House previously."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I should like to know how that message has been communicated to you. It was not through a Member of the Government but, as I see, through a Secretary."

Mr. G. RAMESWARA RAO :—"Standing Order No. 69 provides for the method of communication, and that has not been complied with."

The hon. the PRESIDENT :—"The Advocate-General has just now told us that it is not necessary that the assent should be communicated to the Council, but that the fact of assent is sufficient, if it is ascertained; and I have ascertained it. I could very well have put it off till to-morrow, but I did not want to use my discretion unnecessarily. I have not the slightest wish to hasten the coming into effect of the new Standing Order; but if the assent is as a matter of fact on my table now, then hon. Members could very well contend that the Standing Order should be brought into force at once. I think the more probable view is that I am entitled to act upon the ascertained fact that the assent has been given; and if this is the law then it is not a question of discretion with me."

Srikanth SASTRIBHUSHAN RATH Mahasaya :—"Am I to understand that there is a change in the procedure of intimation to the Council about the assent of the Governor, because we used to have it as an Order of the Day, as a separate item printed on the paper and intimated to us? That is what is being done."

The hon. the PRESIDENT :—"There is no change in procedure. This fact will be communicated on the earliest possible day and will be placed among the Orders of the Day. But we have been advised, and I think the advice is sound, that communication to the Council is not a necessary preliminary to bringing the Standing Order into force. That is all."

Diwan Bahadur P. KESAVA PILLAI :—"So it will be taken up to-day at 2-30."

The hon. the PRESIDENT :—"Yes."

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III

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The hon. the President then announced that the undermentioned Acts which were passed by the Council received the assent of His Excellency the Governor-General on the dates noted against each —

The Madras City Municipal (Amendment) Act—14th November 1924.
The President's Salary Act—15th November 1924.

Sriman SASIBHUSHAN RATH Mahasayo:—"Sir, I just want to know . . ."

The hon. the PRESIDENT:—"If it is a matter about which the hon. Member seeks information, and not a point of order, then the proper time for it is after question time."

Sriman SASIBHUSHAN RATH Mahasayo:—"It is not information that I am seeking. I am asking about the procedure, in view of the assent communicated to us in the last matter whether all these formalities cannot be done away with."

The hon. the PRESIDENT:—"It will be a proper question to be asked after question time to-morrow morning."

IV

COMMUNICATIONS TO THE COUNCIL.

(1) The Secretary laid on the table copies of the order made by the hon. the President of the Madras Legislative Council under Standing Order No. 15 in regard to the manner of putting and answering questions.

(2) With reference to the answers given to question No. 611 at the meeting of the Legislative Council held on 18th March 1924, the Secretary laid on the table a statement showing the total amount of expenses incurred by the Government on account of the elections to the Legislative Council and the Assembly held in 1923, and the highest and the lowest total of expenses incurred by individual members at the elections to the Legislative Council.

(3) With reference to the answer to clause (e) of question No. 989 given at the meeting of the Legislative Council held on 17th October 1924, the Secretary laid on the table (1) the report of the Registrar of Co-operative Societies on the note of Mr. T. Adinarayana Chettiyar containing sixteen instances of alleged "undue interference by the Assistant Registrar, Vellore," with the work of societies in his section, and (2) G.O. No. 2014, Development, dated 22nd November 1924, passing orders on the above report.

V

AMENDMENT TO STANDING ORDERS OF THE MADRAS LEGISLATIVE COUNCIL.

The hon. the PRESIDENT:—"I have to inform the House that the following six gentlemen were nominated for election to the Select Committee

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- (1) Khan Bahadur P. Khalifulla Sahib.
- (2) Rao Bahadur O. Tanikachala Chetti.
- (3) Diwan Bahadur W. Vijayaraghava Mudaliyar.
- (4) Mr. J. A. Saldanha.
- (5) Mr. S. Satyamurti.
- (6) Mr. P. Siva Rao.

"As the number of candidates nominated is equal to the number of vacancies to be filled, namely, six, I do hereby declare the abovementioned gentlemen to be duly elected under Regulations II (4) of the Regulation for the holding of elections by means of the single transferable vote. As already announced the Raja of Ramnad, one of the chairmen of the Council, has been nominated by me to serve on the committee under Standing Order No. 76, in addition to the Deputy President and the Advocate-General who will be on the committee ex officio."

VI

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1924-25.

Grant XIX.

The hon. Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I beg to move

that the Government be granted an additional sum of Rs. 20,000 under "31-A (a) Education—University—Transferred—Grants to University—Voted" the amount being met from the reserve provision of Rs. 6,95,700 under the Head "47. Miscellaneous—Miscellaneous and unforeseen charges".

The University had asked for a sum of Rs. 64,000 during the month of September from out of the budget allotment for 1923-24, Rs. 3,23,000 for the purpose of the library and also asked for a recurring grant of Rs. 10,000 sanctioned for the purchase of books for the library with effect from 1924-25. These demands were considered by the Government; but the University was asked whether it would be able to spend the whole amount that was asked for and the reply was that the whole amount asked for will not be spent and five thousand rupees would be quite sufficient for the purpose that year. While this was under consideration the University asked for a recurring grant of Rs. 10,000 for libraries and a non-recurring grant of Rs. 10,000 for the purpose of strengthening the library of the University. Then the University did not furnish the Government with any definite scheme or prepare the necessary lists, etc., for intimating the actual cost to be incurred. The Vice-Chancellor therefore now applied for a special recurring grant of Rs. 10,000 and a non-recurring grant of Rs. 10,000 or a total sum of Rs. 20,000 which is now asked for to be given to the University as a grant for the development of the library. The Government provided a sum of money as hon. Members know from the budget of the current year 1924-25 with the hope that the University will place before the Government definite schemes of expansion so that money may be allotted after the examination of those schemes. But the only scheme we have received to-day is this demand for the library. This amount will be met as I said from the grant out of which Government decided that the University demands might be met. I therefore request that the grant might be made."

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Mr. S. SATYAMURTI:—"Mr. President, I rise not to oppose this motion but rather to sound a note of disappointment at the way in which the new University has been treated, either thanks to itself or thanks to the Government. I do not want to allocate the blame. It seems to me, Sir, that the trumpet with which the new University Act was heralded into being has grown thoroughly rusty and is sounding feebly. The new University is a perpetuation of the old University remodelled with an unworkable senate and innumerable bodies really doing little or nothing. The hon. Minister himself very candidly admitted that although Government provided three lakhs for being spent this year the University did not send up any schemes which Government could examine and sanction money for. But, Sir, while on that matter, may I say that Government is not entirely free from blame? I do not carry the exact wording of the Act in my head. But I believe that the Government undertook to contribute annually a specific sum. I want to know from the hon. the Minister what is the policy of the Government. Is the Government going to stand in the place of a mentor and ask the University Secretariat and then say we shall or shall not sanction the amount? On the other hand, may I not ask whether it will not be more consistent with the academic freedom and the development of university, if lump grants are made with the hope and expectation that the University authorities may put their heads together and spend the money in the proper way? Of course there is the control of the audit and that ought to satisfy the Government as to the manner in which money is being spent. If on the other hand Government want to examine every scheme it seems to me that it will not conduce to the healthy growth of the university. The hon. Minister referred to the fact that the University wanted Rs. 64,000 for library development. Ultimately it came down to a recurring grant of Rs. 10,000 and a non-recurring grant of Rs. 10,000. I want to know how the sum was reduced. The hon. Minister has not told us what the particular type of library development is for which money is required; what the books are to be purchased and whether any suggestion has been made to the Government as to the particular lines in which the library has to be strengthened. It seems to me, therefore, that unless the hon. Minister wants to have the Act as a still-born child which confers no benefit to Madras, he must either give the University complete freedom to spend money and make more generous grants or put more heart into the Vice-Chancellor whom he has nominated and the syndicate and various other people to spend the money and not merely to mark time. I do feel that the new University which was looked forward to by so many with anxious expectations has disappointed them all. I therefore suggest that it will not do for him to throw the blame on the University and say that 'they did not send the scheme and therefore I did not sanction the amount.' He ought to take more interest and see that they spend the money profitably and that the University is developed on right lines."

The hon. Rao Bahadur Sir A. P. PATRO:—"If there is one occasion when the hon. Member for University was so glaringly inconsistent, I should say this is a splendid example. In the first part of his argument he urged that the Government played the part of the mentor of the University and asked is the Government going to interfere with the discretion of the University. Again in the latter part of the speech he asks what is the Government doing. I am afraid, Sir, such a position is due to the confusion that is in his mind

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of the functions that are allotted to the Government under the new Act. The Act gives complete independence to the University and as such the University is entitled to prepare a programme and then say this is our expenditure for this year and therefore provide us with money. As regards how far the financial control of the Government should extend over the University, that matter was discussed very fully and are laid down in the rules relating to the financial relationship between the Government and the University for the purpose of guidance. The trumpet has not at all been rusty. On the other hand from day to day it is being burnished and is giving a clearer voice. The conception of the University is gaining ground every day in this province. When the new bodies are fully formed—it must necessarily take time—each will function in its own way. The Vice-Chancellor has been energetically proceeding with the formation of those bodies and he has summoned the various bodies in order to see that there may be co-ordination of work in these bodies. There is nothing in this that can be made in a day. It cannot be a mango produced in a minute out of the juggler's bag. It is a business concern and a business concern must take time. We cannot fancy things in the imagination. It may be possible in the case of my hon. Friend, the Member for the University, to have such an imagination. It will not be possible for practical business men to work miracles. Therefore now that the scheme has been just initiated under certain conditions we must work on and in course of time our hope will be fulfilled. This grant has been examined and found that this amount is quite sufficient for the purpose during the year."

Mr. A. RAMASWAMI MUDALIYAR:—"I am sorry that I have to occupy a very inconvenient position on this particular occasion. I rise to share the disappointment expressed by the hon. Member for the University in regard to the working of the University constituted under the new University Act. But my share with him and his views ends there. I know perfectly well I am quite clear in my mind and I have no hesitation at all as to which particular entity in this instance is at fault. But I do think that it is not this place where at least on the first occasion such views must be expressed. I therefore reserve to myself the remarks for a future occasion and show who it is at fault, who it is that made the University Act a complete failure and who it is that is responsible for seeing that the money placed at the disposal of the Government has not been spent. I am glad to find from the hon. the learned Member for the University that Government should exercise some sort of control and see that schemes come up from the University."

Mr. S. SATYAMURTI:—"I thought it was the hon. the Minister for Education that could not distinguish between control and influence. Now I see that the hon. Member for Chingleput also does the same."

Mr. A. RAMASWAMI MUDALIYAR:—"I so well understand the distinction between influence and control that I believe that it is a distinction without difference. Where influence ends and control begins is a moot point in psychology which I am not prepared to discuss at present. I do feel glad that the hon. Member for the University unlike his distinguished predecessor has come to realize that certain amount of influence should come to bear and all talk about academic independence is so much vain talk which will do no good either to the Government or to the University itself. In the present case I only suggest that if affairs do not mend in the University, if things do

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not take a different turn, it is just possible that some of us may have to ask to take very effective control on matters of University and if possible such legislative measures as are essential for that purpose. I only want to ask the hon. Minister to bear in mind that whenever proposal comes from the University, especially from that small body called the syndicate which at present is functioning on behalf of the whole University and which has sent the senate to wilderness, the same may be referred back for the approval of the senate. Under the present laws of the University, some of us in a fit of forgetfulness or in a fit of inattention have acquiesced in things which are going from bad to worse. If the same sort of bureaucracy were installed in the treasury benches here, I know what agitation would have been conducted in the public press. As I said I do not want to go into that question at present and there are other places to agitate that. But I now want to urge upon the hon. the Minister for Education the high desirability whenever a demand comes from the University to see whether that proposal has the sanction not merely of that small oligarchical body called the syndicate of the University but also of that larger body the senate itself. Sir, in this particular instance I do not propose to press the motion because it is a matter beyond the region of controversy. But if the hon. Minister is going to defend the grant for the University merely because the Vice-Chancellor proposes it or the syndicate proposes it, I give fair notice and warning now that I for one would fail to do my duty if I do not see that it is withdrawn and that it gets the approval of the senate. We cannot accept a proposal simply because it emanates from the Vice-Chancellor however eminent an educationist he may be or a syndicate whatever may be the grade of nationalistic element represented in it."

Mr. R. VEERIAN:—"Sir, I understand that only about 6 per cent or so is spent on mass education and instead of spending money on mass education, it is not right to spend money on University education. Unless we make the mass literate especially the oppressed, depressed, suppressed, submerged and neglected classes, there is no use (Laughter). I am very serious in my remarks. If the money spent for University education is utilized for elementary education, it will do immense good, though the amount is very small."

The hon. Rao Bahadur Sir A. P. PATRO:—"I may assure the hon. Member, Mr. Veerian, that there is no inconsistency or hostility between the two kinds of grants—grant for the University and grant for the expansion of mass education. As I submitted to this House a few days ago in moving the grant for elementary education, there need be no anxiety in the matter. I then disclosed the whole scheme of expansion."

"As regards the remarks that fell from the hon. Member from Chingleput, I am very sorry to say that we are going back to the old state of affairs when Government controlled or advised or interfered with the affairs of the University. It was the definite and distinct object of the new University Act that the University must have independence in matters relating to its administration and I still hold to that principle of academic independence of the University. (Hear, hear, from Mr. Satyamurti.) It will be a very great calamity if ever we derogate from that position of academic independence of the University. I am quite sure that what the hon. Member from Chingleput has said, he has said with responsibility and he may have very good grounds for his statement. I am sure that when the

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meeting of the senate is held on the 15th instant, these questions will come up for discussion. The members of the senate will then meet together and discuss the very important questions now raised by the hon. Member Mr. Ramaswami Mudaliyar. I am sure he has plenty of evidence with him in making the statement that he has made and it will be for the senate to decide what are the functions of the senate, what are the functions of the academic council and what are the functions of the syndicate. If the syndicate was wrong in any particular matter, I am sure the senate will take it to task and demand explanation for having acted irregularly. But it is not proper or fair to generalise and say here that any particular body should be blamed because on one or two occasions that body has erred. I am quite sure this will weigh with the hon. Member representing Chingleput in the discussion of this subject. We have to understand what the proper functions of the Senate and those of the Syndicate are. The University Act defines these functions, and if any mistake has been committed as now alleged, by the syndicate, that can very easily be set right by the senate in its discussions which are to take place this month. So I am sure hon. Members will agree with me in thinking that the principle of autonomy of the University which has been clearly enunciated in the new University Act cannot be derogated from."

Mr. M. RATNASWAMI:—"Mr. President, it is very rarely that we have an opportunity of congratulating a Member of the Government on his more progressive views as against the views of a private Member. I have now very great pleasure in congratulating the hon. the Minister for Education on his very progressive views in regard to academic independence. It is surprising that a private Member of this Council takes a more reactionary view as against that of a Member of the Government."

Mr. A. RAMASWAMI MUDALIYAR:—"I might be classed as reactionary. But what I said was that before the Government acts on the suggestion of the University it should satisfy itself that the demand comes from the senate and not from any small body acting on behalf of the University. That point remains still unanswered."

Mr. M. RATNASWAMI:—"The body which has been authorized has been asking. I hold that if any Member feels aggrieved that any University body has infringed the University Act, he has avenues open to him. He can go to any court of law for a prayer to restrain that body from exercising functions which are not authorized by the Act. As a Member of some of these bodies, I can say this: that on no occasion has any University body infringed any rule or law of the University Act. Whatever it has done, it has done within the four walls of the University Act and I should be very interested in seeing any Member challenging the legality of any Act which any Member of these bodies did. I am glad to see that the hon. the Minister for Education is so liberal in his views with regard to this question. I only hope that as long as he holds that portfolio he will resist any influence that may be brought to bear to derogate from the high ideal of academic independence."

Mr. S. SATYAMURTI:—"On a point of personal explanation, Sir. I only want to say that I dissociate myself with what has fallen from my hon. Friend from Chingleput with regard to academic independence and I wholeheartedly agree with the hon. the Minister and Mr. Ratnaswami on that point."

The motion was put and carried and the grant made.

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Grant XXX.

The hon. Rao Bahadur Sir A. P. PATRO :—" Sir, I beg to move

'That Government be granted an additional sum of Rs. 1,04,000 under "41. Civil Works--Transferred" for expenditure on improvements to the Cauvery bridge.'

"This motion requires no speech in support of it. The Cauvery bridge was badly affected during the floods in July and two vents of that bridge are altogether damaged. If immediate steps are not taken to repair the bridge, it is likely that Government will have to spend more money later on."

The hon. the PRESIDENT :—" I have to ask hon. Members to do their utmost to expedite the intervening business before we take up the Irrigation Bill because I cannot defer putting the question on the Irrigation Bill longer than half past two this afternoon and that would only be at the expense of the lunch hour. I propose to go on without rising for lunch. Even then it would be necessary to use considerable expedition in regard to the intervening business."

Sriman BISWANATH DAS Mahasaya :—" Sir, we all know that the Cauvery bridge was affected by the floods of July last. But the Ichchapur bridge lying on the trunk road was affected by the floods of November 1923 as also the Meliapur bridge. Not only a part but the whole of the Ichchapur bridge is affected and it is giving a lot of inconvenience to traffic. The hon. the Chief Minister visited the place and was thoroughly satisfied of the necessity of reconstructing the bridge immediately. I should like to know what steps have been taken on the question. It will be clearly seen from the proceedings of the last meeting of the district board of Ganjam regarding the seriousness of the question and the difficulties felt by the people. I am glad that Government have taken into their head the repairing of the Cauvery bridge; but I am sorry at the same time that no steps have as yet been taken regarding the Ichchapur bridge although it was damaged long ago. This is a proof positive how the difficulties of the people in the northern districts often fail to receive due attention. I therefore request the hon. Member in charge of the Public Works to see to the early construction of the Ichchapur and Meliapur bridges."

The hon. Rao Bahadur Sir A. P. PATRO :—" I may assure my hon. Friend that this matter is as much taken care of as the other matter. We have called on the district board of Ganjam to submit estimates for constructing this bridge and also another bridge near Parlakimedi. Reminders were sent to the district board and we have not yet received any reply. Reminders have been sent both by the Chief Engineer and by the Local Self-Government Department. If the estimates are received to-day funds can be allotted and work will be begun. If the hon. Member who is a member of the district board will see that the District Board Engineer sends the estimates soon, then there will be no necessity for his complaint that adequate attention has not been paid to that bridge."

The motion was put and carried and the grant made.

The hon. RAJA OF PANAGAL :—" Sir I beg to move

'that the Government be granted a sum of Rs. 10,200 under "Civil Works--Transferred" for the provision of water fittings in the dissection block and mortuary attached to the Coimbatore Medical School,

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the amount being met from the reserve provision of Rs. 6,95,700 under "47. Miscellaneous--Miscellaneous and unforeseen charges (Grant XXXV)".'

The motion was put and carried and the grant made.

VII

THE MADRAS IRRIGATION BILL.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Have I your permission, Sir, and the permission of the House to add just two or three remarks to what I have said which I purposely left

over in order that the amendments may be disposed of?"

The hon. the PRESIDENT :—" Yes."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Then, Sir, may I take this opportunity to say just two or three things in addition to what I remarked when moving that this Bill be passed into law? The first is a circumstance to which, I think, prominent attention needs to be invited, that this Bill which involves questions pending solution for a long number of years and in which various interests are interlocked and in which also those interests are of a divergent and conflicting character has received at the hands of the House not only an unparalleled amount and degree of attention, but also an amount of co-operation from every part of the House, which I submit, Sir, is not only worthy of a particular remark but has facilitated the discussion and the decision of the complicated matters involved in the Bill. It is needless for me and it would not be etiquette for me to refer to what happened in the debates of the Select Committee, but certainly I think I may say that the House owes a great deal indeed to the labours of hon. Members like Sir K. Venkata Reddi, Mr. Krishnan Nayar and Mr. Muniswami Nayudu from this side of the House as well as to the unwearied and indefatigable efforts and careful attention to details and helpful criticisms which were always directed to the elucidation of difficult points which were contributed by the hon. the Leader of the Opposition whose part in the shaping of the Bill was conspicuous as well as praiseworthy (applause) and by hon. Members like Mr. Peddiraju, Mr. Srinivasa Ayyangar, Mr. Krishna Rao and others from the other side to whose labours also the Bill has owed not a little of its success. I think I shall be failing in my duty if to these gentlemen and other gentlemen like my hon. Friend from Coimbatore I did not take occasion to pay the tribute which is theirs, and I do it not because it is the occasion nor is it my purpose merely to flatter them, but because I feel that it is necessary to place on record that this Bill has attained the present shape because of the whole-hearted and strenuous co-operation of Members from every part of the House, and it seems to me, Sir, that this is a circumstance worthy of special mention."

"I do not propose to detain the proceedings of the House longer, but I have no doubt that hon. Members will perceive that on the whole a measure which was long overdue is now about to be brought on to the statute book and I renew my motion with great pleasure."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, we have reached a stage when it may be said that nobody would be willing to throw away the fruits of our labours. It is true we have disagreed on many points and there are still some points of disagreement, but that shall not be a ground to advocate for the rejection of the Bill. The hon. the Law

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Member has successfully piloted this Bill through this Council mostly on account of his tact. He wanted an Irrigation Bill with some fixed principles and he has met our wishes and taken particular care to see that the main principles of the Bill are not disturbed. But he has given full liberty to the Members of the Committee, as well as to the Members of the House, to shape the details of the Bill to suit the conditions of the country. Here we have to take into consideration the various interests that are involved and also the various peculiar circumstances that do prevail in various parts of the Province. And when Members of the various parts of the province brought forward various difficulties that were experienced by them, the hon. the Law Member was always courteous in trying to clear them and as far as possible to accept their views or convince them where they were wrong. Throughout the discussions of the Select Committee, and it may be said in the Council also, there was great unanimity of effort on all parts to receive expert advice and see that the Government is armed with a reasonable Bill to enable them to proceed with the irrigation projects they have in view. I believe the provisions of the Bill, as shaped by the Council, will give entire satisfaction to the hon. the Law Member and he need not complain that he has not got sufficient material on hand to take up new projects.

"I may be permitted in this connexion to mention that before the introduction of the Bill he mentioned to the House that he had got the Sangameswaram project on hand and when it is completed, milk and honey would be flowing through the arid tracts of the Ceded districts to be benefited by that project."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"The honey and the milk were epithets which were attached to my humdrum description of the project, by some of my more enthusiastic Friends on the other side" (Laughter).

Rao Bahadur C. V. S. NARASIMHA RAJU:—"The impression that is left on our minds is that the moment we arm him with an Irrigation Bill he is going to have a great many projects pushed through and bring prosperity to the province. Sir, though some of us were not able to accept even the main principles of the Bill, we did not want to take the responsibility of advocating the rejection of the Bill and stand in the way of the Government taking up irrigation projects, because we thought that the blame would be on our side if we did not yield to some of the main principles, and in that spirit we accepted them and worked into the details, hoping that the Government would not defer the undertaking of the projects for a long time. If, after the passing of the Bill, Government do defer maturing any important projects, I believe the blame must rest with the Government. The main object of the Bill was to mature new projects and not at all to overhaul the existing machinery.

"Now, it may be said that some of the vested interests were examined in detail and as far as possible they were respected, and I do not think there will be any dissatisfaction on the part of the vested interests. Even in the case of ryotwari interests, great care has been taken to see that the subordinate officers do not exploit the provisions of the Bill and bring unnecessary pressure and trouble to bear on the ryot. If we examine the existing rules and compare them with the provisions of the Bill, I believe even the ryots ought

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to be satisfied to a great extent. Even in the matter of appropriation of water that is necessary for maturing the crop of a registered holder, I believe we have removed some of the difficulties he may meet with from the Public Works Department officers. The ryot has now got a claim to put forward for as much quantity of water as is necessary to mature his crop. Under the existing law or custom, the customary supply is the only quantity of water that is allowed to him; but now if the quantity of water allowed is not sufficient to mature his crop, he is entitled to more water. The whole thing is now put on a scientific basis and not subject to the hard and fast rules of Public Works Department officers in the matter of appropriation of water. Again, it may be said that one of the main features of the Bill is to enable the Government to take up new projects even if they are not remunerative. Polavaram project was mentioned to be one of the projects that was held back for want of a statutory provision. I believe having been armed with this Bill, Government will make no further delay and mature such schemes like Polavaram project at an early date and allow the people to enjoy the benefit of this Bill.

"There are one or two questions which the House has decided against the wishes of the Law Member, and there is already an impression that the Bill will be referred for the reconsideration of the Council."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I know that; I adhere to what I have said in answer to the hon. Member for the University that Government have not considered the question at all."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"There is yet time for the Government to consider the question. My impression is that Government will examine it and see how far they will be justified in committing or recommending to His Excellency to commit the Bill for the reconsideration of the House. The most important question is that regarding percolation of which Government have not got any definite idea. Provisions relating to percolation have worked very unsatisfactorily in the past and this subject has influenced the House a great deal when voting. The only consideration that can arise from the point of view of Government is that of finance. How much revenue will be lost on this account Government is not in a position to say. Without having any definite information on the point, will Government be justified in asking the Council to reconsider the question? The only course that Government should adopt is to work the Bill as it is for some years and see what fall of revenue there will be. If the fall is only a nominal one, as some of the Members of this House do imagine it to be, the Government may very well be pleased to take the decision of the House. When the revenues are affected to a considerable extent, the question may be re-examined by the Council as well as by the Government. But without having any definite information as to the extent to which the finances of the province will be affected by such a provision, I do not think anybody will be justified in saying that the Bill will have to be committed to the Council for reconsideration.

"Now, there is the question of allowing ryots to appropriate water in the case of dry lands which they have enjoyed continuously for a period of ten years."

"As far as I can see there will be no occasion to cut off the supply for dry lands which have been continuously receiving water for ten years. The only occasion when the Government

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will have to take action will be when water is cut off from an existing area and given to another area. I think in this case the man to be benefited must be prepared to pay the person who is deprived of the benefit of water he has been enjoying. When an irrigation work becomes exhausted on account of its life being limited there may be necessity to cut off supply to dry lands.

"Of course, in such a case of mamul wet lands insisting on having their full quantity of water, it may be examined with respect to each irrigation work and special legislation introduced. The reason why we wanted to press the claims of these persons is on account of our experience of these things in the last two or three years. Attention of the House was drawn on two or three occasions to the way in which at the time of the non-co-operation agitation some of the Public Works Department people wanted to cut off water to the registered dry lands. It is a clear case in which power was misused by the subordinate officials. We wanted that such abuse of power should be prevented and that is why have inserted these provisions.

"I do not think there are any other important questions on which the Government need examine the Bill again. Therefore the better course will be to allow the Bill to be passed into law as it is, work it for a number of years and see what practical difficulties arise.

"The only other thing that I wish to refer to is this. Taxation provisions have been taken from an existing Act and inserted in this Bill. It was said that the Government never wanted to use this Bill as a taxation measure, but that they wanted only to incorporate into it the provisions of the Irrigation Cess Act. These provisions are now in the position of a ship taken away from its old moorings and placed in new waters. We do not know how it will pass through the break-waters. In questions of interpretation on the one side there is the Government and on the other side there are the landholders. I believe the necessary instructions will be given by the Government to their subordinate officers that the existing practices shall not be disturbed on account of the interpretation of new provisions. If certain instructions are given I do not think there will be any difficulty in administering the new provisions of the taxation clauses. Unless such instructions are given, unless the intentions of the Government are clearly indicated to the various subordinate officers, I fear their subordinates would put their own constructions upon the new clauses and drive the landlords to litigation. I believe it is absolutely necessary that the Government should give definite instructions to their subordinates about the provisions of the taxation clauses. I need not mention the assurances given by the Government in the course of the discussion of this Bill. I hope they will adhere to those assurances and give the necessary instructions to their subordinates as far as the working of the taxation provisions are concerned."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I rise to support the motion before the House. No doubt there are some provisions in the Bill which I do not like. I shall refer only to one such provision as an illustration."

The hon. the PRESIDENT:—"In what I am about to say I am not referring to the hon. Member in person. As we have only a very limited time and since a very large number of hon. Members have expressed their desire to speak on this motion, I will ask hon. Members to conform to the ten minutes' rule whether they are reminded of it or not."

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Diwan Bahadur M. KRISHNAN NAYAR:—"Thank you, Sir, I shall not take even ten minutes. In supporting this motion I do not mean to say that I approve of all the provisions in this Bill. There are no doubt some provisions which I frankly do not like. I shall refer only to one such provision and that is one which relates to Malabar. For instance, under section 45 the Government is enabled to levy water-cess on lands which are irrigated by a stream. No doubt by an amendment introduced by my hon. Friend the Revenue Secretary on behalf of the Government and accepted by the House, till the next settlement comes round and the existing rules are changed, the Government are prevented from levying water-cess. But the next settlement in Malabar will commence six years hence and if the Government want to do so they are enabled under the provisions of this Bill to levy water-cess which has not been hitherto levied in Malabar. I believe the same provisions under more or less similar circumstances apply also to South Kanara. However, I can very well understand that in such an intricate and complicated measure as this Bill which affects the whole Presidency there must be provisions which must be unpalatable to some district or other. Having stated so much I must state that the Bill on the whole is a very beneficial one. Since it was first introduced in this Council many changes of a beneficial character have been introduced into it by the Select Committee which sat upon it and subsequently by this Council in the open discussion of it. I shall just refer as an illustration to one or two such changes. There were certain provisions in the Bill first introduced into this Council relating to compulsory labour which enabled the Government or rather the village officers to call upon all able-bodied persons residing in a particular locality to supply physical labour. These provisions, I believe, were omitted by the Select Committee itself. And then again, the Select Committee itself introduced various changes enabling the civil courts to interfere. This jurisdiction of the civil courts has been further enlarged in the open Council. Again, Sir, with reference to percolation about which reference was made by my hon. Friend Mr. Narasimha Raju, beneficial changes have been introduced. Furthermore, the Council has passed an amendment stipulating that the rules made under the Act will have the effect of law only after they are formally sanctioned by this Council. I associate myself with all the remarks made by my hon. Friend the Leader of the Opposition and I hope my hon. Friend the Law member will not induce His Excellency to certify any of the provisions of this Bill and have the Bill sent back to this Council. In answer, I believe, to a question put by my hon. Friend for the University the hon. the Law Member made a statement and reiterated it now that he had not made up his mind with reference to that aspect at all. I hope he will make up his mind as soon as this Council passes this Bill, not to advise His Excellency to send back the Bill in any form whatever. There are some provisions in the Bill which to my mind seem to be particularly favourable to the cultivators. I am referring to the provisions in chapters IV, VI and XII. Chapter IV relates to the construction of water-courses. I believe this is a very beneficial chapter. Then I come to chapter VI which relates to the construction and maintenance of irrigation works on special terms. It gives power to construct unremunerative irrigation works on special terms. That, I believe, is a beneficial provision. The next chapter to which I shall refer is chapter XII. This chapter relates to the institution of village unions and boards for the regulation and control of what I may call smaller irrigation works. This

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introduces a democratic element in the administration of matters connected with irrigation and that I believe proceeds on sound lines. I have no desire especially having regard to your instruction, Sir, to go further into the details of the Bill. However, I think I must, before I sit down, say, if I may do so without disrespect, that it is the courage, the patience, the perseverance and the give-and-take policy of my Friend the hon. the Law Member that has enabled him (cheers) to push through the Bill. As I am prohibited from referring to what took place in the Select Committee I would only say that all those hon. Members who were in the Select Committee will appreciate that he gave ample opportunity to the Members of the Select Committee for a free discussion again and again of my statement on all the points that were mooted, and that it was after a considerable and free discussion of all the points that the frame of the Bill took the form it took in the Select Committee. I should say that the hon. Member took a very reasonable and liberal attitude in regard to the amendments. I must congratulate the hon. the Law Member, if I may, on the success which I believe he will be able to attain on taking votes on this motion. I am confident that this motion will be accepted by all."

Mr. S. SATYAMURTI:—"I am afraid I cannot take part in this valedictory entertainment in the usual customary manner. It seems to me, Sir, after the Bill has gone through the various stages it has gone through, all they wanted when they introduced the Bill for the first time? Can the zamindars say that they got all they wanted? Can the ryotwari landholders say that they got all they wanted? Can the ryotwari landholders God alone knows what each one has got. I therefore am very sorry that I cannot join the usual chorus of congratulations which is considered formal and necessary on such occasions and to say 'Oh, what a good piece of legislation we have passed! The Presidency should be very happy. Nobody could have done better.' I feel on the other hand that this Bill is not so because of the very hurry with which the hon. the Law Member would have this Bill passed in spite of the motions for adjournment. He has hustled this House through the various stages at breakneck speed. You will remember, Sir, that after the Select Committee had reported a motion was made by me that it should go back to the Select Committee. It was strongly opposed. But the hon. Law Member admitted later that it was opposed not because the Bill did not require further consideration, but because he thought the House should consider the Bill as it was."

"At a later stage when Mr. Venkatratnam moved a motion on the very solid ground that the legislation had not been published in the languages of the Presidency and that the Bill should therefore be adjourned, that motion was also resisted and was defeated. Now we have got the satisfaction that we have got a Bill. Of course the hon. the Law Member has got what he wanted. I am glad he has got the Bill, but I want to know what he is going to do with it. I congratulate him on his having got it. In his encomiums to the Opposition and the Ministerialists for the support they have given him he has not told us exactly as to what he intends to do with regard to this matter. I say he must have thought about it. He has been

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telling us that this Bill is a very good one and he knows what he is going to do. Of course there is the Governor, he has got reserve powers, he can certify the Bill and he can send it back to this House. But I ask the hon. the Law Member as to what he is going to do with regard to this Bill even if it is passed. I ask every hon. Member of this House whether he is going to allow this Damocles' sword to hang over his head. It seems to me that no self-respecting Member of this House can make himself a party to this. I do ask the hon. the Law Member as to what he is going to do with regard to certain points on which the Government and this House fundamentally differed and about which the hon. the Law Member told us that the Government could not afford to yield. Percolation was one of the matters on which the hon. the Law Member told us that the Government held views which are fundamentally different from those expressed by this House. We have passed certain amendments in connexion with that clause. I am sure the House would like to know whether he is going to accept up the recommendations of this House or whether he is going to invoke the certification powers of the Governor and thus get that clause passed without any amendment. The right of baling out water was another matter on which this House has passed an amendment and we have cast on the Government the liability to supply water free of charge to lands which have been continuously irrigated for ten years. We have also passed the amendment that rule-making power should be subjected to the control of this House. I say these are all capital issues and I am sure the hon. the Law Member was thinking furiously of all these things. He has not told us as to what he is going to do with regard to these things but now he asks us to give our vote for the passing of this Bill. I have no hesitation in saying, Sir, that this legislation has been patched up and has been in the result. I repeat that phrase an ugly compromise."

"Now, Sir, my hon. Friend, the Leader of the Opposition, said that the Law Member said that if this Bill became law all the lands in this Presidency would flow with milk and honey. The hon. the Law Member corrected him and said that he used a hum-drum language—my hon. Friend is undoubtedly modest—but this is what he said: 'Take the great Sangamesevaram scheme. This is in a somewhat inchoate stage, inchoate because His Exalted Highness the Nizam has to consent to certain pourparlers in order to put that scheme into execution. But if we have the means and that scheme is started, what does it mean? It means that it will be possible to traverse the greater part of the southern India, from the Kistna up to the Cooum taking that project through some of the most arid and desolate parts of the Ceded districts so as to make those districts a garden of vegetation instead of being the barren scene of conflicts between officials and famine conditions.' Sir, I ask is this hum-drum language? I say that eloquence cannot go further than this. There are tens, dozens and hundreds of schemes awaiting development and without taking proper steps to develop those schemes to say that this legislation would bring enormous benefit to the country is, it seems to me, talking too high of this Bill."

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I did not say so and I do not propose to say so. I only referred to it in a spirit of banter to what fell from the hon. the Leader of the Opposition."

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Mr. S. SATYAMURTI :—" I do not know anything about the spirit. I am simply pointing out as to whether the language of the hon. the Law Member was hum-drum or eloquent.

" Now, I want to ask the Government what exactly the position is with regard to one matter. We were told that unless we passed the first reading of this Bill, the Government of India who were framing their budget at that time would not make any provision for us. I ask the Government whether they persuaded the Government of India to make any provision for these schemes which they said would mature as soon as this Bill was passed.

" On the general merits of this Bill, I want to say one word. The result of this Bill would be to strengthen the whole bureaucracy, and the irrigation officers who will be appointed under this Act will be a source of perpetual pestilence to the people of this Presidency. Throughout this Bill the majority were shifting, in their votes. I suggest that each amendment was voted, not keeping in view the general purpose which the framers of this Bill had in view or the general conspectus thereof, but the various compromises which had been entered into behind the screen as to whether a particular amendment ought to be voted or not."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I absolutely deny that. I was not a party to any compromise behind the screen. I suggest that such a charge is neither graceful nor called for at this stage."

Mr. S. SATYAMURTI :—" I never said that the hon. the Law Member was a party to any such compromise."

Mr. A. RAMASWAMI MUDALIYAR :—" I want to know whether it is suggested that we on this side of the House voted on each amendment as a result of compromise. If it is stated like that, I deliberately state that that is a misstatement and not a fact. We on this side of the House never entered into any compromise at all. So far as this Bill is concerned, it is not that one side supported and the other side opposed it. In fact on many occasions, there were Members on either side who supported or opposed the Bill."

Mr. S. SATYAMURTI :—" I do not think there were many occasions when Members on either side voted equally.

" I submit, Sir, that this Bill has been thrust on the country, as a result of compromise, and ostentatiously with a view to benefit the people, with various side issues. This Bill is also a taxation measure. There is no time-limit fixed before which the Government can enforce the provisions of this Act.

" The most vital defect in this Bill is that the exclusion of the jurisdiction of the civil courts has been carried to its most logical lengths. In sections, 48, 45, 57, 64 and 77 the jurisdiction of the civil courts has been entirely excluded. I should like to know why there should be this distrust of civil courts.

" The Government so far, as I have said, have not taken the House into confidence. I do hope, Mr. President, you will understand that the position of those of us who feel that they cannot take any part or lot with regard to the further voting on this Bill is that we cannot make ourselves responsible for this Bill as we feel that this Bill is unsatisfactory and it has not met the

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wishes either of the Government or the representatives of the people. With these few words, I beg to conclude that we cannot associate ourselves with the further progress of this Bill."

Mr. GHOUSE MIAN SAHIB :—" On behalf of the Muhammadan Members of this House I beg to associate myself with the remarks that have fallen in regard to this Irrigation Bill. I do wish to join the chorus of compliment that has been paid to the hon. the Law Member for having successfully got through this Bill. Hitherto we do not know any enactment of the kind in this Presidency, and we are having for the first time a Bill of this kind and in this the hon. the Law Member has tried his level best to bring this enactment in a line with other enactments of this kind which are obtaining in other Provinces. I say we have made several departures which are not found in many Acts relating to this matter in other Provinces, and he has given the ryots of this Presidency greater rights than those which are conceded in other enactments. I for my part feel that this is not a matter of ugly compromise. Where is compromise at all in this matter? At first of ugly compromise. When the Bill was referred to a Select Committee, it consisted of about 35 Members and after their report it was again placed before the whole House for its consideration and this House had the benefit of considering over the Bill for over one month. If we consider this aspect of the matter, we can safely say that this is not an ugly compromise. If we take the voting on the amendments into consideration and the fact how Government supported all major and substantial amendments, we cannot call this matter as 'ugly compromise.'

" This is not the result of an ugly compromise. No legislature in the world can afford to take stock of all the difficulties and be thorough. Difficulties will arise in the actual working and I am sure they will be remedied by amending Acts. When the rules are framed under this Act and when they are placed before the Council, then we will see whether they are beneficial to the communities or not. I feel obliged to join the chorus of compliments paid to the hon. the Law Member which is due to him."

S. R. Y. ANKINEDU PRASAD Bahadur :—" Mr. President, Sir, I beg to offer a few remarks on the Bill as amended by the Council.

" While the landholders are thankful to the Government for the small mercies shown to them from time to time by way of concession and accommodation to their wishes in regard to certain minor points, in regard to the main questions which go to the root of their long-established rights, the Government have been adamant and would not budge an inch. The landholding community of this Presidency, with its traditional loyalty and attachment to the Throne, has stood by the Government in the trials and difficulties through which they have passed in recent years. In thus acting, it has often incurred the odium of being unfriendly to popular aims and aspirations. In these circumstances, the landholders expected that the benign Government would accord to them just and generous consideration in matters which concern their vital interests. I regret to say that in this hope they have been greatly disappointed.

" His Excellency the Governor in opening the last session of the Council has graciously stated: 'My Government has been actuated by the idea that it is their duty to respect vested interests as far as possible. . . . It is

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to be hoped that the Council would recognize that the object of the Government has not been to confiscate any private rights.' The hon. the Law Member in the course of the debate on the Bill has more than once given expression to similar sentiments.

"I shall show by examining some of the main provisions of the Bill how far these assurances have been fulfilled.

"The landholders have repeatedly urged the serious embarrassment and injustice likely to be caused to them in the practical administration of their estates by the assumption of control by Government over irrigation works which are wholly situated within estates and which are absolutely at the disposal of the landholders and that such a novel provision has no parallel in any of the Irrigation Acts in force in other Provinces in India. Nevertheless, the present Bill has made no change in this respect and brought them within its scope not merely for the purpose of carrying out new schemes of irrigation but even for the purpose of existing irrigation or drainage works.

"It would be within the recollection of the Council that the main point of attack against the Bill as originally introduced was that in regard to rivers flowing partly within proprietary limits and partly within Government land, the Bill ignored the proprietorship of the landholder over the part of the river within his limits, that it treated even the part within proprietary limits as the property of the Government and that it was therefore confiscatory in its nature. The landholders accordingly insisted upon a river wholly situated within proprietary limits and the part of a river situated within proprietary limits where only a part was within such limits being treated alike, and upon the same procedure being followed in both classes of cases when the Government assumes control over the rivers in public interests.

"While agreeing to this principle in theory, full effect has not been given to it in the various clauses of the Bill as adopted by the Council. In clause 8, sub-clause (a) it is recognized that landholder is the proprietor of the part of the stream within his limits. But it is rendered more or less nugatory by the terms of clause 7 and other clauses relating to appropriation, water-cess, determination and compensation. Clause 7 enables the Local Government to issue a notification without any of the safeguards mentioned in clause 8 in regard to any river or part of a river within an estate from which water is being supplied for irrigation by the Government at the date of the passing of the Act. It will be noticed that the only prerequisite for the exercise of the authority under clause 7 is the supply of water by the Government at some point of the river. The clause enables the Government to declare the entire portion of the river within proprietary limits an irrigation work, provided that in some sense at some point, water is supplied by the Government. The objections to this clause as well as clause 4, sub-clause 5 (e) and the conflict between the two clauses are pointed out in the dissenting minute of the zamindari members appended to the Report of the Select Committee. The expression 'supply' is elastic enough to include even cases where the Government, without incurring any expenditure and without the shadow of a right, has been collecting cess in regard to water taken even from a part of a river within proprietary limits. I may point out that the saving provision in clause 7 that 'upon the notification the Government shall have in respect thereof the rights and powers exercised by them at the date of the passing of the Act' is an illusory safeguard

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inasmuch as the same is brought under clause 4, sub-clause 5 (e) and therefore necessarily attracts all the statutory incidents attaching to an irrigation work.

"Assuming that full effect can be given to the saving clause in clause 7 in spite of the work being brought under the definition of an irrigation work, the clause introduces an indeterminate factor by laying down that the control to be exercised by the Government even after the notification is not to be any the greater than the control up till now exercised and to find out what are the rights or powers exercised we have to embark upon an investigation as to the kind of control legally or illegally exercised up till now.

"Clause 20 dealing with appropriation recognizes the proprietor's right to the extent of the fullest capacity of the channel and of the river where the river is wholly within proprietary limits. But in the case of a channel taking off from a river partly within proprietary limits and partly within Government land, the proprietor's right to the fullest capacity of the channel as on the date of the notification is not conceded, whether the channel existed at the time of the permanent settlement or whether it was a post-settlement channel. In regard to a pre-settlement channel taking off from the part of the river within proprietary limits, the right of the proprietor is no doubt measured with reference to the size of the channel at the time of the notification but for the exercise of that right, a further condition is imposed that the channel must have passed with the grant.

"In regard to a post-settlement channel taking off from a part of a river within the proprietor's limits, the right of the proprietor is under sub-clause (f) to be measured not with reference to the capacity of the channel at the time of the notification but with reference to the largest area irrigated free of cess in any one year prior to the passing of the Act. If the post-settlement channel taking off from the part of the river within proprietary limits came into existence prior to the passing of the Act, the largest area irrigated free of cess prior to the passing of the Act and not prior to the date of the notification is, constituted the measure of the right of the proprietor. If the channel comes into existence subsequent to the passing of the Act, the right of the proprietor is not protected to any extent or to any degree in spite of the fact that the proprietor might have invested a good deal of his capital in the construction of his channel.

"It is difficult to see how this clause is consistent with the recognition of ownership in the proprietor in regard to the part of the river within proprietary limits. Under the law as it stands, the proprietor is not liable for any water-cess in regard to water taken from the river within his limits. His right to take water free of cess is not restricted to the size of the channel at this time or that time and there is nothing to prevent him from widening the channels at any time, due regard being of course had to the rights of lower riparian proprietors. The necessary effect of the appropriation section is to make the use of water taxable under clause 46 in cases where it is not so taxable prior to the issue of the notification.

"By these restrictions the proprietors are deprived of their just rights in their rivers and are prevented from effecting improvements within their estates. For, no sane proprietor invests his own capital to extend irrigation in his estate, lest the extra area brought under irrigation over and above

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the area irrigated prior to the date of the passing of the Act, should be taxed under clause 46.

"Another endeavour on their part that they should be allowed to construct their own projects, provided that they will not interfere with any big scheme or project to be undertaken by the Government for the benefit of the public, has also become frustrated by the Government's strong opposition to it.

"It is said that the appropriation of waters of rivers by means of a channel before the passing of the Act will not be taxed up to the extent of area irrigated free of charge prior to the passing of the Act, and that full effect has been given with regard to the pre-settlement channels in accordance with the Urlam decision. This concession the Council will see, is only a part of the claims of the landholders and will be taken advantage of by such of landholders will not be benefited thereby as they have no such channels. So the concession given to the landholders for the utilization of the water in their estates flowing through channels existing at the time of the settlement is after all not much, if a comparison is instituted with the tremendous loss which they have to sustain by their being prevented from utilizing the waters of rivers within their estates free of cess hereafter. By the impediments imposed as stated above, even surplus water of their estate rivers that wastes itself into the sea, will not be allowed to be utilized free of cess even for the benefit of their ryots. So the House will realize that the landholders have lost many just and reasonable rights in waters flowing through their estates—rights granted to them by the permanent settlement—and subsequently confirmed by the weighty judicial pronouncements thereon.

"Apart from the fact that the main principle conceded in clause 8 (a) is not kept in view in other parts of the Bill, the Bill is also defective in several other particulars.

"Though it is the avowed object of the Government to take control of the *water of a river* and *not over the river*, and not to interfere with the proprietorship of the landholder, excepting for the purposes specifically enumerated in clause 8, clause 8 as it is drafted refers to the assumption of control over the river and not merely over the waters of the river. The Bill as introduced by Sir K. Srinivasa Ayyangar and the Bill as introduced into this Council used the expression 'water of a river' following in this respect the language of the Irrigation Acts of other provinces.

"The clause, as it stands, creates a legitimate apprehension on the part of the landholders that the Government under the guise of an assumption of control for specific purposes wants really to assume proprietorship over the river itself, without at the same time compensating the landholder for the loss or deprivation of his proprietorship (the gong struck). It is regrettable, that the saving clause 19 embodied in the Bill is not comprehensive enough to annul such apprehension.

"Section 46 (2) in so far as it enables the Government to levy a tax on the ground of alleged improvement is a negation of the right conceded under section 20 and is also opposed to the principles of the permanent settlement.

"The appropriation section is rendered illusory by the introduction of the determination and localization sections 63 and 64.

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"After a record of rights with possibly a civil suit questioning the accuracy of the entries in such record of rights, there would be enough certainty as regards the extent of the landholder's rights and it is quite unnecessary to subject a landholder to the further process of determination.

"Determination would seriously curtail a landholder's right in several ways. It would prevent a landholder from making use of the quantity of water to which he is entitled for irrigating a larger extent by economic user or by adopting improved or scientific methods of irrigation. If the conditions of the weather are favourable, a zamindar may irrigate a larger extent of land with the same quantity of water. But if there is determination, he would be prevented from doing so.

"Apart from this, the provision for determination gives the go-bye to the principle of the Urlam decision (40 Madras, 886), which makes the size of the channels and not the extent of land irrigated the measure of the landholder's right.

"As regards shared works, the Government is merely in the position of a co-proprietor and there is no reason why it should dictate to the landholder the extent of land which he may irrigate from the water of such work.

"It is not suggested that the Government had any power of determination prior to this Bill. The Government was proceeding on a wrong view of the law as laid down by the Madras High Court in the Urlam case in 1910, prior to the decision of the Privy Council in the same case in 1917 and was claiming the right to fix the mamul wet area without reference to the capacity of the channels. It is contrary to all principles that the statute should give retrospective validity to the illegal exactions of the Government prior to the date of this Bill.

"The provisions of the Bill in regard to compensation are equally defective and unsatisfactory. Even if for the purpose of extending irrigation in the country it becomes necessary for the Government to take upon itself, under the several provisions of this Bill, control over the natural and artificial sources of irrigation, it is only proper that adequate compensation should be awarded to the several persons whose rights are affected as a consequence of such assumption of control. For instance, the riparian rights of landholders in rivers flowing in their estates have now been fully recognized by the highest tribunals in the country. And though clause 20 circumscribes the rights of landholders to particular quantities of water, provisions ought to have been added to compensate the landholders adequately for the serious loss that they sustain by being deprived of their riparian rights. According to the decisions of the Privy Council riparian rights are rights of property and the loss of such rights is a fit subject for compensation, the compensation not being dependent upon a person having actually exercised those rights but being awardable in respect of the loss which he sustains by being deprived of the power of using the property which in law, is his.

"There may also be other rights, prescriptive, customary or otherwise, which may be seriously affected by the assumption of control by the Government. There should have been a clause providing compensation for the loss or deprivation of such rights.

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"The jurisdiction of civil courts has been curtailed or altogether taken away under clauses 48, 64 and 101. The fundamental principle which should guide the legislature in dealing with questions of jurisdiction is a simple one and admits of being stated in a very short compass. If an officer of the Local Government is clothed with a particular power under the statute, the civil court cannot possibly interfere so long as their acts are *intra vires* and are authorized by the statute. But if the Local Government or the officers concerned outstep the limits of the authority or power conferred upon them or the terms and conditions requisite for the valid exercise of a statutory power are not complied with, the courts must necessarily have jurisdiction to set them right. Whether in a particular case the officer or the Government is acting *intra vires* or not is for the courts to determine and not for the Government or the officers concerned.

"Judged in the light of this principle, the provisions of the Bill in regard to jurisdiction are indefensible. If the liability to water-cess can be contested in a civil court, why should any restriction be imposed as regards the grounds on which such liability can be contested? There may be cases which do not strictly fall under one or other of the grounds mentioned in clause 48. And why should the civil court be prevented from granting relief in such cases?

"The absolute bar imposed by section 64 on the jurisdiction of civil courts in cases of localization is explainable only on one footing, namely, that the Government is anxious that arbitrary acts of its officers in cases of localization should be hidden away from the publicity and scrutiny of civil courts.

"Section 101 in so far as it takes away from civil courts the power of issuing an injunction is most objectionable. If the Government or its officers are acting within their powers no court on earth will issue an injunction. If they are not so acting, then an injunction is the proper and perhaps in some cases the only remedy and it is taken away by this section.

"The consequence of such a provision will be to say the least disastrous and it should be no surprise if the conduct of the Government and its officers turns out in consequence to be arbitrary.

"We put forward several amendments to set right these anomalies and defects in the Bill. But the Government stoutly opposed them and they were lost.

"In these circumstances I feel it my painful duty to record my vote against the motion."

MR. R. SRINIVASA AYYANGAR :—"Mr. President, I give my hearty support to this motion. Let me begin by offering my sincere congratulations to the hon. Member in charge of the Bill. I think it is far more appropriate to call him 'Irrigation Member' than Law Member, for he has successfully piloted the Bill through the Council. Credit is due to him for having achieved something which his illustrious predecessor has failed to achieve. The success in respect of this matter was pre-eminently due to his sweet reasonableness, his spirit of give and take, and his cool chivalrous and sportsmanlike way of taking the defeats. The hon. the Member for the University raised three points in the course of his arguments: Did the Government get all they wanted? did the zamindars get all they wanted? did the ryots get all they wanted? In a matter like this it is impossible to

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satisfy the demands made by all these three classes of persons, in a triangular fight as it were. I am sure as far as possible, as far as circumstances admitted it has been found possible to recognize the claims of these three parties.

"As far as possible their claims have been met though I am free to confess that in one or two points what was granted to them fell far short of the mark. But will that be a proper and adequate reason for us not to accord our support to this Bill? It must be conceded on all hands that the Bill as we are now able to envisage it, comes before us in a proper form and in better attire. It is essentially different from the form which it assumed in March last year when it was placed before this Council. When the first reading took place it contained a number of contentious provisions. Most of the points raised in the course of the discussion were carefully considered and were narrowed down by the Select Committee; and so far as this House is concerned, the points of difference were further narrowed down with the result that they have been reduced to a minimum. It is true as the hon. Member for the University has told us that the jurisdiction of the civil courts has been taken away in many respects. But at the same time it must be stated that the jurisdiction has been retained in certain class of cases. And if, in the course of practical working, it is found that the deprivation of this jurisdiction is wrong and if the Government are satisfied that the provisions must be reconsidered I have no doubt that they will review the position in the light of fresh materials that may be placed before them. I may say, Sir, that this Bill has long been overdue, and is at last about to be placed on the statute book. Hitherto the irrigation branch of law was in a nebulous condition, or to be more accurate, in an obscure and chaotic state with the result that it gave rise to a crop of cases and let the executive have their own time of it. But, hereafter, all the rules that have to be passed by the Local Government will have to be placed before us and will have to obtain the consent and approval of the Legislative Council. Most of the points have been cleared up; and it is but proper that we should give our assent to this measure. And, as one of the Members put it, [the provisions relating to the regimentation of labour have wisely been suppressed, and various other provisions have been inserted which ought to elicit our sympathy and approbation. On the whole, I venture to submit, that there are provisions—I do not want to take much time by cataloguing them all—which are much beneficial to the public. So far as the ryots are concerned, there was a fear that their rights were confiscated. That fear has fallen to the ground, and there are sections like sections 16, 34, 46, 65, 80 and 110 which are of a very progressive character. I have no doubt that in practical working all these provisions are sure to bring much happiness to the people of this province. In conclusion I may say the Bill appears to me to be conceived in the best interests of the province, and the hon. the Law Member may feel proud, and justly proud, of the fact that he is placing on the statute book of this province a measure of far reaching importance which is sure to add to, and substantially improve, the material wealth and prosperity of this province."

MR. B. MUNISWAMI NAYUDU :—"Sir, I also support this motion to pass the Bill. It has been said by the hon. Member for the University that the Bill has been the result of ugly compromises. My complaint against the

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hon. the Law Member, Sir, unfortunately, is that it has not been possible to come to any compromise with him. Sir, three interests have been pre-eminently brought forward in the discussion on this Bill: the Government, the ryots of Government and the zamindars. But the unhappy ryots under the zamindars, who are persons who are the most affected have not been fully considered and any compromise on their behalf has not been effected. And, Sir, it was rather painful to hear the hon. the Law Member say yesterday in opposing the amendment: 'I am accused of having yielded to the zamindars and I cannot do anything further.' I wish the hon. the Law Member had not made that statement but had simply said: 'I have yielded on points where the zamindars did require it and did not in cases where they did not need it.' I don't think that it is from the point of view of the zamindar, i.e., from the point of view of the things that have been conceded to the zamindar, that the Bill has to be looked at. We have to take note of the ryot in zamindaris, who are to be benefited by the irrigation work. The question as to who is to take the cess, the zamindar or the Government, is a question with which the ryots are not very much concerned. They are concerned with the water supplied to them and they are prepared to pay to whosoever is entitled to any levy therefor. Without facing that question, the Government have unfortunately vetoed down proposals intended to benefit the ryots in the fear that if they should yield, it would mean that they had yielded to the zamindars. I only wish that we had that spirit of compromise with which the hon. the Law Member is accused; if that spirit had prevailed the interests of the ryots would have been safeguarded by the proposals which had been thrown down as having been speciously calculated to improve the position of the zamindars.

"Sir, I may bring to the notice of the House an amendment which I gave notice of and which was rejected by your casting vote and the amendment which was moved by my hon. Friend, the Raja of Oshellapalli, which again was negatived. I take it that when the control over waters belonging to the zamindars is to be taken by Government it is mainly on the ground that the larger interests of the private owners have to prevail against the zamindars. If it is for the greatest good of the greatest number, private rights may be given away—that is the principle on which we are acting. If on that principle we have acted now, I say that the other principle had not been kept in view, namely, not to encroach on the rights of these people except where absolutely necessary in the interests of Government. If, Sir, after notification prohibiting the doing of a certain thing or compelling a thing to be done, the Government had laid down the principle that whatever would prejudice what do we find now? We find everything prohibited except with the consent of the Collector. It comes to this that between the ryots of zamindari areas and the ryots of the Government, the Collector who will be more interested in the case of the ryots under Government is to be the arbitrator. I submit, Sir, I certainly feel that the hon. the Law Member has been willing to view the subject with the greatest possible concern so far as these ryots were concerned. But I am sorry that when the thing took shape, any point that was conceded in favour of these ryots was sought to be viewed as a concession to the zamindars. And therefore it was put as three-sixths or five-sixths of the rupee that the zamindar got in consequence of the proposal. It was often said that the zamindar got four-sixteenths of a rupee

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on a day, ten-sixteenths on the next day and so on, the concession used to be calculated. That has been, at any rate, club-talks and I am not sure that such talks had not had their influence in matters discussed in this Council even. I only say that if only the hon. the Law Member had kept this view steadily the ryots in the zamindari area would have been better protected. As it is what has happened? In regard to ryots this may be said. Where the river partly goes through Government area and partly through the zamindari, the zamindari ryots cannot take water hereafter by any new channel or in any way; it may be that they would be entitled to take it after paying cess. But the question will be whether the Collector would allow them to do so even after paying the cess. It is always open to the ryotwari tenant down below to say that it would affect his interests. After all, why should the Collector be given the power to intervene; he would get on without giving anything to the ryots of the zamindar. That is the feeling which I on behalf of these ryots entertain. This is one of the drawbacks in the Bill. I am sure if the Bill is passed and when things become more calm and steady, the hon. the Law Member will feel that the ryots in zamindari areas have not been safeguarded and if he would come forward with a proposal by which their rights would be protected, I would be very happy to accord it my entire support. I am sure however that this important matter has been left out not in any spirit to injure the ryots themselves but owing to the impression that any point on which the hon. Member had yielded to the zamindari ryots would be construed to be as one yielded to the zamindar.

"Therefore, Sir, the scope of the Bill has not been what it ought to be. If in the Bill the relationships between the zamindar and the zamindari ryots had been taken into consideration, it would have been very satisfactory. But that has been relegated to another Bill. When we come to consider that Bill, I hope every attempt will be made to safeguard the interests of these ryots. With these words, I may say, Sir, that the Bill as it is to be passed is a very important measure. I have been connected with it from its very inception. I was one of those who opposed the Bill as introduced by the late Sir K. Srinivasa Ayyangar. I became a convert when the Bill was discussed at the Ootacamund Conference. The reasonable and conciliatory attitude of the hon. the Law Member is well worthy of him and I should be lacking in my appreciation of it if I were to say along with my hon. Friend that there has been an ugly compromise. My complaint on the other hand is that the hon. Member refused to arrive at any compromise, and I therefore hope the House will give its assent to the measure in which if practical difficulties were to arise, I do hope they will be remedied in the best interests of all concerned."

Mr. P. PEDDIRAJU :—"Representing as I do the ryotwari tracts of the deltas of the Godavari and the Kistna, I want to say a few words. In doing so, let me first say that I am thankful to the Government, especially the hon. the Law Member, for allowing a free discussion and for giving free scope for putting any suggestion or any amendment that we liked. With special reference to the delta ryots, I can say that we have tried our best to amend the measure, and so far as the zamindars are concerned, it is not my purpose to deal with their relations with the Government. All that I wish to say is that so far as the section of appropriation is concerned the relations between the zamindar and the Government are not defined and it has been left to endless litigation. I am not concerned with the fact whether more

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rights were given or not. I am only concerned with the language of the section. I may sound a note of warning that the section is not properly worded. Coming then to the sections concerning the ryots, I may draw the hon. the Law Member's attention to the warning given by Diwan Bahadur Rajaratna Mudaliyar when the original Bill was introduced. I say that this Bill is necessary. But at the same time I want the hon. the Law Member and the Chief Engineer to consider the way in which the status of the ryot can be improved by improving the administration of the Public Works Department. The hon. Diwan Bahadur Rajaratna Mudaliyar said: 'before you introduce a statute codifying the irrigation law you will have to improve the way in which you are working the Department of Public Works.' I would also appeal to the hon. the Law Member to find out ways and means of improving the administration of that department. Everyone opposes the Bill so far as the deltas are concerned not because there are any provisions in the Bill which are bad but because you have got a lot of bad officials in the lower rungs of the ladder of the Public Works Department. On behalf of the delta ryot I would appeal to the hon. the Law Member to consider that matter for which in my opinion the only solution is to be found in Chapter XII of this Bill. If irrigation panchayats and irrigation boards are formed, if powers are given to them, and if it is laid down that they should be consulted on important matters, the difficulty may be remedied. I therefore appeal to the hon. the Law Member not to keep that chapter in abeyance but to see that it is given practical effect to as soon as and wherever possible. I am only sorry that the first section in the chapter deals with the case where the Collector is satisfied. I am sorry to say that it is not usual that the Collectors will take it into their heads to institute a panchayat wherever possible.

"Anyhow, I would suggest to the hon. the Law Member to appoint some officer to institute these panchayats wherever possible and remedy the needs. That is my first remark. Then, of course, while congratulating the Council on the view that they have taken on the framing of the rules regarding percolation, I would only suggest again the method. There was some misapprehension or apprehension, I do not know which, that so far as percolation is concerned, the Bill would be referred back. But anyhow what I want to suggest most humbly to the hon. the Law Member is this. If this omission of percolation in the section affects any particular district or any small portion of the Presidency—I know it will not affect the whole Presidency—and if the hon. the Law Member thinks that such a word is necessary, he may bring in a special statute so that percolation may be confined only to that particular area where the Government is already getting a large income and where it is beneficial both to the ryot and to the Government.

"Then, there are one or two matters which I wish to point out. I am sorry that, so far as the liability to repair is concerned, that portion of section 23 was omitted. But anyhow the Government have said that there is a moral liability on their part, and I hope that the hon. the Law Member will see his way that the drains in the deltas are improved. We have been finding fault with the Government for a long time, in fact for the last quarter of a century, that no earnest efforts are being made to improve the drains in the deltas. So, since that sentence is removed from the section, we thought we are again on bad days. Anyhow I appeal to the hon. the Law

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Member to redeem the pledges given so long ago, in fact during the time of Sir Arthur Cotton, to see that the drains in the deltas are repaired at an early date. With these few words I support this motion."

Mr. K. CHAVADI SUBRAHMANYA PILLAI:—"Mr. President, Sir, I think it is my duty to say a few words now. It is no use hiding the fact that while the Bill largely confiscates the private property of zamindars and other landholders it is not even just to the Government ryots and zamindari tenants. There is absolutely no security in the Bill against the *arbitrary* exercise of the power of confiscation of zamindars' private water works and other incidental rights. The Bill has absolutely misled the public by calling confiscation by the name of *taking control*. The so-called notification procedure is only *torture prolonged* and when we hear that safeguards are provided therein against any light-hearted assumption of control under the Act I feel the landholders are only being mocked at. What are those safeguards, Sir? The zamindar or inamdar may object, but the grounds are not stated. Is there any hint in the Bill as to what kind of objections will prevail, what kind or amount of improvement will justify Government taking possession of our works. What quantity of supply of water or what amount of extension of irrigable area will entitle the Government confiscating the proprietors' water works? Apparently, under the Bill, extension or initiation of irrigation by one acre of new land or the prospect of adding a few buckets of water to a tank will be enough excuse for the Government to take hold of the water works of landholders. The one justification for taking control of private water works is providing more water by *connecting* them to a river or lake or reservoir and yet that one all essential basis of the Government's intervention has been rejected. The Bill has barred the zamindars and inamdars increasing their resources by improving their irrigation expressly vouchsafed by the *permanent settlement*. This Bill has shut out that source of increasing their revenue which was covered by an express solemn promise. Not content with that, it is seething with excuses for the Government *appropriating all private tanks* in a few years not to speak of rivers, canals and channels. And the word 'improvement' has not been defined but is left delightfully vague. There is one test about the reasonableness and the true intentions of the Bill. Is there a single Act of the other provinces where for mere improvement private works could be taken possession of by the Government? In Bombay private reservoirs are not taken over by the Government unless the consent of the proprietor is obtained or unless they are acquired. In the other provinces the Government do not control private water works and tanks beyond supplying water to the conveying canals. The most modest amendments tabled in the House have been turned down.

"When the Bill was introduced in this House a list of what may be called *real projects* or schemes was placed on the table of the House to show that the construction of those projects depended upon the passing of this Bill. A reference to those projects shows that large acreages and connexions with a river or lake or reservoir impounding a river were the outstanding, nay the only, features of all attempts at irrigation. And that very feature of irrigation is conspicuous by its absence in the one section which is the *life and soul of this Act*, namely, section 8. The truth is this Bill could have been very much shortened; a simple section that the Government may take immediate possession of water works of landholders at its pleasure would have virtually expressed what many sections are

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now employed to do. Then, apart from other serious hardships to the proprietors, there are equally *serious burdens* laid upon the Government ryots and tenants of zamindars and inamdars. The Government by a side-wind has avoided the statutory recognition of their *legal liability* for damages for not keeping irrigation works in good repair. The hon. the Law Member has relied upon a case reported in 20 Madras Law Journal. That decision is exactly the reason why the Government should have at once acknowledged the legal, moral and political mistake of that decision and should have left intact the words imposing that liability. Is it not the legal duty of the Government to make good the loss caused to the cultivator by the Government not keeping the irrigation works in good repair, especially as is almost always the case, when the ryot has expended money and labour in reclaiming, levelling, raising or lowering the level of his fields and making them fit for wet cultivation. Then in the preparation of record of rights and in certain other matters 20 years and 10 years cultivation as irrigated area is required to be shown. How are poor ryots to prove what cannot be proved without the Government preserving records for twenty years is for this House to consider. I sincerely think that the Bill has very unnecessarily violated the *permanent settlement* and trampled upon the rights of Government ryots and zamindari tenants and I hope the Government will see fit to amend the Bill soon after its passing."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, at this stage it is not possible to have a retrospect of the various provisions of the Bill and it would not have been necessary for me to speak but for some suggestions made that we have given our assent to a hasty piece of legislation at this the end of our labours. I feel that if there is any charge which we cannot plead guilty to it is that we are parties to any hasty piece of legislation. The first attempts at enacting an irrigation law were made about 17 years ago, and after various unsuccessful attempts made in this matter, I think it is not safe for us to think that we have been hasty in legislating upon this important question. It will be remembered that in 1922 when the Bill was introduced, we rejected it at the first reading. It then became necessary for the Government to summon a conference of various persons and as a result of their deliberations, to bring forward a Bill with some amendments. I must confess that in bringing forward that Bill they did not truly and faithfully discharge the trust which lay on them to carry out the recommendations of that committee, or conference. But whatever it is, that Bill was introduced and we allowed it to go through the Council. It cannot be of on the other side of the House in getting through the various clauses of the Bill. As much time as possible was given to the consideration of each clause, and after the Bill came back to this House various amendments were moved and fully discussed. I have not made a calculation, Sir, but I believe even motions of closure were very rarely made. So far as I am able to recollect, I am not sure if there were any motions for closure; and if there were, they were very few indeed. I am mentioning this to show that even after the elaborate discussions in the Select Committee and even after we had considered hundreds of amendments to the various clauses in committee, we were given sufficient time to consider various other amendments to the clauses in the third reading, for those amendments which could only be moved at the second reading were also considered by this

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House now. It is therefore quite safe to come to the conclusion that whatever defects there are in the Bill, they cannot be said to be due either to want of attention or want of devotion to the various considerations which should guide us in our conclusions. I agree with the hon. Member for the University and several others that have spoken to-day that there are various defects in the Bill and that it has not satisfied either the landholders or the Government or the ryots or ryotwari landholders. I would have been surprised if these provisions had completely satisfied either of these parties (Hear, hear!) If this Bill had satisfied completely either the Government or the landholders or any other class of persons, I would have thought that there was something wrong in the Bill, as such sort of a Bill cannot be brought out, because I feel that there are really conflicting interests; and while there are conflicting interests, it would be suicidal indeed if the interests of the Government alone are supported on one side or the interests of the landholders alone are supported on the other, or the interests of the ryots or the ryotwari proprietors alone are supported. In so far as there are conflicting interests, let it be remembered that differences are inevitable, conflicts exist, and dissatisfaction must also be expected as a result. If we make allowances for this circumstance, we have reason to be satisfied that on the whole, the Bill has gone sufficiently far to satisfy the just expectations of all the classes of persons concerned. And I am glad that my hon. Friend the Leader of the Opposition, who more than any one else and in some cases even more vigorously than some of the representatives of the zamindars has fought the case of the zamindars, has given expression to the sentiment that it has satisfied the reasonable expectations of the landholders (hear hear!). I may emphasize that statement because I believe that he, having as vehemently and vigorously as possible pressed forward several amendments to safeguard the interests of the landholders at the second reading—even at the third reading of the Bill yesterday he successfully pressed forward amendments which would certainly improve the position of the landholders. He has frankly said that it has satisfied the reasonable expectations of landholders. That being his statement, I would go further and ask if the ryotwari landholders can say that to a reasonable extent their expectations have not been satisfied. I am quite alive to the fact that if possible we would like to get more benefits or privileges, and if possible we would like to deprive the bureaucracy of so many powers which it possesses, but the first question for our consideration is whether the existing rights of any class of persons have been taken away. I would only ask this House to look at it from that standpoint. It is not from the standpoint as to whether any new rights which we wish to have, have been conferred or not. I confess they have not been conferred. But if the Bill has taken away the existing rights of any class of persons then and only then the Bill deserved to be condemned and we should reject it. Having said so much about some of the provisions of this Bill, I wish to point out that I would certainly have joined those who would fight for the rejection of this Bill if only I have reasons to think that Government would not discharge their obligation of carrying forward that irrigation projects in this country. If in 1922 this Council rejected this Bill it was because there was a strong feeling in the minds of several of us that the Government notwithstanding several years of administration have not done justice to the various irrigation schemes which have been started and pushed through in the Presidency. It was owing to a feeling that the Government by this Bill were trying to get more powers at the same time

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coming forward with an elaborate policy of carrying out irrigation projects, that we rejected that Bill. It was this fear that was existing in the minds of several of us who voted for the rejection of that Bill in 1922, at that stage. If the next year we allowed the introduction of this Bill and if to-day we are prepared to pass it into law, it is with the hope that the Government will realize that so far they have not done justice in the matter of carrying on irrigation projects in this country. Now, they have got the Bill, the absence of which they were putting forward as an excuse for not carrying out irrigation projects.

"If to-morrow we find that the Government are satisfied with the Bill and the powers they have secured thereunder for the Irrigation officers but fail to do anything substantial to carry on irrigation projects we will deem it to be our duty to bring in special legislation for that purpose. If this Bill deserves any credit it will only be when new irrigation projects are carried out and improvements to the existing works are effected. If on the other hand they are going to allow things to go on as usual, without having irrigation survey parties throughout the Presidency, God knows what with all these provisions they will be able to do in the years to come. If they are sincere in their attempts to push through irrigation projects there is no use of waiting for some officer discovering some new method. They should have a comprehensive survey by several irrigation survey parties and push through the projects as soon as possible. If they do it without allowing things to have their own course, if they will bear in mind the ultimate purpose of this measure I think as the hon. Member for the University said the Government would have fulfilled its promise. It is for these reasons that I vote for the passing of this Bill into law. If it be found that the Government have not fulfilled the trust it will be the duty of this Council or the future Council to see that this Act is annulled."

Mr. A. RAMASWAMI MUDALIYAR :—"In rising to support the third reading of this Bill I desire, though at this late hour, to make a few observations in connexion with the extraordinary attitude of the hon. Member for University during the consideration of the Bill. The hon. Member stated that the Bill was an attempt to tighten the grip over the landholders. I ask in all seriousness what steps he has taken to see that that grip is not tight. I went into the whole of the agenda very carefully and found that the hon. and learned Friend, the Member for the University, has been responsible for not more than half a dozen amendments. If those were the only amendments that my hon. Friend considered necessary in the interests of the ryots, if those were the only amendments that would safeguard the interests of the ryots, then all I can say is that the grip of the Government has been lightened as two or three of them were passed in some shape or other by the House. How is it then that he levels a charge not against the Government but against the whole House that it has allowed the interests of the ryots to be tightened by the grip of the Government? It is one of those light-hearted statements and it is a reflection—a serious reflection—not only on those who sit on this side of the House but on those who sit on the other side, who, according to the hon. Member for the University, are the persons really interested in the ryots, that we have tightened the grip of the Government over the ryots of the Presidency. The hon. Member is under some sort of confusion over this matter. There has been a good deal

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of talk in the Legislative Council and outside, and there has been a good deal of confusion over the fact that there has been some compromise. I am not here to discuss whether it is an ugly compromise or a fair compromise, but I ask is it not for arriving at compromises that all legislation is undertaken in any legislative assembly? Do we expect the Treasury Bench to be so stiff-necked as to stand only by the measure proposed, to refuse to consider any single amendment and say, 'Here is a measure you should accept and pass. We are not going to modify an inch in the matter or accept any amendment'? I do not know what the future will be if members belonging to the party to which the hon. and learned Member for the University belongs, develop at the next stage of political development their present attitude into one of obstruction from within the Cabinet, from within the Treasury Bench, as I am sure . . ."

Mr. S. SATYAMURTI :—"May I ask how my hon. Friend comes to know so much of the ordinary politics of my party and what authority he has got for the statement he has made?"

Mr. A. RAMASWAMI MUDALIYAR :—"There is no time for such things now. I can very easily answer that. I am satisfied and I hope the hon. Member for the University will be satisfied if I state that I have got information, very reliable information, from the leaders of his own party. If he wants, I am prepared to give him the information but I take it that he does not want it."

Mr. S. SATYAMURTI :—"Because my hon. Friend is attacking people who are not members of this Council and who are leaders of my party, I ask him to give the names and the authority on which he makes the statement."

Diwan Bahadur P. KESAVA PILLAI :—"May I rise to a point of order, Sir? We are within a measurable distance of closure and some of us are anxious to say a few words on the Bill. I think my hon. Friends Mr. Ramaswami Mudaliyar and Mr. Satyamurti might content themselves with reserving all these fights for a subsequent meeting."

Mr. A. RAMASWAMI MUDALIYAR :—"At this stage the Deputy President has taken away one minute from my time. I do not want to go further into that matter. I was only referring to the leaders of his party and not levelling an attack."

Mr. J. A. SALDANHA :—"There is only one leader in the party."

Mr. A. RAMASWAMI MUDALIYAR :—"Mr. Saldanha has so recently been in his party that he does not know what is taking place. But that is neither here nor there. Now, Sir, I suggest that it will be intolerable if any member of the Treasury Bench takes up a position like this: 'Here is a Bill which has been introduced; every clause of it is sacrosanct; every clause of it will have to be passed without amendment and no interest should venture to make any amendment'. That is not the position which I would expect any responsible member of the Treasury Bench, either on the Transferred or the Reserved half, to take. The Deputy President is anxious to give us his contribution to this debate and I venture to conclude my remarks by saying that the hon. the Law Member has taken up the right and the correct attitude on this question. The hon. the Law Member and I are not generally supposed to be of the same opinion in

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political matters, at least in the days before he occupied his place on the Treasury Bench (hear, hear). When he was a party politician we certainly were not on the same side in politics. But that does not prevent me from paying my generous and handsome contribution of praise to the way in which he has facilitated discussion on this matter. We have, as has been observed, been able to make very vital amendments to this measure and it is owing to his attitude in this matter and the conciliatory spirit that he has shown that we have been able to achieve so much. I am not one of those who like the hon. and the learned Member for the University find fault with the hon. the Law Member because he has been conciliatory."

Mr. J. A. SALDANHA :—"So many egoisms in almost every sentence, Sir?"

Mr. A. RAMASWAMI MUDALIYAR :—"I decline to take any note of what the hon. Member says. (Cries of order, order.) I treat what the hon. Member in the front bench says with the contempt it deserves."

Mr. S. SATYAMURTI :—"I ask you to say, Sir, whether it is open to any member to say with reference to another member, 'I treat him with the contempt he deserves'."

Mr. P. ANJANEYULU :—"We protest against the language, that another member would be treated with contempt."

(Cries of "Withdraw")

Mr. A. RAMASWAMI MUDALIYAR :—"Hon. Members may say what they please."

Mr. J. A. SALDANHA :—"We are not in a refreshment room, Sir. I want to know whether such an expression can be allowed here."

Mr. A. RAMASWAMI MUDALIYAR :—"I think it is only due in fairness to the Deputy President that I should conclude."

Diwan Bahadur P. KESAVA PILLAI :—"I thank Mr. Ramaswami Mudaliyar for the kind consideration he has shown. I want to thank the hon. Member for Irrigation for having introduced this Bill and carried it through successfully, for the reason that I come from a district which has been suffering from famine always. I believe that the hon. the Law Member will keep up his promise, and under this Bill will borrow largely and undertake big irrigation works which will make gardens of the Ceded districts. In that hope and in that faith I give my hearty support to the Bill."

The motion was put and carried and the Bill was passed into law.

VIII

THE MADRAS SURVEY AND BOUNDARIES ACT, 1923 (VALIDATION) BILL.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I beg to introduce a Bill to remove all doubts as to the validity of the Madras Survey and Boundaries Act of 1923. The reasons which have led to the introduction of this measure into the House have been sufficiently explained in the Statement of Objects and Reasons. It may practically be said that the error which crept into the Act which received the assent of His Excellency the Governor and the Governor-General was due more to a clerical

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error. The Act as passed by this House differs slightly from the Act which received the assent of His Excellency the Governor and His Excellency the Viceroy. It is now the purpose of this Bill to attach the assent of both His Excellency the Governor and His Excellency the Governor-General to the measure as passed by the House and not to the incorrect incorporation of a particular clause in the Act which actually received the assent."

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The motion was put and carried.

The Secretary then read the title of the Bill.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"For the reasons which I have already mentioned, as this measure is of a non-contentious nature, I beg to move that the Bill be not referred to a Select Committee."

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The motion was put and carried.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I therefore beg to move, Sir, that you will be pleased to suspend Standing Order No. 39."

The hon. the PRESIDENT :—"I suspend the operation of the Standing Order."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I beg to move that the Bill be taken into consideration at once."

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The motion was put and carried and the Bill was taken into consideration.

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB :—"I beg to move that the Bill be passed into law."

The hon. Mr. C. P. Ramaswami Ayyar seconded the motion.

The motion was put and carried and the Bill was passed into law.

IX

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE REGARDING DINDIGUL MUNICIPALITY.

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, Sir, I move that the House be adjourned to consider a matter of urgent public importance, viz., the withdrawal by the Government of the privilege of electing its chairman from the Municipality of Dindigul."

"A statement was made in this House two days ago specifying the grounds on which the Municipality of Dindigul is deprived of its right of electing its chairman. The grounds mentioned in the statement are that there are strong factions in the municipal council, that the municipal councillors behaved in a disorderly manner, that the municipal council subjected public interests to personal prejudices and so on. It is also stated that the municipal council was asked to state its opinion regarding the deprivation of this right of franchise, that it was equally divided on the subject and that it was only by the casting vote of the chairman that it decided

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in favour of the retention of the power of electing its chairman. We have to examine all the grounds and see how far Government is justified in taking the drastic action it has taken. I may be permitted in this connexion to draw a distinction between the Municipal Act and the Local Boards Act. The Municipal Act was passed in the latter part of the year 1919 or the early part of the year 1920; whereas the Local Boards Act was passed just about the advent of the Reforms. A liberal spirit prevailed in the framing of the Local Boards Act as compared with the Municipalities Act. In the case of the Municipal Act, Government kept to itself the power of taking away the elective franchise from the municipality whereas in the case of local bodies this franchise is not to be taken away. I think the power which is vested in the Government should be exercised very cautiously; and we have to examine whether this power has been exercised in this case in a right spirit and what ought to have been the steps which the Government should have taken even supposing that all the facts stated in this case really existed.

"In the first place, it is stated that there was a strong factious spirit in the council. My first question will be, when did this factious spirit arise? Is it a long standing one? Has it been the character of the council in all its transactions, or has it been so only in connexion with any particular matter? If this factious spirit did exist at all, how long has it been in existence? As far as we are concerned, we are not able to see that it has been existing for a long time. It may be that Government may be in possession of the information that it has been in existence for a long number of years. But as far as the public are concerned, it is said that this factious spirit centres round the election of its chairman. I believe in all seriousness that in all elections of chairmen or the presidents, there will be a division and the mere division cannot be said to be due to a factious spirit. In this case it is said that previous to the year 1921, the municipality was under the chairmanship of one individual for a period of ten years and that the Government pronounced high encomiums regarding the capacity and efficiency of the municipality as well as of its chairman. But after the retirement of that particular gentleman, one Mr. Ramaswami Nayudu was elected as the chairman, about the year 1920, and even during the period of his tenure as chairman, there was some dissatisfaction among the members of the municipal council and an informal discussion of a censure motion took place, though it was put off on the ground that there was not any formal motion for discussion. Apart from this, it is a fact that his administration was not acceptable to a certain section of the municipal council. After the expiry of his term of office as chairman, he stood for election again and—it is alleged by the other side—he precipitated the election. He got himself elected as a member but his election was disputed, and the matter went to court. The first court decided that his election was not properly conducted and set aside the election. He preferred a revision petition to the High Court. During the pendency of this petition he was nominated as a member of the municipality. Here it is stated that an extraordinary step has been taken by Mr. Hall, the District Collector. A gentleman of the depressed classes who was nominated member of the council and whose term of office had yet to expire resigned or was made to resign. It is immaterial for us whether he was made to resign or he himself resigned. But the fact of his resignation before the expiry of his term

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of office is there. A further question arose whether this resignation was actually placed in the hands of the municipal chairman and whether the fact of his resignation was communicated to the District Collector. Of course, these are all very minor points. But it appears that the nomination of Mr. Ramaswami Nayudu was made known to the Government by the District Collector by a telegraphic communication. I am not able to understand why there should have been such a hasty communication. He was nominated and immediately after his nomination, the election of the chairman took place. One Mr. Ayyar was elected as chairman of the council and it is stated that that gentleman did not want to continue as chairman and he resigned. Whether his resignation was actually placed before the council and whether the council was given intimation of that fact, are questions which are disputed. On account of this resignation, notice was circulated for a meeting for the purpose of electing another chairman and this was to take place on the 16th of May. There was some disorderly behaviour, it is said, on the part of some of the members of the council, and one party says that it was on the part of Mr. Ramaswami Nayudu and his friends. That meeting had to be adjourned to the 19th and even on that day the meeting could not be conducted properly and had to be adjourned *sine die*. Then a meeting was convened on the 21st of May and at this meeting, I understand, Government gave instructions to the local authorities to maintain peace and order. The Divisional Officer issued an order to the effect that none except the municipal councillor and Mr. Ponnuswami Nayudu, our worthy colleague, should be present at the meeting. I also understand that the hon. Member, Mr. Ponnuswami Nayudu, is not a member of the municipal council. But nevertheless he was allowed to attend the meeting and no other member of the public was allowed to attend.

"One of the main grievances of the faction is that partiality is shown by the Revenue authorities who issued the order to Mr. Ponnuswami Nayudu. This Council has to take into consideration the question whether the Revenue authorities took sides in the matter of nomination and in the matter of allowing the public to be present at the meeting, and so on.

"A Member of this House has got certain rights in this House, but he cannot attend an outside meeting and claim to exercise the privileges that may belong to him as a member of this House. As soon as he goes out of this House, he is a public man like any other, and he cannot take with him the privileges of this House.

"Now, on the 21st, it was further said that one member of the municipal council who belongs, I believe, to the party of the elected chairman and whose name was gazetted two or three days previous to that date, was sent away by the Divisional Officer from the meeting of the Council on the ground that he was not properly elected or properly gazetted. I think under the present Election Rules, the Act does not vest any right in the Revenue Divisional Officer to enter into the propriety or otherwise of the election of a member. That is a matter for the Civil courts to settle. This is an extraordinary fact that has to be taken into consideration. Now, one gentleman was elected as chairman. Then it appears questions arose as to whether the previous person was the proper chairman or whether the newly-elected gentleman was the chairman. The Collector of the district refused to take

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notice of this election. There was correspondence with the Government. Government advised the newly-elected chairman to have his right as chairman declared in a Civil Court. He instituted a suit and obtained a temporary injunction that he should be recognised as the duly elected chairman of the municipal council. Well, all this took place at about the first or second week of July. Immediately after the issue of the injunction by the Civil Court that the newly-elected chairman should continue in office pending the disposal of the suit, Government have issued a Government Order to the municipal council expressing the desirability of depriving it of the right to elect its chairman. And the chairman applied to the Government to communicate the grounds on which they wanted to deprive the municipal council of its right to elect its chairman. But the Government did not consider it necessary to furnish the grounds."

The hon. the RAJA OF PANAGAL :—"The grounds were published in the notice given to the municipal council."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I thank the hon. Minister for the correction. I think what the council or the chairman wanted was the letter or the communication that was received by the Government from the Collector or any other persons and the grounds for their action. The Government refused to furnish or did not furnish that information. They only said 'You had better obtain the views of the municipal council and communicate to me'. What has happened? Immediately after the receipt of the second Government Order, as a loyal chairman, the chairman placed the communications of the Government before the municipal council. The council was attended by eighteen members; and one of the members that attended the meeting was, I think, the Revenue Divisional Officer. He refrained from voting, but the others voted. Eight voted for the election franchise and eight for the deprivation of the franchise. Then the chairman gave his casting vote. The Revenue Divisional Officer, who is expected to hold the scales even, remained neutral."

The hon. the RAJA OF PANAGAL :—"May I point out, Sir, that seventeen members attended the meeting of which one was the Revenue Divisional Officer who remained neutral? Of the other sixteen, eight voted on the one side and eight on the other."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Thanks for the correction. Now we have to judge the conduct of the chairman there. What is the general formula which the chairman is expected to adopt? It is to maintain the *status quo ante*. As a reasonable gentleman he exercised his vote in the normal manner in which he is expected to conduct himself. He said 'Here is an equal division of votes and I give my casting vote in favour of the *status quo ante*'. The result was duly communicated to the Government. It reached Government about the end of August and Government took three months for the consideration of the matter. What was it the Government expected during these three months? I think they are justified in taking two to three months to see how the council is conducting its affairs, whether there is any faction in the municipal council or whether there is any disorderly conduct at the meetings. I believe Government examined this point. If they did not, the blame rests with them. I think about nine meetings of the council were conducted even prior to the discussion of this resolution

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From the 29th May 1924 till 19th August 1924 before the issue of the Government Order, when the meetings were conducted, what was the evidence that the Government got? Was any deadlock created or was there any thing to show that the affairs of the municipality suffered on account of factious spirit? After all, even in the case of an elected chairman, we cannot expect the factious spirit to be completely absent in the council. It is true that some persons wanted to put one particular gentleman in the chair; their object was defeated. I was told that his name was not even proposed. That only shows what popularity he was able to command from the municipal council. If he was confident of his own popularity we would have expected him to go through the election in a straightforward, honest manner. Under these circumstances, are we to be surprised that he was not elected as chairman? The grounds which the Government allege are that the councillors are factious, and their conduct of the council is disorderly. Who is to be punished for it? My submission, is, if really from the information in their possession Government are driven to the conclusion that the conduct of the municipal council was not orderly—as far as I can see from the information available to the public there was nothing wrong in the conduct of the councillors—what is the step they are expected to take? They ought to have dissolved the council. Here it is an allegation against the councillors; it has nothing to do with the chairman. In the case of a dissolution of the council, the conclusion we should draw is that the existing councillors are not acceptable to the Government. Government can give a chance to the electorate to correct the councillors by not returning them. Why was not such a thing done? If the electorate think that their representatives in the council are not behaving in a manner that is proper and desirable they can chuck out such men as are disorderly. They may be the followers of Mr. Ramaswami Nayudu, they may be the followers of the other successful chairman. We have nothing to do with it. We expect that in all cases of municipal administration the correction should come not from the bureaucrats but from the electorate itself. If even after giving the chance to the electorate to set things right, Government find things have not improved, then they may resort to the extraordinary step which they have now taken. They have got the Inspector of Local Boards. Was he sent to Dindigul? Was he asked to examine into the question of disorderly behaviour? The idea of having an Inspector of Local Bodies must be to rectify such defects by advice or by other means. My submission is this. Did Government take any step to ascertain the real nature of the factious spirit and satisfy themselves whether the factious spirit existed only so far as the election was concerned or it went beyond that and interfered with the normal administration of the municipal council?

"My submission is that in all cases where there is a strong contest for the place of chairman there is no justification for calling it a faction. I do not think you can have a convention of nominating the chairman of a municipality when there is contest for it. I do not know anything about the locality myself. I only went through the list showing the names of members who voted for and against the motion demanding right of election. I do not know the conditions of the locality. But I found this much from the list. Among those who have voted one way I find the names of members belonging to various communities, and on the other side I find only the one community that goes by the name of

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non-Brahman, including Muhammadans. Non-Brahmans according to the definition of some hon. Members include every community except the Brahman." (Mr. A. Ramaswami Mudaliyar: "Hear, hear").

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"What about the speaker?" (Laughter).

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I think the speaker always claims to be a super-Brahman. Sir, now coming to the subject on hand, my submission is that the Government have taken a hasty step and a wrong step. If really the circumstances justified it they ought to have taken the course of dissolving the council and given the electorate an opportunity of rectifying its mistake, if any. Even if the affairs of the municipal council, in the opinion of the Government, are not carried on in a desirable manner, they should not have resorted to this extraordinary course. I was told that in one of the minutes of the majority it was suggested that the better course was to dissolve the municipal council and not deprive it of its right. I want to know the reasons why the Government have not taken the other step suggested. Moreover, there is the suit instituted by the chairman as to the legality of his election and it is still pending. Having waited for three months, why should not the Government wait till the result of the suit is known?"

Dr. P. SUBBARAYAN:—"I rise to second the motion proposed by my hon. Friend. Mr. President, I think the facts of the case have been given out by him. I think the only step the Government could have taken, if they thought it necessary, was to give the electorate a chance by dissolving the municipal council and having re-election ordered for all the wards in the municipality. The action of the Government in this matter, Mr. President, reminds me of what Cromwell did when he went into the House of Commons and dissolved the Parliament altogether. It reminds me of mediæval times when the men in power who found a body against their wishes simply dissolved Parliament in order that they could have their own way. If they really thought that the municipality was factious and was not looking after the interests of the civic population of Dindigul, the right course for the hon. the Minister would have been to dissolve the council. I hold, Sir, that in these days when we are talking of self-government, we should understand that our self-government should develop from self-government in the villages as, for instance, from bodies like the municipal council of Dindigul. If we who stand here for self-government are, by a single stroke of the pen, to take away the rights of municipal bodies, I do not know where it will lead to. I therefore second the motion."

Mr. P. ANJANEYULU:—"May I know, Sir, for how long this municipality has been enjoying this elective right?" (Voices: for 40 years.)

The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, the motion having been made on this occasion, am I to say that I am glad because I have an opportunity to explain the position of the Government or, am I to say that I am sorry because I have to allude to some of the unhappy performances of the municipal council of Dindigul? Sir, in either alternative I am bound to express my sense of gratitude to the Leader of the Opposition who has considerably lightened my task by giving a detailed history of the recent phase of the municipal administration at Dindigul. Sir, the municipal council of Dindigul is an old institution, in fact, it is one of the

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oldest municipal councils in this Presidency. All along it has had smooth-sailing. But now the old ship finds its voyage disturbed—catastrophically disturbed. Now, the hon. Mover has himself stated how it has suffered efficiency and reputation. There has not been a meeting in which there were not scenes of a deplorable variety. Every subject upon which the council has had to take a decision has been the subject of manipulation by factions. Factious spirit has been prevailing to a most undesirable extent. In these circumstances, Sir, the Collector recommended that the council should either be dissolved or its chairman nominated. Of the two courses suggested, the Government thought the less drastic course will be to nominate a chairman. Because, if the Government nominated a chairman, they could, if they found the ship again sailing smoothly, restore the privilege to the council in a few months' time. Even now, Sir, on behalf of the Government I am prepared to assure the municipal council of Dindigul that if the council gets on well for a few months, we will restore to the council the privilege of electing its chairman. (Hear, hear.) Sir, I cannot understand why my hon. Friend opposite made a more drastic recommendation. Suppose, for a moment the Government were to resort to that remedy, then the very Opposition would have come forward with a motion that we have been unnecessarily more drastic than the exigencies of the occasion required. My hon. Friend behind the Leader of the Opposition (Dr. Subbarayan) compared my action to Cromwell's dissolution of Parliament. Surely if I were to dissolve the council the comparison would have been warranted and I would have had the credit of being another Cromwell. (Laughter.) Mr. President, I detest allusion to the various ill-becoming performances of the municipal council referred to in my prefatory remarks. One instance is enough to convince the Council that the municipal council has not been behaving in a proper manner. The question of certain encroachment by a certain club came up before the council and the council decided upon imposing a penalty of Rs. 576 for a couple of months' occupation of a bit of land by the club, the council itself having previously decided that the club might occupy the main part of the land. They inflicted this punishment upon the club because it did not please a certain section of the council. I am very sorry, Sir, I have to allude to this instance. I do so only because it is my duty to inform hon. Members as to how the affairs of the council were being conducted. Sir, I do not think I need take up more time of the House. I have already assured that if the council behaves properly the privilege of electing its chairman will be restored to it."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"May I know the date of the resolution imposing this penalty upon the club?"

The hon. the RAJA OF PANAGAL:—"It was in the course of this year."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Was it after the nomination of the present chairman?"

The hon. the RAJA OF PANAGAL:—"No, it was before the nomination of the present chairman. It was in March this year. In these circumstances, Sir, I am sure the Government are perfectly justified in taking the step they have taken."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Only one circumstance?"

The hon. the RAJA OF PANAGAL:—"Does the hon. Member want more?"

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Rao Bahadur C. V. S. NARASIMHA RAJU:—"Yes."

The hon. the RAJA OF PANAGAL:—"If I did not refer to other instances. I did not want to allow the reputation of the Dindigul municipality to suffer. Sir, since the hon. Member wants more instances, I am constrained to refer to another instance. The records of the municipal council have been tampered with."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"By whom?"

The hon. the RAJA OF PANAGAL:—"By the officiating chairman and I may also add that the case is now under the consideration of the Government. The Government intend taking steps to prosecute the man. In these circumstances, I have no doubt that the House would agree with me in thinking that the step the Government have taken is a step taken in the right direction."

Mr. S. SATYAMURTI:—"The hon. the Minister for Local Self-Government has made just one of those speeches which while it shows that he is willing to wound, he is afraid to strike. He has just given us a lurid picture of the great sins of commission and omission of the Dindigul municipal council and told us that it deserved nothing better. In fact, he went further and said that he has been very considerate to the council in that he did not dissolve it. I admire his democratic principles. He has not dissolved the council. He has only deprived it of the privilege of electing its chairman."

"Now, when we analyse the grounds on which this municipal council has been deprived of the privilege, we shall presently find that there are absolutely no substantial grounds whatever to do so. But I should like to premise my remarks by saying that the burden of proof lies very heavily indeed on the hon. the Minister for Local Self-Government to prove that this council deserves to be deprived of the right of electing its chairman. Really, what are we here for? The hon. the Minister is in his place and the Local Self-Government portfolio is in his hands, not as the nominee of the Government but as the elected representative of the people. It is up to him to so help the development of Local Self-Government in our province in order that he may be able to say when the time comes for him to lay down his office that he has done nothing to stop progress, but everything to help progress. Can he claim that by taking this very drastic step which, I would assure him, no Member of the reserved half would have the courage to take?"

The hon. the RAJA OF PANAGAL:—"May I know from the speaker whether I should have taken the more drastic step suggested by the hon. Member who spoke before him?"

Mr. S. SATYAMURTI:—"I am not in the habit of offering advice gratis."

3-15 p.m. If all the papers are sent to me, I shall advise him as to the course of action he should take. Meantime I am simply asking him to consider whether, as a popular Minister responsible to the Government and to the vast majority of the people of this Presidency, he is really developing the cause of Local Self-Government by taking this drastic step. I make a present of this to the hon. the Chief Minister and I am sure no Member sitting on the other half of the bench in which he is now sitting will take such a drastic step. Of course I know the mentality of the Members on the Treasury Bench and they will come round and say 'we are Ministers and therefore we can do what we like'. I want the hon. the

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Chief Minister to consider that even in the pre-Reform days this thing would not have been done. Is it because that the hon. the Chief Minister considers that he has behind him the majority vote of his party that he has taken such a drastic step? I do appeal to him to rise above all these considerations and not to be deceived by a party vote of his, but to do something which any responsible and popular Minister would do for his country.

"Now let us look at the charges made against this municipality. In the appendix to the Government Order they say they withdrew the privilege on the ground that the council was divided by very strong factions. May I ask how many factions are there? Since when have those factions come into existence? Have the councillors behaved in a disorderly manner in the meetings? Sir, I do not want to draw comparisons which are odious. Occasionally disorderliness prevails everywhere. It is not the monopoly of members of municipal councils alone. Even in the Mother of Parliaments, as you know, Mr. President, there was disorderliness in their proceedings and it has not occurred to any Minister there to suggest the dissolution of Parliament. To say that one has subjected public interests to personal prejudices is, I think, a great charge to make. I think the Government should show some substantial cause for taking this step and I challenge them to state one or two definite instances to show how the municipal councillors subjected public interests to personal prejudices. The hon. the Chief Minister has conceded in his speech that this municipality is one of the oldest municipalities and has enjoyed this privilege of electing its chairman for a very long time. If this has been the position, I say that the hon. the Minister for Local Self-Government will go down to posterity as a man who has deprived one of the oldest municipalities of the privilege of electing its chairman on the ground that there was disorderliness in the meetings and there were factions among the members. About the election of the chairman it has been pointed out that the election was mainly in regard to who ought to be the chairman of the municipality. As the hon. the Leader of the Opposition has pointed out, when election in important places comes, there is certainly strong partisan feeling. If it is not possible even in a House like this to conduct the proceedings in an orderly manner, I ask the hon. the Chief Minister, how is it possible to conduct the meetings of municipal councils in that smooth way especially on the eve of election time and when there are strong personalities and factions involved in it? It seems to me that unless we want to repress all development of real democracy we must face some of these factions and must only trust to the good sense of the majority of the members to put down those factions. Then, Sir, my hon. Friend, the Minister for Local Self-Government, stated that meetings could not be conducted because there were factions and the members behaved in a disorderly manner. As regards that point I want to bring this fact to the notice of the House, viz., 'that as many as nine meetings were convened subsequently and much volume of business conducted. It will thus be seen that no deadlock was in existence for more than two days'. May I ask the hon. the Minister if nine meetings were held and if business was conducted smoothly on the day on which this occurrence happened, since when have those factions existed and whether they have not disappeared at present? Then, Sir, what are the instances in which the council has misbehaved in the sense of betraying the interests of the electorate? Moreover, does the hon. the

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Minister realize what the popular feeling is in the matter? I know he can afford to ignore it for the next two years. But let me remind him that the 'Ides of March cannot always be far distant.' 'He laughs best who laughs last'. I ask the Government whether they are going to face these facts or are they going to deny the Dindigul municipality its privilege of electing its chairman?

"Sir, in Dindigul public meetings have been held and mahazars have been sent to the Government, and I do appeal to the hon. the Minister not to brood over the mistake committed by the Dindigul municipality, but to remember that he or his party, strong as it may seem in numbers and influence, cannot overlook the fact that there are forces at work even in South India which he cannot control and that he cannot by a mandate deprive that municipality of its power of electing its chairman and say 'I will do what I like'.

"The hon. the Chief Minister gave us an assurance that if the council worked well he would restore to it the right of electing its chairman. May I ask what are the criteria of working well? Does he mean that the councillors should conduct their proceedings in such a manner as to win the approval of the Minister in every single action they may do. He told us that the municipal council charged a club a rent of Rs 520. I am prepared to concede that the council committed a mistake in that transaction. But does not the hon. the Chief Minister understand that democracy means the right to commit mistakes and that by the experience gained we will be able to rectify our mistakes? Who knows that the hon. the Chief Minister has not committed mistakes all these four years? Although mistakes may occur in the first instance, as time goes on and as the electorate displays a sense of responsibility we hope that such mistakes will be rectified because the people will send only such men who they consider will safeguard their interests better. Otherwise, there will be no meaning in party Government, if he thinks that any administration or electorate cannot make mistakes. To ask a council to behave only in such a manner and never to commit mistakes is, it seems to me, asking them too much. After all democracy commits mistakes and if one council commits mistakes an appeal should be made to the electorate and then it will be time for them to change their representatives in their municipalities.

"As regards the allegation that the records of the municipality having been tampered with by the municipal chairman, I wish that the hon. the Minister had not referred to it at this stage."

The hon. the RAJA OF PANAGAL:—"I am very sorry. I was compelled to refer to it."

Mr. S. SATYAMURTI:—"That matter is pending investigation and Government have not made up their minds."

The hon. the RAJA OF PANAGAL:—"They have made up their mind."

Mr. S. SATYAMURTI:—"If the matter is going before a court of law, it would have been much better if they had not referred to it because on a matter like this after all the Government might be in the wrong."

"It seems to me that the speech of the hon. the Minister gives an incomplete answer to the extraordinary assertion that the Dindigul municipality has been deprived of the privilege of electing its chairman. In his speech he has

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simply stated there are great dangers. I dare say there are more dangers in putting the hands of the clock back. The forces of progress are marching forward. If the hon. the Minister is going to be a party to reactionary tendencies, he will rue the day when he made this mistake."

Mr. C. PONNUSWAMI NAYUDU:—"As one coming from Dindigul and as one possessing first-hand knowledge of the municipal affairs there, I wish to place for the consideration of this Council certain facts. This muddle commenced so far back as 1923. My hon. Friend, Mr. Narasimha Raju, wanted to know since how long this factious spirit began and whether it was not one of recent growth. In November 1923 the position was this: Mr. Ramaswami Nayudu was the elected chairman and owing to efflux of time on the 1st of November his term of office was over. Then Mr. Narayanaswami Ayyar was the vice-chairman of the place and as Mr. Ramaswami Nayudu's period expired on the 1st of November, he stood for election for a councillor's place in the fourth ward and according to the rule he being the chairman he could not conduct the election of that ward and Mr. Narayanaswami Ayyar was conducting that election. The election had to come off on the 15th September 1923 and one Mr. Angamuthu Pillai was set up by this very same Narayanaswami Ayyar as against Ramaswami Nayudu. Mr. Narayanaswami Ayyar had not the least chance of being elected. On the night of the 14th September at about 8 p.m. Mr. Narayanaswami Ayyar served a notice on Mr. Ramaswami Nayudu stating that doubts had arisen as regards the legality of proceeding further with the election of the fourth ward and that therefore he had to adjourn it *sine die* pending legal advice. That was the notice which Mr. Narayanaswami Ayyar, the vice-chairman, served on Mr. Ramaswami Nayudu. The trick was this: if by any chance Ramaswami Nayudu was to be elected, Mr. Narayanaswami Ayyar thought that he would not have any chance of becoming the chairman of the municipality; and therefore it is that he adjourned the election *sine die*.

"Mr. Russel was the Collector at that time and under the powers vested in him he directed that the Revenue Divisional Officer shall 3-30 p.m. function as chairman for the election the next day. The election came on and Mr. Ramaswami Nayudu got about 300 votes and Mr. Angamuthu Pillai got only 11 votes. On the 3rd November 1923, the election of the chairman came on and Mr. Ramaswami Nayudu was elected chairman. Then a fresh election was ordered by the sub-court and the matter was pending in the High Court when Mr. Ramaswami Nayudu was appointed to the council by the Government. That was the position in April 1924.

"The High Court directed the municipal council not to hold a meeting for the election of the chairman and directed that Mr. Ramaswami Ayyar, the vice-chairman, should do duties of chairman as if there was a vacancy. This lasted from November 1923 to April 1924."

The RAJA OF RAMNAD:—"Government also passed an order upholding the election of . . ." (Cries of order, order.)

Mr. C. PONNUSWAMI NAYUDU:—"While Mr. Ramaswami Ayyar was acting as chairman, some of the citizens of Dindigul conceived the idea of starting a cosmopolitan club in Dindigul. They convened a meeting on the

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27th January 1924 to effect that purpose. Mr. S. V. Ramaswami Ayyar, the vice-chairman, was also a convener. Prior to this in his official capacity as acting chairman he came into conflict with one Captain D. K. Narayana Rao, the popular Assistant Surgeon of the Dindigul hospital. This Captain Narayana Rao was elected president of the cosmopolitan club. Mr. Ramaswami Ayyar thought he would be elected. He was disappointed in his hopes and his disappointment was all the greater since this Captain Narayana Rao, a hated subordinate of his, was elected. There was a good deal of correspondence on this matter between the Surgeon-General and the Government as to the form of the correspondence between this assistant surgeon and the chairman.

"Mr. Ramaswami Ayyar could not now brook the idea of the cosmopolitan club thriving. While Mr. Ramaswami Ayyar was a member of the council they passed a resolution granting a certain site to the club free of rent for the purposes of a tennis court. But two months afterwards at the end of February 1924 a notice was served on the president of the club, Captain Narayana Rao, demanding two months' rent, Rs. 571. When this matter had been discussed before in the council they never meant to levy any rent from the club. The resolution of the council was corrected by Mr. Ramaswami Ayyar. Since he wanted to deprive the club of the benefit of the resolution a voter had to apply to the Government for permission to prosecute the vice-chairman. I understand that a complaint has been lodged before the subdivisional magistrate and is pending enquiry.

"Then we come to the nomination of Mr. Ramaswami Nayudu at the end of April 1924. After he was appointed councillor he had to withdraw the proceedings in the High Court at the end of April. In May 1924 the position in the council was this: there were altogether fifteen councillors, eight including Mr. Muhammad Mira Sahib on the one side and seven on the other. Muhammad Mira Sahib was with Mr. Ramaswami Nayudu's party right through till the end of April 1924 when Mr. Ramaswami Nayudu was nominated. If Muhammad Mira Sahib should continue to be with Mr. Ramaswami Nayudu's party, the idea of the other party of Mr. Narayanaswami Ayyar and Mr. Ramaswami Ayyar to elect their own chairman would not be successful. Mr. Ramaswami Ayyar and Mr. Narayanaswami Ayyar approached councillor after councillor on the opposite side to join them. Finally they were able to prevail upon Mr. Muhammad Mira Sahib with a promise that they would make him the chairman of the municipality. Muhammad Mira Sahib did not yield so easily as the other party thought. There is a rule that a vacancy in the chairmanship should be filled up within one week of its occurrence. They wanted to gain time, for Muhammad Mira Sahib was not all right at that period. So they invented a device. Mr. Narayanaswami Ayyar who opposed Mr. Ramaswami Nayudu in November 1923 was defeated. He was gazetted as chairman in May 1924. Mr. S. V. Ramaswami Ayyar sent up false proceedings to the Government showing that an election took place and that Mr. Narayanaswami Ayyar was elected chairman and that one Mr. Angamuttu Pillai was elected member. The names of Mr. Narayanaswami Ayyar and Mr. Angamuttu Pillai were gazetted as chairman and member, respectively. The reason was that they wanted another member who would vote with them. Whether the vote was a right one or not, it is for the election commissioners to decide. Mr. Narayanaswami Ayyar's tenure of office was very short lived. It was

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only for a day. He did not take charge or discharge any duties. He was made to resign the next day, so that on the occurrence of the vacancy there may be another week. This formed the subject matter of the correspondence between the council and the Collector. I will be failing in my duty if I do not bring to the notice of this Council in this connection that our popular Collector Mr. Hall camped for about a week at Dindigul early in 1924 and wanted to smoothen matters. He talked with members of both sides and in spite of his best intentions, the parties would not settle their difficulties. The election of chairman was announced for the 21st May 1924. According to one side there was no vacancy, because Mr. Narayanaswami Ayyar's name was gazetted as chairman and his resignation was not placed before the council. The other side was saying that no business was transacted on the 16th and the 19th May 1924. While both the statements are true the statement that the resignation of Mr. Narayanaswami Ayyar was placed before the council on the 19th May 1924 is entirely false. According to the information now available the resignation ought to have been placed before the council on the 21st May 1924, because there was no meeting between the 19th and the 21st. In the meeting itself the Revenue Divisional Officer and the District Superintendent of Police were present on the spot. No business could be transacted. It was so unseemly, all sorts of noise were made. I was also present there. My hon. Friend waxed a bit eloquent when he referred to my presence there. I was there as a member of the public. I think my friend has been wrongly informed about it; I know where I am. I was asked by very respected people of Dindigul to put in my appearance as a vakil, as a humble member of the profession and not as a worthy Member of this House. It is only as representing the public that I was asked to appear before the subdivisional magistrate. I have also filed a vakalath as representing the public."

Mr. S. SATYAMURTI :—"Vakalath for the public?"

Mr. C. PONNUSWAMI NAYUDU :—"Public means some people. That is how we understand the term. As representing certain ratepayers and citizens of Dindigul.

"I do not know whether Government are in possession of the following facts. Two criminal complaints were filed; in one case Mr. Muhammad Mira Sahib himself was the complainant; and in the other case Mr. Ramaswami Ayyar was the complainant. The election was on the 21st. The complaints had been lodged on the 24th or the 23rd. Mr. S. V. Ramaswami Ayyar, the man who was entirely responsible for the whole muddle, has deposed before the sub-magistrate that for those two days they were engaged in abiding by the decision of a panchayat as to who was elected chairman of the council. He was not himself sure as to who was elected chairman on the 21st May. That was the statement of Mr. Ramaswami Ayyar in the sub-magistrate's court. He withdrew his complaint after his examination and the evidence recorded by the magistrate. Mr. Muhammad Mira Sahib also withdrew his complaint. Thus these two people withdrew their complaints without any enquiry whatever. I may state here that the statement of Mr. Ramaswami Ayyar in the court will be an interesting study. The statement that election proceedings were written in red pencil in the meeting hall itself is false. A perusal of Mr. S. V. Ramaswami Ayyar statement would show that the record was prepared long after the meeting

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took place. The minutes of the meeting of the 21st were entered only on the 24th. Just at that time Mr. Muhammad Mira Sahib applied to the Collector to recognize him as chairman. Mr. Ramaswami Nayudu also applied to the Collector who refused to recognize either of them as chairman. This was the state of affairs in May 1924.

"Subsequent to that it is no doubt true that Mr. Mira Sahib went to court and got an injunction order on the sole strength of the proceedings in the Minutes Book of the meeting of the 21st having been written through on 24th. He was recognized as a provisional chairman. We are all familiar with the dilatory nature of the business in civil courts. It ordinarily takes two or three years before the court comes to a decision. The suit was filed, I think, in June and the case has not even come up for hearing."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Was not the injunction order issued after hearing the other side?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Are judicial proceedings pending about this very matter?"

Mr. C. PONNUSWAMI NAYUDU :—"Yes; but it is not an election suit. It is a suit for declaration from the court to recognize him as the chairman of the place. I can quite well understand if the matter is threshed out in an election petition. But that is not the case. One another thing I may also state which my hon. Friends will take note of and that is that Mr. Mira Sahib does not know English. I do not say that that is a fault on his part."

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—"I want to know what the hon. Member means by that. Does he mean that he has not got a degree or does not know the English alphabets even?"

Mr. C. PONNUSWAMI NAYUDU :—"If my hon. Friend had just taken care to see the language in which he has signed the memorial which has been circulated, he may see for himself whether he knows the alphabets or knows only Tamil."

Mr. R. VEERIAN :—"Has he not got at least common-sense?" (Laughter.)

Mr. C. PONNUSWAMI NAYUDU :—"My point was that Mr. Mira Sahib cannot and will not interest himself in the administration without the help of somebody to guide him and the person who guided him was Mr. S. V. Ramaswami Ayyar, the gentleman of whom we have said much. My hon. Friend was saying that even after this injunction order something like nine meetings had been smoothly held. In fact smoothly they were held in the sense in which no member of the opposite side cared to attend the meeting. There were only about seven or eight persons, just sufficient attendance for the quorum."

Mr. P. SIVA RAO :—"May I know from my hon. Friend what has become of the suit filed by Mr. Muhammad Mira Sahib for a declaration as to the validity of the election as chairman after the issue of this Government Order?"

Mr. C. PONNUSWAMI NAYUDU :—"It abates, I think."

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The hon. the PRESIDENT :—"Would the hon. Member kindly resume his seat? The hon. Member has exceeded his time and we have agreed to enforce it strictly."

Mr. C. PONNUSWAMI NAYUDU :—"Three minutes more and I will be done. I feel bound to mention one thing at least which took place after the issue of the injunction order and that is that the Government have now sanctioned four additional seats for the Dindigul municipality. Under section 328 of the District Municipalities Act there must appear a notification form in the vernacular in the district gazette. In fact no notification appeared and in spite of the fact that many councillors presented a petition to the chairman that he is offending the clear provision of the Act and that elections could not take place before the notification appeared, he announced the date for holding the election on 30th October and hence the other side filed a suit and got an injunction restraining the chairman from proceeding with the election. It was upheld in the Subordinate Judge's court. That was the position after the issue of the order."

"In these circumstances I leave it to the House to decide whether these were not sufficient grounds for the issue of the Government Order in question."

Mr. P. L. MOORE :—"Mr. President, Sir, I do not think very much is required from me but I do think it my duty to give the House a few of the facts which have led to the decision of the hon. the Minister. In the first place, I should like to say that the policy of the Department of Local Self-Government in regard to the local boards and municipalities is, whatever the hon. Member for the University may say, one of non-interference as far as possible. There are many hon. Members here who are connected with district boards or municipalities, though the hon. Member for the University is not connected with any. I am sure those hon. Members will bear me out when I say that the activity of the Government in this department is directed, so far as they can, towards helping the district boards and municipalities in getting through their business, in helping them with their budget, with their finances generally and interfering with the administration as little as possible."

Mr. S. SATYAMURTI :—"May I ask, Sir, whether the refusal to the district board of the right of electing its president is one of the means of helping the boards forward?"

Mr. P. L. MOORE :—"I take it that is not a point of order, Sir."

Mr. S. SATYAMURTI :—"I never said it was, Sir."

Mr. P. L. MOORE :—"As I said, Sir, our policy is one of helping the boards and municipalities. With regard to the question of giving the district boards the power of electing their presidents, the hon. the Minister has explained his policy several times in this Council. He has said that when he is satisfied that a board is likely to exercise its selection in such a way that it would be in its best interests, the power would certainly be given. This is a drastic change and when introducing it the hon. the Minister has felt it his duty to the country to be very careful and to go slow. We are steadily moving in the direction of elected presidents for district boards. Regarding municipalities, election is the rule and there is hardly a chairman who is not elected. Under the Act we are bound to interfere on two

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occasions; first, if the municipality does not make the necessary arrangement for meeting capital and interest charges on loans; and second, when it does not provide for a certain minimum working balance. I may assure my hon. Friends here that there is nothing that we should like better than to interfere on no other occasion except, as I have said, in the direction of helping them, which we do both ourselves and by the agency of the Inspector of Local Boards and Municipalities to the best of our ability."

The RAJA OF RAMNAD:—"May I ask, Sir, who sent the report about the conditions of this municipality, the Collector or the Inspector?"

Mr. P. L. MOORE:—"In answer to a letter from us information came from the Collector and information was derived from other sources also."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"May I know what the other sources are?"

The hon. the RAJA OF PANAGAL:—"Petitions were sent up to Government."

Mr. P. L. MOORE:—"I do not think, Sir, the sources of the information do matter very much, so long as we are all agreed as to what the facts were. I entirely agree with the hon. the Leader of the Opposition that the existence of factions in any municipal council is no excuse whatever for the Government to interfere and take away the privilege. In this case it is certainly very much more than that and I think the House will agree with me that there may come a time when Government will have to interfere in such cases."

"I will pass over the long history of events which were reported by Mr. Hall and got from other sources. But I would like to mention only a few essential facts. There was a retired municipal servant in Dindigul whose name is Narayanaswami Pillai. He was drawing a municipal pension. In January 1924 the municipality passed a resolution cancelling his pension. I should like to take this opportunity of informing this House that that is the sort of thing which the Government will not allow. When a pension has been earned and has been granted by the municipality with the approval of the Government, so long as there is any stability in Government, the municipality cannot take that pension away. It is as good as a pension of the Government itself."

Mr. T. ADINARAYANA CHETTIYAR:—"May I know why the municipal council went to the extraordinary length of depriving its old employee of his pension?"

Mr. P. L. MOORE:—"No reasons were given except that they thought he should not have the pension. It was purely the result of the factions, because the man concerned belonged to one of the factions and the resolution itself was a factious resolution. That was the first occasion when we had to interfere and I think the House will agree with me when I say that we had no option in the matter."

"Passing over other incidents, I come to the incident already mentioned, the charge to the extent of Rs. 575 for letting a portion of the compound of the municipal office, the land having already been given by the municipality for a tennis court. This again was entirely due to the factious spirit. The Government issued an order. The Council was called upon to use their

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discretion in charging rent and we said that the Council would be well advised to fix a reasonable rent. I may claim that it was a very mild order issued on such an occasion.

"We then come to another instance which did not make things easier for Government. This gentleman of whom we have heard a good deal, Mr. R. Ramaswami Nayudu, was elected but the first election was afterwards declared invalid and the acting chairman then declared that the gentleman whom he had defeated at the municipal election was *ipso facto* the chairman of the municipality. That of course was a hopeless order. There was no election whatever but he wanted to get a man of his party. That of course was upset by Government. We now come to the meeting of the 21st May. The position of the Government was this. One party reported that a certain gentleman had been elected. The other party reported that another gentleman had been elected. The Collector who represents the Government in the district did not know who had been elected. Government in Fort St. George did not know. Is that a position, I ask, which the Government can tolerate?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"May I know how these names are gazetted? Do not the Government send them to be gazetted?"

The hon. the RAJA OF PANAGAL:—"They are sent to the Government Press."

Mr. P. L. MOORE:—"The Collector got these two conflicting accounts."

Mr. P. ANJANEYULU:—"Is it the Collector or the presiding member that sends the report?"

Mr. P. L. MOORE:—"The gentleman who was the officiating chairman at this meeting sent his account and the other party sent another account of what had happened at that very disorderly meeting."

"We tried our best to ascertain, but it was impossible to do so. Well,

4 p.m. Sir, I think I have said enough to show to the hon. Members of this House the position which the Government were really in. Under such conditions we did not quite know how to carry on the administration of the municipality, and concluded that it must be given a chance. The hon. the Minister decided not to take the drastic step of dissolution but to give them a nominated chairman who we knew would preserve order and give the members a chance of settling down and adjusting their differences. I would join with the hon. the Minister in what he said and also add that if they will do so and if we get a report that things are settling down and that they are able to manage their affairs properly again, nobody will be more pleased than I shall."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, I have listened with great interest to the speech of my hon. Friend, Mr. Ponnuswami Nayudu, who I presume comes from Dindigul, the municipal council of which has been deprived of its privilege of electing its own chairman, a privilege which it had enjoyed without a break for nearly four decades. As I was listening to the speech, it struck me very much that he had no feeling in the matter. He had no feeling that the privilege had been unnecessarily interfered with by the hon. the Minister. To me it seems, Sir, that the order of the Government is highly objectionable and I may also add reactionary and retrograde. It will be a very dangerous power for the hon. the Minister to exercise."

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Once this action goes unchallenged on the floor of this House, it will enable them now and then in certain cases, whenever their party men do not happen to get into offices, to use this weapon for certain purposes. The gentleman concerned, Mr. Muhammad Mira Sahib, has forwarded, I understand . . .

The hon. the RAJA OF PANAGAL:—"May I know what makes my hon. Friend think that Mr. Muhammad Mira Sahib is not a member of my party?"

Mr. R. SRINIVASA AYYANGAR:—"It has not been said that he is a member of that party and I have every reason to believe from the correspondence which I shall presently refer to that he is not a *persona grata* with the party in power. That is my impression, an impression founded, not unreasonably, upon the long, categorical and succinct history of the happenings connected with the Dindigul municipality from November 1923 up to October 1924 when this bolt from the blue was struck on the head of the Dindigul municipality. That is my information and I shall be able to justify it presently. On going through the lengthy correspondence a copy of which has been furnished to us—I also understand that a copy has been sent to the Chief Minister through the Secretary of the Local and Municipal Department—it struck me that the one gentleman that was a *persona grata* with the party was the defeated candidate Mr. Ramaswami Nayudu and the other gentleman who does not stand so high in the estimation of that party is that unfortunate gentleman whose suit in the court for a declaration that he has been duly elected is still pending and *sub judice*. For the life of me I cannot understand the extraordinary step and the unjustifiable attitude assumed by the Government with respect to this matter when a suit connected with its subject-matter is under consideration. I may also say that nearly a fortnight ago I sent a series of questions to you, Sir, dealing with the identical matter now under discussion. So far, those questions have not been answered. Probably they may be answered to-morrow, or they may not be answered during this session. Apart from that, taking our stand on the merits of the case it seems to me that the municipality has been dealt with in a very scant and unceremonious fashion, and the three reasons given by the Government in their order taken separately or in conjunction are not such as to carry conviction to one's mind. The first reason is that the Council was divided by strong factions. The first factions are concerned, there is hardly a place, hardly a village which, as we all know, is not divided by strong factions."

Mr. P. L. MOORE:—"With regard to the questions referred to by the hon. Member as having been sent by him, may I say, Sir, that they have not been received?"

Mr. R. SRINIVASA AYYANGAR:—"I am not responsible for that. I only stated that I sent them to the Council office, and I never said that I sent a copy to the Government. As for factions, there is nothing extraordinary about these spirits appearing on the surface and trying to disturb the placid waters of public life. It is usual for us to come across passions and strong currents and cross-currents, and we come across other features like these on the eve of elections. But so far as these strong factions are concerned we have not been taken into confidence and we have not been told that these factions were accompanied by any violence or any force or any show of force or by any kidnapping. That disposes of the matter. As regards the disorderly manner, we have read oftentimes in the papers

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about the disorderly conduct of some members of the House of Commons. We have also come across several instances of the speaker of the House of Commons being put to the painful necessity of ordering the Sergeant at Arms to remove bodily out of the House the member who may be guilty of certain conduct. But we have not been told that the members of this municipal council behaved as badly as some members of the House of Commons. That disposes of the second point.

"As regards the last point taken, namely, that these municipal councillors who were a corporate body subjected public interests to personal prejudices, the term 'public interests' is a captivating phrase. It is a most unruly horse, if I may say so, and it is rather difficult to define it. It depends on how we look at things. Probably things would not have come to this pass if instead of this Muhammad Miran Sahib, the other gentleman who appears to be a *persona grata* with the Government—I use the term advisedly because I am going to substantiate it presently—has been elected as chairman. The reason why I said that the other gentleman Mr. Ramaswami Nayudu was a *persona grata* is this. I am much indebted to my hon. Friend, Mr. Ponnuswami Nayudu, who more than once referred to Mr. Ramaswami Nayudu's party, and therefore I take it that there is a party in Dindigul the leader of which is Mr. Ramaswami Nayudu. What is the position of affairs? In November we find him elected as a councillor and shortly after that we find him elected as chairman. Some time later his election to that council as councillor and chairman admittedly was declared void, and the result was that that gentleman has found himself in a hole. He lost his suit and he carried the matter in appeal to the High Court. Meanwhile re-election was in the air and a seat had to be found for him, and as the sequel shows and as the events also tell us, he was accommodated with a seat under very extraordinary circumstances somewhere about the end of April 1924. Between the time when the election and the accommodation took place, it was sought, by persuading a nominated Adi-Dravida member to send in his resignation, to make room for this Mr. Ramaswami Nayudu, and we find the Collector of Madura receiving that resignation and recommending the seat to Mr. Ramaswami Nayudu for nomination by telegram to this Government. I have placed the facts before the House and it is not necessary for me to elaborate on them further; it is for the House to see what they show. It is only consistent with this hypothesis, namely that much feeling was exhibited in favour of Mr. Ramaswami Nayudu, and many attempts were made time and again to secure him that seat. And failing in his attempts we find this gentleman trying to interfere with the municipal affairs with the result that this unfortunate man (Mr. Miran Sahib) was obliged to take the matter before a civil court, and during the pendency of that suit in the civil court, without waiting to see the further developments of that litigation, without waiting to know exactly what decision the courts competent to decide the matter are going to give, a sort of guillotine is applied. The result of it is that the suit can no longer be proceeded with, for the object of that suit to which the Government is no party was to get a declaration that Mr. Miran Sahib was the duly-elected chairman. That only proceeds on the hypothesis that until a particular stage the council has the right and the privilege of electing its chairman, but during the pendency of the suit the right has been withdrawn. It is perfectly open to the court to dismiss the suit at that stage, for the

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court can take cognizance of subsequent events during the progress or pendency of the suit. Therefore I submit that the Government have in passing this order taken upon themselves a great amount of responsibility unwarranted by the actual circumstances of this case, and it is no wonder therefore that so far as the field of Local Self-Government is concerned, people are already beginning to lose their faith. The discussion that has now taken place will, I hope and trust, serve as an eye opener and prevent a recurrence of such a state of affairs."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, I had no idea of taking part in this discussion, but after hearing what has been said in this House, it seems to me that the action that has been taken is not the proper sort of action that ought to be taken in regard to this matter. The Government seem to have been impressed with the fact that there were factions in the municipality for the last two or three months. Well, Sir, individual. When elections take place, there will be factions. The Government do not say that if some other chairman was elected, there would be no factions, or that the affairs could have been managed in a better way. There were two factions in the council and these two factions acted very badly for the purpose of manipulating the elections. It has been brought out from the account given by Mr. Ponnuswami Nayudu that these factions are of recent growth. Prior to the last two months Mr. Ramaswami Nayudu's party does not seem to have existed at all. But if there were two factions and if the Government thought that might give rise to trouble, then the only remedy is to dissolve the council and give an opportunity to the electorate to choose proper men. Ultimately that, I think, is the proper thing to do, but not to impose on the council itself a stranger as its chairman. It has been said that that course if adopted would be more drastic than the one at present adopted, but with all due deference I cannot see how that is more drastic than the present one. In the present case the privilege of election has been taken away; but it is suggested by dissolution that the electors would be given a chance to elect their own people and then these elected councillors can choose their own chairman. So in that case no privilege of election will be taken away as a result of the dissolution. The dissolution of the council does not mean that the Government will have to nominate all members and chairman, but only that the present council may be dissolved and the electors may be asked to elect other men. In that case no privilege vested in the people will be taken away and there will be no objection at all.

"It seems to me, Sir, that this idea that the dissolution of the council will be more drastic is due to the misunderstanding of the position. I think that is the only course that can suggest itself from what seems to have taken place at Dindigul. The present course should not have been taken lightly. Supposing the two factions continue to exist, what can the poor nominated chairman do? He will not be able to do anything. He will be put to the same difficulties to which the elected chairman was put. The only solution to this question would be to allow the council to elect its own chairman. The situation has been further complicated by the fact that there has been nomination. But for the nomination one party or the other would have had a majority. By nomination one side or the other is over-weighted. For instance in this particular case if Ramaswami Nayudu was not nominated—I know him; I have got a great regard for him—the other side would

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have had a majority or the result of the nomination was to avoid the majority which the other party had. From what has been stated it does not look that the other party acted rightly. What I say is that by this nomination some sort of competition has been created in the council and the factions have either gained or lost strength. If the council were to be dissolved and people are allowed to make fresh elections to the municipal council and if after the elections Government make nominations, I think that will be the only way of solving the question and not by following the course adopted at present. With that view the hon. Minister for Local Self-Government should reconsider the position and see that the privilege that has been exercised by the municipal council for 40 or 50 years is not taken away and allow the electors to hold a fresh election."

Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, I desire to make just a few remarks on the subject of discussion this evening. The facts are fairly clear and have been stated both by the hon. the Secretary for Local Self-Government and the hon. Member who comes from that particular locality. I do not think it is open to question that there have been proceedings in the municipal council which have been marked out for want of harmony, for want of decorum or decency, which are expected from any public body. That there has been a faction is not disputed at all. That faction has worked to the disadvantage of the municipality, no doubt, is admitted on all hands. That the result will be and must be dead locks, there can be no doubt. I have not got a word to say about the present elected chairman, Mr. Miran Sahib. I do not think that anybody on the Government side would suggest that there is anything like a stigma attaching to him, that he is an undesirable gentleman, and that therefore he has been removed from the place of an elected chairman of the municipality. I know he comes from a very respectable family. Though I do not know the gentleman personally I have got the highest regard for him. If this is done, it cannot be that it should be a stigma on him, but it is rather in appreciation of the fact that he has been placed in a very false position, and that he found himself in a changed atmosphere. (Cries of 'Oh! Oh!') Now, Sir, hon. Members will realize, and I hope the hon. and learned Member for University will also realize (A voice: 'No, No')—I only hope, we are always hopeful—that if factions are so acutely divided as at Dindigul, the position of the elected chairman will be reverse of anything good. As has been pointed out, this very vital question of electing the chairman of the municipality which is deprived of its long enjoyed power, the voting stood as eight in favour and eight against. Amongst those eight votes that were cast against the proposal of the Government one of the votes was that of Miran Sahib and it was by the casting vote of that gentleman that the result was supposed to have been carried by this municipal council."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" May I know how many of those votes were nominated and how many elected? That is the point."

Mr. A. RAMASWAMI MUDALIYAR :—" I have not made an analysis of these things, Sir. ('Hear, hear') I believe the answer if given will not be very much in favour of the hon. Member opposite."

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The hon. the RAJA OF PANAGAI :—" Out of seventeen members present there were only two nominated members and for ought I know one of them remained neutral. Which side the other nominated member voted I am not in a position to say."

Mr. P. L. MOORE :—" Seven elected members voted for the Government action and one nominated."

Mr. A. RAMASWAMI MUDALIYAR :—" That clears the situation. Apart from this particular aspect of the Dindigul municipality I want to advert the attention of the House, if I may, to the general aspect of municipal administration of this Presidency, and I think, Sir, that the time has come when we who seek to represent popular opinions in this House should face the situation as it really is and tell the House and tell the public outside what we think of the happenings with regard to these municipalities. It is a notorious fact that ever since the new Act has been brought into operation, in several of these municipalities things have not been going on as they should be. Litigation has become rampant. At the nomination stage there is litigation. At the election stage there is litigation. After election there is litigation. When a proposal for an elected chairman is put forward, there is litigation. When the chairman is elected there is litigation. Apart from the question of litigation, there have been also several complaints as regards the manner in which the electoral rolls have been prepared. There have also been complaints, Sir, with reference to the manner in which a particular provision of the District Municipalities Act or the Local Boards Act has to be interpreted. Information has been furnished to the Government Press, and notifications have been issued by the Government Press. We cannot ignore these facts. The daily papers, thanks to their alertness, have given us a very vivid picture"

Mr. P. ANJANEYULU :—" On a point of order, Sir, we are here to discuss a matter of definite urgent public importance regarding the municipality of Dindigul. I wish to know whether we can make a general review of all the municipalities and I for one as chairman of a certain municipality protest against the remarks of the hon. Member for Chingleput. But I wish to know whether it is given to us to indulge in discussions of a public nature regarding all municipalities and local boards."

The hon. the PRESIDENT :—" It will be for the hon. Member to protest in his turn."

Mr. A. RAMASWAMI MUDALIYAR :—" Sir, I would have been surprised if my speech were not interrupted. That is usual with me more often than I can remember."

Mr. J. A. SALDANHA :—" If my hon Friend would indulge less in egoism and personalities, I am sure (Cries of Order, order.)"

Mr. A. RAMASWAMI MUDALIYAR :—" I ven the impertinent remarks of my hon. Friend Mr. Saldanha will not deter me from the path"

Mr. P. ANJANEYULU :—" May I know, Sir, if he uses that word in the sense in which the hon. the Minister for Education used it?"

Mr. S. SATYAMURTI :—" In the Pickwickian sense?"

Mr. A. RAMASWAMI MUDALIYAR :—" I shall not be drawn away from what I was saying. I want to keep the level of the discussion as high as

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possible. If, however, I have made any statement which in the heat of the moment was not strictly not unparliamentary but not strictly to be used in a deliberative assembly, I am very sorry (hear, hear). I am one of those who are prepared at the outset to apologize for any such statements and I hope all hon. Members will follow that high level of debate in this House which refrains from making personal remarks. I was saying that we cannot ignore the fact that in this Presidency things have been going on in such a way that steps have to be taken to check them. The hon. Member for the University said that he would not dream of any Member of the Executive Council taking a step like the one under discussion at present. I am not so sure and I do not want to be unfair to the hon. Members on the Executive side. If the hon. Members on the Executive side were so wanting in courage to carry out what they feel, if they were so nervous to give effect to their convictions, if they fall into the trap of ordinary popularity and not have the courage in the interest of that very administration which they are there to safeguard, I will have very little respect for those Members."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Lord Lytton's Government did not take any action on the municipality or Corporation of Calcutta for the recent resolution they have passed. (Hear, hear and cheers.)"

Mr. A. RAMASWAMI MUDALIYAR :—" But, Sir, on the other hand, I am perfectly certain that if any Member of the Reserved half had been in charge of the department and the conditions that had occurred at Dindigul had occurred during that regime, if he were true to his conscience and duty, he will exactly do in the same way in which the hon. the Chief Minister has done. But apart from that, Sir, whatever the hon. Members of the Executive Council may or may not do, I should have expected under the regime of Transferred subjects with a popular Minister in control and charge of the local self-governing institutions, watchful of their interests, keenly alive to the impression that they create not only on the public but on the general administration of the country. I should have expected, Sir, any hon. Member in charge of the Local Self-Government Department to have taken an identical step that the hon. the Raja of Panagal has taken to-day. I think, Sir, that any Minister who merely is afraid of taking a step because for the moment he may be unpopular is not worth his salt, and I congratulate the hon. the Chief Minister on the fact that on a second occasion—an important occasion—he has had the courage of his conviction."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" I hope he will repeat it."

Mr. A. RAMASWAMI MUDALIYAR :—" If the Madras Corporation would do in the same way, I am perfectly certain that the hon. the Chief Minister will repeat his action. (Hear, hear and cheers.) Then, Sir, the hon. and learned Member for the University had spoken on the Ides of March. Some time last year, about the same time, the hon. and learned Member for the University did speak of the Ides of March. The Ides of March have come and gone, and we still sit on. They are coming next year also and I am only sorry that the hon. Member may not be present on the occasion. That apart, may I remind the hon. Member for the University that on another occasion when the wrath and vials of public opinion were poured on the devoted head of the same hon. Minister, when pains and penalties were threatened, when the whole body politic was supposed to have roused itself with indignation, when the elections would have determined what course public

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opinion would have taken on this matter and when similar speeches were made on the floor of this House, may I remind the hon. and learned Member for the University, when the Chirala municipality was abolished, there were also outpourings from the floor of this House and elsewhere, from the press, from the platform, from beach meetings and elsewhere that 'here is a Transferred subject in charge of a Minister who has done a very serious thing which could not possibly be done, who had put the clock of progress back, who had taken a retrograde, a most retrograde, step in forcing the municipality against the wish of public opinion?' Is the memory of the hon. and learned Member for the University so short that he does not remember the history of the Chirala municipality? Can he now stand here to-day and say that the hon. the Chief Minister's action is wrong?"

Mr. S. SATYAMURTI:—"May I ask if the hon. Member's memory is long enough and if his party has not lost any seats on account of this?"
4.30 p.m. May I know how many seats they have lost in the last election?"

Mr. A. RAMASWAMI MUDALIYAR:—"There stands my hon. Friend, Mr. Ethirajulu Nayudu, who not only wanted to force the municipality on the unwilling people of Chirala but took a prominent and lively part on an identical motion regarding the Chirala municipality and said that there could be nothing so dishonourable as the way in which the agitation had been carried on for the abolition of the municipality of Chirala; and there was the vote of the people of the district of Guntur including the people of Chirala which returned him back to the council."

Mr. S. SATYAMURTI:—"What about the other two seats from Guntur?"

Mr. A. RAMASWAMI MUDALIYAR:—"I have not yet finished about my hon. Friend, Mr. Ethirajulu Nayudu, and the hon. Member will get what he wants if he waits a little."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"Did not Chirala return empty boxes?"

Mr. A. RAMASWAMI MUDALIYAR:—"Not at all. Though I am accustomed to these interruptions from the other side, yet I may be allowed to at least finish the sentence. The hon. Member from Guntur was returned, in spite of his speech against the abolition of the Chirala municipality, in spite of the strong support that he gave to the Minister of Local Self-Government, at the head of the polls."

(Cries of no, no, from the Opposition benches.)

Mr. P. ANJANEYULU:—"This humble person who is now standing, Sir, had the good luck to be at the head of the polls". (Hear, hear and cheers.)

Mr. A. RAMASWAMI MUDALIYAR:—"I am sorry I made a mistake. (Laughter.) But I do not think that this fact can be controverted; that from the votes in this municipality of Chirala my hon. Friend, Mr. Ethirajulu Nayudu, got the largest number of votes."

Mr. S. SATYAMURTI:—"Sir, may I ask my hon. Friend how, unless he was in the confidence of the returning officer, he has the information that the votes of a particular municipality were in favour of a particular individual?"

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Mr. A. RAMASWAMI MUDALIYAR:—"I thought I would be allowed the opportunity of saying that. I shall give the information to my hon. Friend, the learned Member for the University. Now under the peculiar system in which the votes were counted, the returning officer for the Guntur district counted these votes, municipality by municipality and taluk board by taluk board, and I believe the votes of the Chirala municipality were published; and I appeal to my two hon. Friends who happen now to sit on the other side and who come from Guntur to corroborate me in my statement."

Mr. P. ANJANEYULU:—"It is my duty to bear him out in this statement. But I may say that most of the voters in Chirala did not care to vote." (Hear, hear, from the Opposition bench.)"

Mr. A. RAMASWAMI MUDALIYAR:—"That is not an unique feature. Most of the voters in my district also did not vote; but those that did vote in Chirala went to the polls with the idea of giving their votes to Mr. Ethirajulu Nayudu who has forced the municipality on the unwilling people of Chirala. That is an indication of what is right and what is wrong. We here, in the heat of the moment, in the heat of party politics, may say anything on the matter. I am myself a party politician and I never denied that. I place my views merely as a party politician. I do not claim any infallibility for myself and I wish hon. Members on the other side also realize that they cannot claim infallibility. What I say is, these things are to be judged by the test of time and if people will realize that sometimes strong action has to be taken and a seemingly unpopular action has sometimes to be taken, they will not be so hasty to condemn the hon. Minister for taking that action but they will rather support him for the courage he has shown in taking that action. As I said, in the particular case of Dindigul, I have nothing to say against the chairman. It is possible that the Minister will now consider, in the light of the suggestions, whether something can be done later on. But there is no other course at present except it be to allow things to drift to more chaos, to allow those who are inimical to the progress of the path of self-governing institutions and to the progress of development of that ideal which people on this or on that side have at heart, be it home rule or swaraj or anything else, to bring into contempt these self-governing institutions. If they are to be brought into contempt, if this factious spirit is to continue, if administration itself is to be brought into contempt, if a man who has been given pension on one day is deprived of it the next day—I wish my hon. Friend, the learned Member for the University, will realize the significance of that—if charges are made that records are tampered with, if unreasonable demands for taxes are made, what else is the Government to do? Time after time it has to step in. Is the Minister to govern the municipality from his place in the Secretariat? That is what the hon. Members want to drive the Local Self-Government Department to, i.e., to interfere in meticulous details, to watch the administration of the municipality day after day, to get the reports of the municipal accounts week after week, to peruse the resolutions of these factious bodies and to step in at every time. I think it is not just, it is not fair, it is not equitable. That I do not consider as one of the functions of the Minister for Local Self-Government. When my hon. Friend says that a reactionary regime has stepped in, as if among the 72 municipalities one after the other is going to be deprived of this franchise, I think it is merely talking without a book. There has been no such danger, there has

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been no such principle enunciated by this particular act. I have the assurance of the Secretary to the Local Self-Government Department that the Government do not contemplate depriving any of these municipalities of the power of electing their chairman. The hon. the Minister has said and the learned Secretary has repeated that directly they find that this municipality is in a position to work with an elected chairman, they will not wait for the period of one year. What prevents the municipal body to pass to-day a resolution by a larger majority, by some working majority at least, that they will have an elected chairman and send up that resolution to the Government? That is the direction in which I wish hon. Members to work with reference to this municipality of Dindigul and I appeal to hon. Members opposite to work in that spirit, to try and persuade the members of the municipal body to sink their differences and to ease the tension that has come over the municipal administration. If a resolution is passed by some decent majority that they again want the privilege of electing their own chairman, and if the hon. Minister does not take the opportunity to give them that privilege of election, then there is some justification for this charge of retrogression. But, as a matter of fact, there has been nothing of the kind and any Minister, standing as a popular member, representing people's opinion and in charge of these Local Self-Governing institutions, would have been wanting in his duty, would have failed egregiously in the duty cast upon him by the statute, if he had not taken the step which has been taken on this occasion."

Mr. P. SIVA RAO:—"Sir, in my humble opinion, taking away the franchise from the municipality of Dindigul, especially in view of the fact that it enjoyed this privilege for a very long time, is not justifiable. Now one of the grounds mentioned for this action is that factious spirit has been growing in the municipal council. But I think, Sir, factious spirit is very often mistaken for party spirit. In every place, I may say, there are parties and in this Council itself there are parties and that is no reason for dissolving the Council. When elections take place, one party sets up one of its candidates and the other party sets up another candidate. In this case Mr. Ramaswami Nayudu's election was set aside and his election as chairman was pronounced invalid. Then one of the Adi-Dravida members was made to resign or rather resigned at that time and Mr. Ramaswami Nayudu was nominated in that vacant seat in spite of the clear Government Order that such seats should go for safeguarding the interests of minority communities."

Mr. R. VEERIAN (*interrupting*):—"May I know, Sir, whether there is any Adi-Dravida Member in the Municipal Council of Dindigul and why that poor Adi-Dravida has been deprived of his seat on the council?"

The hon. the PRESIDENT:—"I do not think the hon. Member has any right to interrupt."

The hon. the RAJA OF PANAGAL:—"Sir, the Government have no information on the point."

Mr. P. SIVA RAO (*continuing*):—"Now, Sir, what followed was that Mr. Ramaswami Nayudu filed an appeal to the High Court against the original order and after it had been pending for some time, he had to withdraw it. Now on the 21st of May 1924, at a meeting convened at the instance of the Vice-Chairman, Mr. Miran Sahib was returned elected as

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chairman. Now, Sir, is there any reason why that election should not be recognized? The easiest and best course for the Government was to gazette Mr. Miran Sahib's name and to honour the cheques drawn by him. He has filed a suit in the civil court and what would be the effect of this Government Order on that pending suit? Is it not stifling with the course of justice and interfering with the courts of justice? Government could have left the matter in the hands of the court. They could have waited for the result of that suit. Instead of that, they take the matter into their own hands. Not merely do they interfere with the election of Mr. Miran Sahib but they interfere with jurisdiction of the courts of justice."

Mr. R. VEERIAN:—"Sir, I would like to know this much. It seems to me that with a view to get himself elected as a member of the Dindigul municipality Mr. Ramaswami Nayudu prevailed on one Adi-Dravida councillor, in the last week of April 1924, to tender his resignation, although his time of office would expire in the ordinary course twenty days hence, that is, by the 12th May 1924. Then, Sir, without ascertaining whether the resignation was duly presented to the chairman as required by the District Municipalities Act, mainly on the strength of a letter from the Adi-Dravida nominated councillor, they directed the appointment of Mr. Ramaswami Nayudu by telegram and gazetted it. I think now there is nobody to represent the depressed classes on the Dindigul municipality."

Mr. P. L. MOORE:—"I can give the information. One Adi-Dravida member resigned. He was no doubt approached by some one to do so. We nominated him in the next vacancy. The Adi-Dravida member did resign his seat and Government approved of the action. We proceeded to nominate the very next day. It is not three months after. He is now a member of the council."

Mr. R. VEERIAN:—"If another Adi-Dravida was nominated, I should like to know the name of that member."

Mr. P. L. MOORE:—"The same person was nominated again."

Sriman SASIBHUSHAN RATH Mahasayo:—"I move that the question be now put."

The hon. the PRESIDENT:—"I have to put the question that the question be now put. Unless I am convinced that this is an abuse of the rules of the Council or that the motion is an infringement of the rights of reasonable debate—so far as I see there has been sufficient debate on the subject—I cannot refuse to put the motion for closure."

"The motion that 'the question be now put' was lost."

Khan Bahadur P. KHALIF-UL-LAH SAHIB:—"Mr. President, Sir, I am indeed thankful to the House for the opportunity that has been given to me, though at this very late stage, and I shall try to be as brief as possible. I am indeed very glad to have my friend Mr. Ponnuswami Nayudu to say what has actually happened and I am very glad he was on the spot to give us his personal knowledge in the matter. But I must say that though he was kind enough to take us into all the minute details and all the irregularities that happened in the municipality, I am at a loss to know whether he has pointed to even one single instance of irregularity that has occurred after the election of Mr. Muhammad Miran Sahib as

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chairman of the municipality. Of course my hon. Friend, Mr. Moore, was kind enough to give us a statement of some of the irregularities that took place and I am glad to observe that not one of them has occurred at the time of the said Mr. Miran Sahib. The connected papers are in the hands of every hon. Member of this House. When as many as nine meetings were held after the election of the chairman in question and when every one of those meetings did transact business to the satisfaction of the Government and the people alike—I make that statement because nothing unsatisfactory has been brought to our notice—I should think that the reasons upon which the order was made did not apply to the regime of that chairman. It was said that the council was torn by factions. It might have been true that the council was torn by factions. So far as I see, nothing of the factious spirit seemed to have prevailed there either before or after the stricture was passed. Of course from the statements that have been made to-day, we do clearly see that the election was not above question. There were two notifications sent to the district gazette by two presiding officers, saying that two chairmen have been elected to a single municipality. Of course that is not a desirable state of things. I do grant it. But granting that, I do ask whether the Government was right in passing that order withdrawing from the municipal council the right to elect its own chairman. Mr. President, this is my humble opinion, that the step that has been taken by the Government is a step in the wrong direction. As my hon. Friend the Leader of the Opposition put it, they might have given a chance to the new council to say what their opinion was, whether the people felt with the one chairman or the other, and thus ascertained their views which would have given some basis for passing any order. But what has actually happened is that the chairman who had the strength of the court behind him, who was conducting the business of the council without any trouble in the council, was by this order asked to give up his control and that was the only effect the order created. This, I submit, is not a step in the right direction. As I had already stated, that gentleman was holding the chairmanship by the court's order and that side of the question has been discussed in great detail by my hon. Friend, Mr. Siva Rao. I do not want to repeat it. The Government ought not to have interfered with the man in possession of the office. It was by an order of the court. Not only that. Instead of supporting the man who had got the order of court, with a large majority, the Government supported a candidate from a minority party who failed to get any support from the hands of the court. The Subordinate Judge's Court of Dindigul, after hearing all the arguments on both sides,—it was not an *ex parte* order—came to the conclusion definitely that Mr. Miran Sahib should be the chairman. As such, we can easily come to the conclusion that in all fairness he was the better of the two. I submit Government ought to have supported the man that was supported by the court. They not only threw him overboard but also went on actively supporting the party that could not gain the support of the court. Hon. Members might have read from the papers that on the receipt of this order, as many as five members resigned their councillorship. What does this indicate? My hon. Friend from Chingleput remarked that if only the council expressed its desire to have an elected chairman it was open to the hon. the Minister for Local Self-Government to have granted it. I do admit that the hon. the Minister would do so as soon as he sees that the council is fit to get back

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this elective power. But I ask, in this present state, is the Council truly representative? I say, it is not, seeing that five people belonging to one party has thought fit to resign saying that their self-respect would not permit them to continue in the Council. I submit that the present Council as constituted now is not fully represented. In these circumstances, I submit that the voice of the people ought to be heard before any support is given to this candidate or that. This is my only grievance. With these remarks I say that the Government Order was not the best that could have been passed under the circumstances."

Sriman BISWANATH DAS Mahasaya:—"I move that the question be now put. (Cries of vote, vote, from all sides of the House)."

The hon. the PRESIDENT:—"It is not five minutes since the House negatived this very question and no division was then claimed. I have no reason to suppose that the House has changed its mind during these five minutes."

Mr. MUHAMMAD GHOUSE MIAN SAHIB:—"Mr. President, Sir, this is a very important matter and we must express our opinion one way or the other."

(At this stage most of the members in the Opposition Block walked out of the Chamber.)

"I have got certain facts to place before the Council which if taken into consideration will show clearly that the step which the Government has taken is an extraordinary step unwarranted by the circumstances of the case. Much capital was made out of the fact that the Dindigul municipality was torn by factions. Factious spirit is noticeable in every municipality. For the matter of that, this spirit was present to a very great extent in the Trichinopoly municipality and Government did not think fit then to pass any drastic orders. This factious spirit is not an extraordinary feature in a municipality. On the other hand, I think it is necessary to some extent in order that the administration may go on fairly well. Here, Sir, when such things have come to the notice of the Government, the first step which they ought to have taken was to have sent out the Inspector-General of Municipalities to ascertain whether the facts that have been brought to the notice of the Government, either by the memorials of the people or by the District Collector, were true or not. But no such enquiry has taken place . . ."

The RAJA OF RAMNAD:—"Sir, it is 5 o'clock."

The hon. the PRESIDENT:—"The debate comes to an end as the clock has struck five."

The Council adjourned to meet again at 11 a.m. the next day.

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

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APPENDIX I.

[Vide answer to question No. 1398 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 5th December 1924, page 725 supra.]

1049 Q.—Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that Mel-Arasambat village of Vellore taluk is surrounded by four forest ranges;

(b) whether it is a fact that cattle owners are to take four permits paying four times the fees for each cattle if they are to be grazed in the forests surrounding the village;

(c) whether it is a fact that their cattle are to be taken to a river for water through different forests;

(d) what is the amount of compensation collected for illicit grazing of cattle in the forests surrounding Mel-Arasambat village, Vellore taluk, from owners for the last two years;

(e) whether the forests are situated just adjacent to their patta lands;

(f) whether it is a fact that many villages in Agaram firka, Vellore taluk, are just very near the reserve forests and except grazing neither fuel nor manure leaves or grasses are allowed to be taken from forests;

(g) whether it is a fact that a portion of the Paravamalai forest was closed even for grazing and the villagers near it were asked to go far away to other portions for grazing;

(h) what is the reason for the same?

A.—(a) The village is surrounded by three forest ranges.

(b) Grazing permits are issued for each block. The three blocks which adjoin the village provide grazing for about 6,487, 616 and 346 heads of cattle respectively. Cattle owners may distribute their cattle to whichever block is convenient for them and it is not necessary to take out permits for all the three blocks for each animal.

(c) No. Cattle grazing in one block can pass over the bed of the river to the watering ground without entering another block.

(d) Rupees 236 in 1922-23 and Rs. 584 in 1923-24.

(e) Yes, in some cases. There is also a large block of unreserve affording good grazing adjacent to the village.

(f) The reserved forests in the firka adjoin many patta lands. Grass is allowed to be removed free in head loads. There are seven felling series in the firka and fuel and manure leaves can be removed from them on permits to be obtained from coupe contractors.

g) & (h) A portion of the reserved forest was closed to grazing in 1923-24 for sylvicultural reasons but was thrown open to grazing this year.

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APPENDIX II.

[Vide answer to question No. 1401 asked by Mr. K. Uppi Sahib at the meeting of the Legislative Council held on the 5th December 1924, page 728 supra.]

(A) Village officials.

(a) Two were suspended for their political activities.

(b) Twenty-six were dismissed.

Of these—

eight were dismissed for extortion,
nine were convicted in the courts for participation in the rebellion and then dismissed,
two were suspended for extortion and theft and were subsequently dispensed with when villages were amalgamated,
one was shot by order of a military court,
five were dismissed for participation in the rebellion,
one was deported under the Mappilla Outrages Act.

(B) Sub-Inspectors of Police.

One was suspended for cowardice.

One was reduced for allowing prisoners to be falsely charged.

(C) Inspectors of Police.

One was dismissed for extortion.

(D) Minor Police officials.

(a) Six were suspended—

One head constable for malingering and disobeying orders.

Five constables—

two for suffering a prisoner to escape,
two for neglect of sentry duty,
one for concocting a false case.

(b) Seventeen were reduced—

One head constable for absence without leave; reduced from second to third grade.

One sergeant for deserting his post; reduced from second to third grade.

One Havildar for absence without leave; reduced to Naik.

Fourteen constables—

three for absence without leave,
five for absence from duty,
two for neglect of duty,
one for attempting criminal misappropriation,
one for disobedience of orders,
one for dissemination of false information,
one for false complaint against a superior officer.

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(c) Eight were dismissed—

One head constable for stealing money from a prisoner.
 Seven constables—
 one for being drunk and disorderly,
 two for absence without leave,
 four after being convicted in rebellion cases.

(E) Others.

Six were dismissed—

One Revenue Inspector convicted for martial law offence,
 One clerk referred to in answer to clause (b) of the question,
 One amin convicted for offences under sections 454, 461 and 380,
 Indian Penal Code, and sentenced to seven years' rigorous
 imprisonment.
 One Lance Naik for dishonesty.
 Two sepoy—
 one for dishonesty,
 one convicted under section 379, Indian Penal Code

APPENDIX III.

[Vide answer to question No. 1404 asked by Rao Bahadur C. Natesa
 Mudaliyar at the meeting of the Legislative Council held on the 5th
 December 1924, page 732 supra.]

Statement.

Appointment for which selection was made.	Number of appointments.	Number of persons selected by Staff Selection Board.
The Indian Audit and Accounts Service.	Not known ...	9
Sub-Inspectors—		
Madras City Police ...	Do. ...	23
Probationary Sub-Registrars—		
Upper Grade ...	2	10
Probationary Deputy Tahsildars ...	4	10

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APPENDIX IV.

[Vide answer to question No. 1423 asked by Mr. R. Veerian at the meeting
 of the Legislative Council held on the 5th December 1924, page 747
 supra.]

G.O. No. 1551, Revenue, dated 4th October 1924.

READ—the following paper :—

From the Commissioner of Excise, R. No. 1129-Abk.,
 dated 11th August 1924.

Order—No. 1551, Revenue, dated 4th October 1924.

Miscellaneous.

The following Press Communiqué is published for
 general information :—

PRESS COMMUNIQUÉ.

The statement below shows the limitations placed by law and rules on the
 possession and sale of the various classes of intoxicants.

1. No person not being a licensed manufacturer or vendor of liquor or
 intoxicating drugs shall have in his possession any quantity of liquor or
 intoxicating drugs in excess of such quantities as the Government may from
 time to time prescribe by notification. The quantities of intoxicants that
 may be possessed without a licence or permit are given separately—vide
 paragraph 4 below.

2. The number and location of shops in the City of Madras are determined
 by an Excise Licensing Board consisting of 8 members of whom only three
 are officials; subject to the general control of the Excise Commissioner, the
 decisions of the Licensing Board on the above matters are final. In all
 municipalities and major unions there are excise advisory committees who
 advise the Collector in the matter of the number and location of shops.

The departmental rules require that no rural shop should, except in
 special circumstances, be located within a furlong of a metalled road and should
 be away from places of worship, schools, hospitals, factories, bathing places,
 market places, and other places of public resort.

3. Limitations placed under the conditions of licences.—(1) No shop or depot
 for sale of any intoxicant shall be opened before sunrise and no arrack shop,
 foreign liquor tavern, or beer shop shall be opened before 9-30 a.m. and no
 depot or shop shall be kept open after 8 p.m.

(2) At the time of auction sales, it is published that specified shops will
 be closed on the occasion of specified festivals and that the hours of sale in the
 case of specified shops in the neighbourhood of a market or shandy will be
 limited on market days generally or that they will be liable to limitation on
 such occasions by orders issued during the currency of a lease, if it is found
 that the shops promote drunkenness.

(3) Shops shall be closed temporarily in time of religious excitement or
 disturbance and every depot or shop-keeper should close his depot or shop
 when a riot or disturbance occurs or appears likely to occur in the neigh-
 bourhood.

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(4) Nothing should be added to any liquor or drug to increase its intoxicating power.

(5) No woman should be employed for sale unless she is a member of the renter's family.

(6) No person below 18 should be employed in any capacity in a shop.

(7) No liquor or intoxicant shall be sold in any circumstance to a child or young person under 18 years of age, insane person, person known or believed to be intoxicated or person known or suspected to be about to take part in a riot or disturbance of the public peace or other crime.

(8) No liquor or drug shall be sold except for cash.

(9) No drunkenness, disorder or gaming shall be permitted in depots or shops and entertainments of any kind are strictly forbidden.

(10) No robbers, thieves, disorderly or riotous persons shall be harboured in depots or shops and no person shall be harboured therein during the night.

(11) All liquor licensees on the Nilgiris and in the taluks of other districts bordering on the Nilgiris are prohibited from selling any liquor to any Badaga or a member of any other hill tribe except on a medical certificate.

(12) Sales under any abkari or opium licence must be conducted in an approved building of which the whole or the whole of a separable part must be entirely set aside for use as a depot or shop. In the case of arrack shops and taverns in municipalities or towns having a population of 20,000 or over, there shall be no possible means of ingress or egress in any direction except into the main street; if there are other doors, they shall be kept locked under the seal of an officer of the Excise Department.

(13) All liquor, opium and intoxicating drugs sold or kept for sale shall be of good quality and unadulterated. Nothing shall be added to liquor, opium or intoxicating drugs either to increase their intoxicating power or for any other purpose.

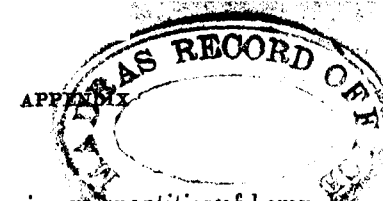
4. Special restrictions in regard to particular intoxicants—

(i) *Country spirits*.—In order to obviate the watering of liquor by shop-keepers and to facilitate the detection of cases of smuggling and illicit distillation retail vendors in distillery areas are bound to sell their liquor at certain specified strengths, viz., 35°, 40° and 60° u.p. The quantity that may be possessed without a licence by an individual is 8 drams except in special localities where it is one dram; in the Nilgiris district, in the Shiyali and Tiruturaipundi taluks of the Tanjore district, in the Tiruvadanai taluk of the Ramnad district, in the Tenkasi taluk of the Tinnevely district and in the Attur taluk of the Salem district it is four drams.

In the agency tracts it is 12 drams.

(ii) *Toddy*.—The limit of private possession of toddy is 1 gallon except in certain villages in Kistna, Guntur, Bellary and Kurnool districts bordering on H.E.H. the Nizam's Dominions where it is one dram. It is half a gallon in the Kurnool and Salem municipalities.

(iii) *Foreign liquor*.—The minimum strength at which imported and locally-made foreign spirits can be sold are 35° u.p. for gin, 30° u.p. for Colombo arrack and coconut toddy arrack and 25° u.p. for all other kinds of spirits including Italian arrack except denatured spirits. The limit of private possession of coconut toddy arrack is two Imperial gallons. For other kinds of foreign liquor there is no restriction as to the quantity that may be possessed without a licence.



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(iv) *Hemp drugs*.—The maximum quantities of hemp drugs which may be sold by retail or possessed without a permit are 10 tolas in the case of ganja and 20 tolas in the case of bhang or preparations and admixtures containing the above quantities. In the Agency tracts, these limits are 10 and 40 tolas respectively.

(v) *Cocaine* :—

(a) *Possession*.—The possession of the drugs is limited as follows :—

(1) In the case of authorized medical practitioners and dentists and veterinary practitioners holding diplomas from recognized institutions who require the drugs for use in exercise of their profession—

Half an ounce or such larger quantity as may be fixed by the Commissioner in each case.

(2) In the case of other persons—

One-tenth of a grain ordinarily and in cases where possession is authorized by an authorized medical practitioner's prescription such quantity as may be allowed by such prescription.

(b) *Sale*.—(1) The sale of the abovementioned drugs without a licence is illegal under section 15, and punishable under section 55 of the Madras Abkari Act I of 1886.

(2) The sale of cocaine preparations except to a licensed vendor or to any person authorized to possess or export them, will be allowed only on, and in accordance with, the written prescription of authorized medical practitioners.

Cocaine shall not be supplied more than once on the same prescription except in pursuance of fresh directions duly endorsed on the prescription by the medical practitioner by whom it was originally issued and signed with his name in full and dated.

(vi) *Opium*.—The ordinary limit of private possession is one tola (3 tolas in the Agency tracts) of opium or intoxicating drugs other than morphia or preparations for smoking. Smoking preparations may not be bought or sold but may be made up by smokers for their own use from opium in their lawful possession up to a limit of half a tola at a time.

(vii) *Morphia*.—No person can possess morphia drugs except under the authority of a prescription given by an approved practitioner. An approved practitioner may possess for use in his practice, but not for sale, up to 120 grains of morphia while a licensed chemist up to 12 oz.

(By order of the Government, Ministry of Education)

E. W. LEGH,
Acting Secretary to Government.

To the Commissioner of Excise.

„ Superintendent, Government Press, for publication of the communiqué in the Fort St. George Gazette.

Editors' Table.

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 6th December 1924.

The House met at 11 o'clock, Mr. President (the hon. Diwan Bahadur L. D. SWAMIKANNU PILLAI Avargal, 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.]

Loans.*Loans to ryots.*

1432 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue be pleased to give a statement showing the loans granted to the ryots of each district for every month from the beginning of this year?

A.—The Government have no information in regard to the amount of loans granted in each month to the ryots in the several districts since the beginning of the official year. A statement* however showing the amounts of loans actually disbursed up to 31st October 1924 to the ryots in each district is placed on the table.

Depressed Classes.*Depressed classes living in the Karimethicheri.*

1433 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the members of the depressed classes living in the Karimethicheri near the Villupuram railway station are being asked to quit the place by one Sarangapani unlawfully though the depressed classes have been living there for several years and paying tax to the municipality in their names;

(b) whether the District Labour Officer of South Arcot district has taken any notice of it in order to rescue the depressed classes; and

(c) if the Government have no information, will they be pleased to call for the information?

* Printed as Appendix I on page 947 infra.

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- A.—(a) Some of the Adi-Dravidas of Karimethicheri put up huts about eight years ago in the patta land of Sarangapani Pillai's father and have been paying rent to the pattadar. Sarangapani Pillai has been paying the land revenue and municipal taxes. He has recently sold the land and has given the Adi-Dravidas notice to vacate the site. The Adi-Dravidas do not claim the land as theirs and admit that they have been paying rent for it to the owner.
- (b) The Labour department has not yet commenced its operations in the Villupuram taluk. The District Labour Officer has, however, recently visited the place.
- (c) Does not arise.

Mr. R. VEERIAN :—"With reference to clause (a), may I know, Sir, whether the Government have actually found out for how long the depressed classes have been living in those quarters?"

The hon. Sir ARTHUR KNAPP :—"I have to refer my hon. Friend to the first line of the answer which says that the Adi-Dravidas put up their huts about eight years ago."

Mr. R. VEERIAN :—"May I know if there are any records to show that the lands did not belong to the Adi-Dravidas?"

The hon. Sir ARTHUR KNAPP :—"I am not aware of any records to show that the lands did not belong to the Adi-Dravidas, but there are records in the possession of the Government showing that the Adi-Dravidas have been paying rent to the pattadar."

Mr. R. VEERIAN :—"In view of the fact that these sites are very necessary for the depressed classes, will the Government think of acquiring them for assignment for house-sites on easy terms?"

The hon. Sir ARTHUR KNAPP :—"I do not think there has been any question of acquiring those sites. But we are enquiring whether there is any possibility of making the neighbouring poramboke lands available for the purpose."

Emigration.

Minimum wages of coolies recruited for Assam tea estates.

1434 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state whether the coolies recruited for Assam tea estates are guaranteed in any of the estates a minimum wage without regard to their outturn of work and the steps taken by such estates to get adequate work from coolies who fail more or less regularly to turn out the prescribed outturn?

A.—So far as Government are aware, a certain wage is paid without regard to the outturn of work. The Government are not aware of the steps taken by the various estates when coolies persistently fail to turn out the minimum task. They are making enquiries.

Mr. S. SATYAMURTI :—"May I ask the hon. the Home Member whether the 'certain wage,' referred to in line 1 of the answer to this question, corresponds in any degree or extent to a living wage?"

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The hon. Sir ARTHUR KNAPP :—"Yes, Sir. The 'certain wage' is what is sometimes referred to as the minimum wage which in the Act as it originally stood was Rs. 5 a month. In most cases it is now Rs. 6 or 7. According to the information supported by figures which we have, this sum of Rs. 6 or 7 is estimated to be a living wage."

Mr. S. SATYAMURTI :—"May I have some figures?"

The hon. Sir ARTHUR KNAPP :—"Roughly speaking, the estimates we have of the actual cost of living, making allowance for the concession rates at which food materials are sold, come up to Rs. 4-8-0 for food. The minimum wage is Rs. 6 or 7. Therefore though it does not leave a very large margin, there is at least a margin."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Is there a rule which enables the planters to turn out these coolies if they do not show the minimum outturn?"

The hon. Sir ARTHUR KNAPP :—"I am not aware of any such rule. I am making enquiries."

Forests.

Alleged molestation of the ryots by the forest subordinates and the tangedu bark contractors.

1435 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the ryots are molested in the exercise of their private rights in carting fuel and leaf manure from their patta lands by the forest subordinates and the tangedu bark contractors;

(b) whether the villagers have definite orders that they should issue permits to the ryots so as to lessen the risks indicated when they apply for permits to remove their own fuel or leaf manure;

(c) whether a petition for definite orders in this direction has been sent up to the Deputy Collector of Gooty with no effect;

(d) whether it is contemplated to sell bark villagewar, instead of talukwar or firkawar as at present, so as to minimise the chances of molestation from the bark contractors; and

(e) whether it is contemplated to insert a condition in the conditions of sale of forest produce that any unwarranted interference with the ryots will entail severe penalty, and that the only remedy of the contractor is to file a complaint before a competent authority and not to waylay a cart of the ryot?

A.—(a), (b) & (c) The Government have no information but if the hon. Member will give specific instances of the grievance, Government will enquire.

(d) & (e) No such proposals are at present under contemplation.

Formation of forest panchayats in the western taluks of the Bellary district.

1436 Q.—Mr. P. SIVA RAO : Will the hon. the Home Member be pleased to state—

(a) whether any forest panchayats have been formed in the western taluks of the Bellary district and if not, why not; and

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(b) in what districts of the Presidency is the special officer for forest panchayats now working; whether the inadequacy of the staff working under him is felt and whether it is proposed to increase the same?

A.—(a) Yes. Forest panchayats have been formed in the taluks of Hospet, Hadagalle, Harpanahalle and Kudligi.

(b) The hon. Member's attention is invited to statements I and II at pages 4-5 of the Quarterly Progress Report of the forest panchayats recorded in G.O. No. 1289, Development, dated 15th July 1924, placed on the Editors' Table. The question of increasing the panchayat staff is under the consideration of Government.

Passports.

Detention of Mr. V. S. Venkatarama Ayyar by the Ceylon Police at Talaimannar.

1437 Q.—Mr. S. MUTTAYYA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the attention of the Government has been drawn to the statements in the Madras Press about the detention of Mr. V. S. Venkatarama Ayyar, manager of the *Swarajya*, by the Ceylon Police at Talaimannar;

(b) whether it is a fact that Europeans and Indians proceeding to Ceylon are required by the Ceylon Government rules to have with them Rs. 600 and Rs. 150, respectively;

(c) if so, whether the Government have taken steps to make this rule widely known to intending passengers to Ceylon;

(d) whether the Government propose to take steps to get the rule, if there is one, modified, as it will cause unnecessary hardship to people proceeding to Ceylon for business or pleasure;

(e) whether the Madras Government have imposed any such restriction on persons landing in India from Ceylon; and

(f) if not, whether the Madras Government have under consideration the desirability of imposing similar restrictions?

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

(b) Under the Ceylon Government's Ordinance (No. 12 of 1907) only a person to whom notice that he is a 'destitute immigrant' is given in accordance with the provisions of the Ordinance has to prove possession of Rs. 150 if he is to be permitted to land.

(c) No.

(d) to (f) No.

Mr. S. SATYAMURTI:—"With reference to the answer to clause (a) of this question, may I ask if the hon. the Home Member took any action thereon?"

The hon. Sir ARTHUR KNAPP:—"No, Sir."

Mr. S. SATYAMURTI:—"May I know the reasons why, Sir?"

The hon. Sir ARTHUR KNAPP:—"I am afraid I cannot see any reason why we should take any action."

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Mr. S. SATYAMURTI:—"May I now suggest to the hon. the Home Member that when a respectable citizen of this place is treated in the manner mentioned, it is certainly up to the Government to protect him and protest against this kind of molestation and annoyance?"

The hon. Sir ARTHUR KNAPP:—"I would refer my hon. Friend to the answer to clause (b). The Ceylon Government exercised a statutory power they enjoy. My hon. Friend goes a long way if he suggests that it is our duty to protest against the exercise by that Government of its statutory powers."

Mr. S. SATYAMURTI:—"In view of that answer and in view of the negative answer given to clauses (d) to (f) of the question which asks whether the Government propose to take steps to get the rule, if there is one, modified, as it will cause unnecessary hardship to people proceeding to Ceylon for business or pleasure and, in view again of the suggestion made by the hon. the Home Member that as they were exercising a statutory power he could do nothing, may I ask the reasons why, when the exercise of that statutory power leads to these annoyances, this Government refuses to take any step to have that rule modified?"

The hon. Sir ARTHUR KNAPP:—"I am afraid there is nothing I can add to my answer. I may say at once that we have no intention of asking the Government of India to interfere with the discretion of the Ceylon Government when they are acting under the statute."

Mr. P. SIVA RAO:—"May I know who is considered to be a 'destitute immigrant' with reference to the answer to clause (b) and who gives information to the Ceylon Government that a particular person who intends landing there is a destitute?"

The hon. Sir ARTHUR KNAPP:—"A destitute immigrant, according to the Ceylon Government's Ordinance, means any person not being a native of British India who proceeds to Ceylon for the purpose of being employed there. I do not understand, I admit, the reference 'not being a native of India'."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"May I know whether this Government can negotiate with the Ceylon Government direct or only through the India Government?"

The hon. Sir ARTHUR KNAPP:—"We are not entitled to enter into direct relations with the Ceylon Government. Of course, we can move the Government of India in matters of this kind."

Mr. P. SIVA RAO:—"May I know who gives information to the Ceylon Government on which they act and who is expected to decide that a certain person who intends landing there is a destitute?"

The hon. Sir ARTHUR KNAPP:—"According to the Act, that duty is performed by the person known as the Visiting Officer."

Mr. S. SATYAMURTI:—"Unless the definition which the hon. the Home Member read out just now is defective, I think that cannot refer to Mr. V. S. Venkatarama Ayyar. He is a native of British India."

The hon. Sir ARTHUR KNAPP:—"I quite catch my hon. Friend's point. The wording of the definition has come to me as a surprise. As a matter of fact in dealing with this matter we have relied, to a certain

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extent, on the newspaper correspondence. It was on the newspaper statement that he was treated as a destitute immigrant that my answer was based. I now feel some doubt whether he comes under the definition of destitute immigrants I have now read out. I will make further enquiries into the matter."

Mr. S. SATYAMURTI :—"If as a result of the further enquiry it is found that this Ordinance has been applied illegally, will this Government take steps to protest to the Ceylon Government?"

The hon. Sir ARTHUR KNAPP :—"Certainly, Sir."

Civil Justice.

Reduction of sub-courts in Madura and Ramnad districts.

1438 Q.—Mr. A. CHIDAMBARA NADAR : Will the hon. the Law Member be pleased to state whether the Government have considered the advisability of reducing the number of courts of Subordinate Judges in the Madura and Ramnad districts?

A.—The Government do not consider it possible to reduce the number of the courts at present.

Mr. A. CHIDAMBARA NADAR :—"May I know the number of sub-courts in the Ramnad and Madura districts?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I cannot say off-hand, Sir."

Mr. A. CHIDAMBARA NADAR :—"May I know whether the opinion of the Bar was taken as to the advisability of reducing the number of courts?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—"No, Sir. The opinion of the High Court was taken on the matter."

Mr. A. CHIDAMBARA NADAR :—"As far as I know, Sir, most of the members of the Bar are of opinion that there is not sufficient work for some of the sub-courts."

The hon. Mr. C. P. RAMASWAMI AYYAR :—"I will verify it and if I am convinced of that, no one will be pleased more than myself to reduce the number of courts. But judging from the figures placed before me recently, I came to the opposite conclusion. Anyhow I shall take note of the hon. Member's statement."

Memorial from the Civil Court copyists.

1439 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Law Member be pleased to state with reference to the answer to question No. 1104, clause (1), whether the Government will be pleased to lay on Council Table the memorials addressed to the Government and submitted through the High Court of Judicature by the Civil Court copyists?

A.—The memorials have not been received by the Government. When they are received, the question of placing them on the table will be examined.

Rao Sahib P. V. GOPALAN :—"Will the hon. the Law Member be pleased to call for the memorial?"

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The hon. Mr. C. P. RAMASWAMI AYYAR :—"I do not know whether it has been submitted. These memorialists ought to know the proper procedure for forwarding it. They could have sent a copy to us."

Criminal Justice.

Number of offences in the Anantapur district.

1440 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Law Member be pleased to state the total number of offences in the Anantapur district in a tabular form on the lines of the judicial statement No. 2 of the statistics of criminal courts within the limits of each of the police stations in the district?

A.—The Government have no information beyond that contained in paragraph 17 of the Police Administration Report for 1923.

Alleged intention of the Police to prosecute Mr. S. Satyamurti, M.L.C.

1441 Q.—Mr. VENKATARAMA AYYAR alias PANTULU AYYAR : Will the hon. the Law Member be pleased to state—

(a) whether the District Superintendent of Police, Tinnevely, was in receipt of any communication from a Trivandrum Superintendent of Police (on leave at Tenkasi) concerning a lecture delivered by Mr. S. Satyamurti, M.L.C., at Tenkasi;

(b) if so, whether the said communication contained any statement or statements to the effect that Mr. S. Satyamurti, M.L.C., delivered his speech, defaming the administrative conduct of the hon. the Raja of Panagal, Minister for Local Self-Government;

(c) whether the Tinnevely Police took up the matter for investigation on the strength of the letter referred to in (a);

(d) whether any legal action was contemplated by the Police under section 500, Indian Penal Code, against Mr. S. Satyamurti in the District and Sessions Judge's Court of Tinnevely;

(e) whether the hon. the Member was consulted in the matter before the drafting of the complaint under section 500, Indian Penal Code;

(f) if the answer to (e) be in the affirmative, whether the hon. Member advised the action under the section referred to;

(g) whether the proposed legal proceedings were dropped at a later stage;

(h) if the answer be in affirmative for (g), whether the hon. the Member will give reasons for the same;

(i) whether the hon. the Raja of Panagal was made cognizant of the Police intentions against Mr. S. Satyamurti, M.L.C.;

(j) if the answer be in affirmative, whether proceedings were dropped with the full knowledge of the hon. the Raja;

(k) whether the hon. Member advised the hon. the Raja to take legal action against Mr. S. Satyamurti in the former's private capacity;

(l) if so, whether the hon. the Raja declined to take action on the lines suggested by the hon. Member; and

(m) the total expenditure incurred by the Police in connexion with the affairs referred to in the above clauses?

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A.—(a) to (h) & (m) An offence under section 500, Indian Penal Code, being non-cognizable, the Police had no authority to investigate such a matter such as that suggested in these questions, nor did they, so far as the Government is aware, make such an investigation. No such investigation was ordered by Government.

(i) to (l) As Government have repeatedly stated in this Council, no statement can be made regarding the part, if any, taken or not taken by individual members in the consultations of Government.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know if there are cases in which the Police send reports of non-cognizable cases and after taking sworn statements from them, the cases are proceeded with ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ So far as charges for defamation are concerned, I take it that the party affected must move in the matter.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether the Government were ever cognizant of this matter in any way ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ They became cognizant of certain facts connected with this matter.”

Irrigation.

Officers in charge of the breach-closing work.

1442 Q.—Mr. S. MUTTAYYA MUDALIYAR : Will the hon. the Law Member be pleased to state—

(a) the officers who have been successively in charge of the breach-closing work from the beginning up to now ;

(b) what was the previous experience of each of them in dealing with breaches ; and

(c) whether there are in service in the Public Works Department of the Government any officers who have dealt with breaches, and, if so, who they are and what the experience of each of them is in dealing with breaches ?

A.—(a) The officers who have been directly in charge of breach-closing works are the following :—

- (1) M.R.Ry. M. Nilakanta Ayyar, Executive Engineer.
- (2) S. D. Shroff, Esq., Executive Engineer.
- (3) M.R.Ry. V. Ayyadurai Ayyar, Executive Engineer.
- (4) F. W. Ireland, Esq., Executive Engineer.
- (5) J. E. Foulkes, Esq., Assistant Engineer.
- (6) M.R.Ry. M. Ganapathi Ayyar, Assistant Engineer.
- (7) „ B. M. Viswanatha Ayyar, Assistant Engineer.
- (8) „ A. S. Ramaswami Ayyar, Officiating Assistant Engineer.
- (9) „ N. Raghava Ayyangar, Assistant Engineer.
- (10) „ G. Venkatachala Ayyar, Assistant Engineer.

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(b) Since breaches occur occasionally in all irrigation systems and are dealt with by local officers it is not possible to give the information.

(c) (i) Yes.

(ii) See reply to (b).

Mr. S. SATYAMURTI :—“ May I expect the hon. the Law Member to throw some light on the matter as to how it came about that 11-15 a.m. as many as ten officers happened to be in charge of these repairs in a short period ? ”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Some of them wanted the assistance of other Engineers. In fact, Mr. Shroff wanted the assistance and Mr. Ayyadurai Ayyar gave the assistance that he wanted.”

Mr. S. SATYAMURTI :—“ May I take it therefore that all of them according to the information of the Government have had experience of repairing breaches in equal degrees ? Or is there any one of them who has had the largest amount of experience ? In view of the unprecedented floods that we have had I should like to know how many of them have had considerable experience in repairing breaches.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Speaking offhand both Messrs. Ayyadurai Ayyar and Nilakanta Ayyar have certainly had considerable experience. If further information is required we shall see whether it cannot be obtained.”

Breach of bund of the Coleroon near Arasur.

1443 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether during the recent floods the old bund of the Coleroon near the village of Arasur in the Chidambaram taluk, South Arcot district, breached ;

(b) whether the Public Works authorities have decided not to close the breach in the old bund and, if so, the grounds for that decision ; and

(c) whether the people of the village have made representations to the Government that either a new bund should be constructed to protect their houses or their houses are to be acquired outright or adequate compensation paid and, if so, the action of the Government thereon ?

A.—(a) & (c) Yes.

(b) The matter has not been decided but will be investigated in connexion with the general question of improvement of flood banks.

The Cauvery breach at Kilikudu.

1444 Q.—Mr. VENKATARAMA AYYAR alias V. PANTULU AYYAR : Will the hon. the Law Member be pleased to state—

(a) the date on which the Cauvery breach at Kilikudu, up the Grand Anicut, occurred ;

(b) the width of the breach at the outset and later at the commencement of the closing-work ;

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(c) whether the Engineering department commenced closing-work only after the floods subsided ;

(d) if the answer to (c) be in the affirmative, the reasons why work was not started immediately after the breach had been caused ;

(e) the total expenditure incurred hitherto for closing the above-mentioned breach ;

(f) the amount that may cover the entire operation ;

(g) whether the hon. Member is aware that the trestle work, conventionally known as *karambu*, constructed at the initial stage of closing the breach did not subsequently serve the purpose for which it was intended ;

(h) the amount spent for constructing the *karambu* mentioned in (g) ;

(i) whether steam pile drivers have been sent for by the Engineer in charge of the Kilikudu breach ;

(j) if so, the reasons why steam appliances were not requisitioned for even at the very early stage ;

(k) the reasons why deeper places are selected in the Kilikudu breach to effect a closure, avoiding shallower regions of the same ;

(l) the strength of the Public Works Department establishment in the Kilikudu area (number of Engineers, Assistant Engineers, etc.) ;

(m) the number of labourers working in the said area every day ; and

(n) when the Government expect to close the breach ?

A.—(a) 17th July 1924.

(b) (i) First breach was about 200 feet.

(ii) About 400 feet.

(c) Yes.

(d) The matter is under enquiry.

(e) About Rs. 1½ lakhs.

(f) Not known.

(g) Yes.

(h) Separate figures not available.

(i) Steam plant has been sent to the breach.

(j) Was not required in the earlier stage.

(k) Because it was the best place. The *karambu* referred to in (g) was in the shallower regions and failed.

(l) One Executive Engineer, one subdivisional officer and two subordinates.

(m) Information not available.

(n) The breach has been closed excepting about 60 feet in the deeper portion, which has been reduced in depth and through which water passes to the Coleroon.

The remaining portion will be closed in December.

Drainage conditions in the Shiyali taluk.

1445 Q.—Mr. VENKATARAMA AYYAR alias V. PANTULU AYYAR : Will the hon. the Law Member be pleased to state whether Government propose to institute a searching enquiry into the drainage conditions of the taluk of Shiyali ?

A.—The question of drainage improvements in the Shiyali taluk has already been examined and reported upon by the Cauvery Committee. The proposals of the Committee are being dealt with in

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turn and estimates have already been prepared for some of the more important and estimates for others are under preparation. The Shiyali taluk will be dealt with in its turn.

Legislative.

Duties of the Deputy President and Chairmen of the Legislative Council.

1446 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Law Member be pleased to state—

(a) what in fact have been the duties actually discharged by the Deputy President of the Legislative Council and each of the various Chairmen of the Council ever since the introduction of the reforms ;

(b) whether it is obligatory or necessary for the discharge of their duties that the Deputy President or the Chairman should stay in Madras longer than other elected Members of the Council, and, if so, how long each of them stayed in Madras, and what is the nature and quantity of work turned out by them ; and

(c) what, if any, are the special allowances to which the Deputy President and Chairmen are entitled in addition to those which the other elected Members of this House can claim, and how much has it cost the Government in each of the last three or four years ?

A.—(a) The Deputy President and the Chairmen presided over the deliberations of the Council whenever required to do so by the hon. the President. The Deputy President is ex-officio Chairman of the House Committee under Standing Order No. 80 and has presided at its meetings.

In exercise of the powers delegated to him by the hon. the President under Standing Order No. 79-A, the Deputy President passed orders on the admissibility of questions and resolutions during the former's absence from India during the recess of 1922 and 1923.

He attended on behalf of the hon. the President the Conference of Presidents of Legislative Councils held at Delhi in January 1923 and December 1923.

(b) It is neither obligatory nor necessary that the Deputy President or the Chairmen should stay in Madras longer than other Members. But as a matter of fact, the Deputy President stayed in Madras on the following days and transacted business connected with the meetings of the Council during the absence of the hon. the President in England during the recess of 1922-23 :—

8th to 16th July 1922 ;

3rd to 6th August 1922 ;

11th September 1922 ;

4th and 5th April 1923.

The nature of the work turned out was exactly the same as that of the hon. the President, viz., passing orders on admissibility of questions and resolutions. As regards the quantity of work, it is not easy, at this distance of time, to give any accurate information.

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- (c) The rate of travelling allowance drawn by the Deputy President is slightly different from that drawn by other elected Members of the Council. Except for this, the Deputy President and Chairmen are not entitled to any special allowance in addition to those drawn by other elected Members of the Council. From 28th September 1921 up to 25th June 1923, the rate of travelling allowance drawn by the Deputy President was (a) $2\frac{1}{2}$ first-class fares and (b) railway fares (actually paid) for one or two servants at lowest class rates. Subsequent to 25th June 1923, the rate of travelling allowance has been as follows:—

(a) two first-class fares and (b) railway fares actually paid for servants at lowest class rates up to a limit of two.

These concessions are in addition to mileage for road journey and daily allowance for halts allowed to other elected Members who are now entitled to $1\frac{3}{4}$ first-class fares for each journey.

The Deputy President draws a salary of Rs. 5,000 per annum in accordance with the Deputy President's Salary Act, 1921 (Madras Act I of 1921). The cost to Government since October 1921 up to date involved by the grant of the special rate of travelling allowance to the Deputy President was as follows:—

			For himself.			For servants.		
			RS.	A.	P.	RS.	A.	P.
1921	...	...	64	12	0	49	0	0
1922	...	...	241	14	0	103	8	0
1923	...	...	16	2	0	11	4	0
1924	...	...	167	11	0	88	6	0
			490	7	0	252	2	0

The amount of travelling allowance drawn by him in connexion with his visits to Delhi to attend the Conference of Presidents in January and December 1923 was as follows:—

			RS.	A.	P.
January	1923	...	909	13	0
December	1923	...	929	4	0
			1,839	1	0

Mr. P. SIVA RAO:—"With reference to the answer given in clause (c) that subsequent to 25th June 1923, two first-class fares are allowed to the Deputy President, may I know whether there is any reason why there should be any differentiation between the rates of fare allowed to the Deputy President and those allowed to an elected Member of the Council who draws only $1\frac{3}{4}$?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"It was $2\frac{1}{2}$ first class fares and as a measure of retrenchment it was reduced to 2. He started on $2\frac{1}{2}$ first-class fares."

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Mr. P. SIVA RAO:—"Elected members are receiving only $1\frac{3}{4}$ th fares, and why should the Deputy President get two first-class fares?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"On account of his being Deputy President."

Panchayat Courts

Co-operative Societies and Panchayat Courts

1447 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member and the hon. the Minister for Development be pleased to state with reference to the answer to interpellation No. 1059, dated 21st October 1924, whether co-operative societies cannot file suits in panchayat courts even for sums under Rs. 50?

A.—Co-operative societies can file suits for sums not exceeding Rs. 50 in panchayat courts.

Additional staff to dispose of suits pending in the Village Panchayat Court at Rayadrug, Bellary district.

1448 Q.—Mr. P. SIVA RAO: Will the hon. the Law Member be pleased to state—

(a) whether in the Village Panchayat Court at Rayadrug in the Bellary district 400 to 500 suits have been filed and are now pending without a decision;

(b) whether the non-disposal is due to want of staff for the village court to carry on its work; and

(c) whether the hon. Member proposes to sanction the requisite staff of a clerk and a peon for this court?

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

(b) The Government have no information beyond what is contained in the Collector's letter printed at pages 15 to 16 of G.O. No. 2898, Law (General), dated the 16th October 1924, which has been placed on the Editors' Table.

(c) There is no proposal to this effect before the Government.

Mr. P. SIVA RAO:—"With reference to the answer given to clause (a) that Government have no information, may I ask the hon. the Law Member to make inquiries in the matter and find out the reasons for such a large number of cases being kept pending?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"So far as this question is concerned, I am perfectly willing to take the statement implied in the hon. Member's question that 400 to 500 suits have been kept pending. I shall enquire into the matter and find out what are the reasons for such large arrears."

Mr. P. SIVA RAO:—"About the staff, Sir?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"That will be noted."

Mr. P. SIVA RAO:—"With reference to the answer given in clause (b), may I know what is the gist of the Collector's letter?"

The hon. Mr. C. P. RAMASWAMI AYYAR:—"I cannot say offhand."

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Education.*Mappilla schools.*

1449 Q.—Khan Bahadur HAJI ABDULLA HAJI KASIM SAHIB: Will the hon. the Minister for Education be pleased to state—

(a) the number of schools opened after the rebellion for Mappillas in Malabar;

(b) whether arrangements have been made introducing Hindustani as a vernacular in Mappilla schools;

(c) whether Mappilla boys have to pay school fees in elementary and secondary schools;

(d) whether in view of the illiteracy of Malabar Mappillas, it would not be feasible to provide for special facilities for the mental and moral elevation of Mappillas; and

(e) whether the Government will be pleased to lay on the table, as early as possible, a list of all aided secondary schools in the Presidency wherein compulsory religious instruction is imparted, together with the number of students (Hindu, Christian, Muhammadan) in each of the schools and the particular kind of compulsory religious instruction given in them apart from moral instruction?

A.—(a) The hon. Member is referred to the statistics relating to Muhammadan education in volume II of the Public Instruction reports.

(b) The Government have no information.

(c) The hon. Member is referred to rules 73 (i) and 92 of the Madras Educational Rules.

(d) If the hon. Member indicates the nature of the special facilities to be provided, Government will be prepared to consider them.

(e) The particulars required are not available.

Government High School at Tiruvalur.

1450 Q.—Mr. S. MUTTAYYA MUDALIYAR: Will the hon. the Minister for Education be pleased to state—

(a) whether there is any proposal to hand over the Government High School at Tiruvalur, Tanjore district, to the municipality;

(b) if so, the reasons therefor;

(c) when the school was taken under Government management and the reasons for such assumption;

(d) whether the Government or the hon. Minister has received a memorial from the citizens of the place objecting to the handing over to the municipality; and

(e) what action the Government have taken or propose to take on the memorial?

A.—(a) The Government have already issued orders directing the transfer of the management of the Government High School, Tiruvalur, to the Municipal Council, Tiruvalur, with effect from the 1st January 1925.

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(b) & (c) The school was taken over under Government management on the 1st June 1919. The main object of the Government in doing so was that this school should serve as the practising section for the secondary training school at Tiruvalur. The training school having recently been removed from Tiruvalur to Tanjore, there is no need for a Government high school at Tiruvalur.

(d) Yes.

(e) The Government do not propose to take any action.

Number of elementary schools in the Anantapur and the Ceded districts.

1451 Q.—G. RAMESWARA RAO: Will the hon. the Minister for Education be pleased to state—

(a) the total number of elementary schools (1) in the Anantapur district, (2) in the Ceded districts, and (3) in the Presidency, of each of the following classes:—

Board, Municipal, Government, Mission and other aided schools;

(b) the total expense incurred from the provincial revenues for each of the areas referred to above for each class of schools;

(c) the total number on the rolls in each of the tracts and in each class of schools;

(d) the total number of teachers engaged in each of the tracts and in each class of schools; and

(e) whether it is contemplated to increase the aided schools and reduce schools of other classes so as to increase the number of schools all through without burdening the State revenues?

A.—(a) to (d) The hon. Member is referred to the subsidiary tables appended to Volume II of the Public Instruction Report.

(e) There is no proposal to reduce the existing number of schools under the control of local bodies. As regards increasing the number of aided schools it is a matter for private agencies and District Educational Councils have power to recognize these schools.

Report of the Law College Reorganization Committee.

1452 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) whether the report of the Law College Reorganization Committee was signed by Dr. Swaminathan;

(b) whether Dr. Swaminathan sent a dissenting minute or a separate report;

(c) the main points in Dr. Swaminathan's separate report in which he differs from the majority report;

(d) whether the report of the Committee was merely approved by the Law College Council or whether the Council passed any remarks thereon;

(e) if so, whether the remarks be placed on the table of the House;

(f) whether the Syndicate or the Academic Council or the Board of Studies in Law or the Faculty of Law had been consulted before the hon. the Minister passed orders on the report and if not, why not; and

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(g) whether the new appointments contemplated will be made by the Law College Council or by the hon. the Minister?

A.—(a) No.

(b) A separate note, long after the report of the Committee was communicated to Government.

(c) The note* containing the views of Dr. Swaminathan is placed on the table.

(d) & (e) Approved by the College Council.

No remarks relevant to the issues referred to the Committee.

(f) No. The report does not relate to the functions of any of these bodies.

(g) The attention of the hon. Member is drawn to G.O. No. 1702, Law (Education), dated 5th November 1924, placed on the Editors' Table.

Mr. S. SATYAMURTI:—"May I know whether it is open to a Member of a Committee who has not signed the report to send his dissenting minute?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The report of the Committee was sent to Dr. Swaminathan for signature which he did not sign, but long after it was signed sent a note to the Government."

Mr. S. SATYAMURTI:—"May I ask the hon. Minister if that note can be treated as part of the records?"

The hon. Rao Bahadur Sir A. P. PATRO:—"No."

Mr. S. SATYAMURTI:—"May I ask the hon. the Minister whether he noticed a statement in that note that Dr. Swaminathan had shown it to three of his colleagues on the Committee? In paragraph 4 of that note he says: 'I have discussed this matter with three of my colleagues and they are in general agreement with me.' Now may I ask him, not to be harping upon the inconsistencies of others, but to answer whether he knows that other Members of the Committee before signing the report consulted Dr. Swaminathan?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It is patent that other Members have signed the report."

Mr. S. SATYAMURTI:—"No use of asking him any more questions."

The hon. Rao Bahadur Sir A. P. PATRO:—"Very good."

Mr. S. SATYAMURTI:—"May I ask the hon. Minister the reasons as to why the remarks of the College Council may not be placed on the table of this House?"

The hon. Rao Bahadur Sir A. P. PATRO:—"Because they are not relevant to the question at issue."

Mr. S. SATYAMURTI:—"It is a very serious statement to make. However, may I ask whether there is anything in their remarks that the Government disapprove and therefore it is that they do not want to say anything more than they have approved?"

* Distributed separately.

APPENDIX

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APPENDIX XIII.

[Vide answer to question No. 1587 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 6th December 1924, page 888 supra.]

A.—Presidency College, Madras.

	Number of students who applied for admission into the Presidency College from institutions in the Ceded districts.			Number of students selected.			Number joined.		
	1922.	1923.	1924.	1922.	1923.	1924.	1922.	1923.	1924.
Class I	11	25	27	2	8	5	1	5	5
Class III	19	8	13	3	1	2	2	1	..

B.—Accommodation available in the Presidency College.

Groups or subjects.	Intermediate.		B.A. Pass course.		B.A. Honours course.		
	Junior	Senior	Junior	Senior	III-H.	IV-H.	V-H.
<i>Intermediate.</i>							
Groups I & II	*120	*120	..	..	..	..	..
Group III	60	60	..	..	..	..	..
<i>B.A. course.</i>							
Mathematics	..	..	26	26	15	15	15
Physics	..	..	24	24	4	4	4
Chemistry	..	..	26	26	6	6	6
Botany	..	..	16	16	6	6	6
Zoology	..	..	12	12	6	6	6
Geology	..	..	5	5	5	5	5
Mental and Moral Science	..	..	40	40	10	10	10
History	..	..	50	50	10	10	10
English Language and Literature	..	..	..	..	10	10	10
Sanskrit Literature	..	..	..	..	15	15	15
Total	180	180	199	199	87	87	87

* Usually 65 to 70 seats are assigned to group I and the remaining seats to group II.

C.—Presidency College—Strength in 1924-25.

Groups or subjects.	Class I.	Class II	Class III Pass.	Class IV Pass.	III Honours.	IV Honours.	V Honours.
Group I Intermediate	67	56	..	..	..	..	..
Group II do.	58	57	..	..	..	..	..
Group III do.	61	45	..	..	..	..	..
<i>B.A. Classes.</i>							
Mathematics	..	..	26	21	21	22	12
Physics	..	..	21	22	4	4	6
Chemistry	..	..	26	24	6	5	4
Botany	..	..	13	12	7	7	5
Zoology	..	..	12	5	5	6	3
Geology	..	..	8	5	6	5	6
Mental and Moral Science	..	..	42	21	6	4	8
History	..	..	51	40	11	16	15
Group VI	..	..	..	5	..	..	..
English Language and Literature	..	..	..	..	9	7	8
Sanskrit Literature	..	..	..	..	9	5	6

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Existing men are to be kept on until they are provided elsewhere but the local boards to pay contributions to provincial funds on the above scale only. When vacancies arise they should be filled up by local men on the above scale of pay.

(2) Government should supply medicines to local board medical institutions at the same price as they are supplied to Government medical institutions as local board institutions are as much charitable as Government institutions.

(3) Government should contribute half the net expenditure on account of medical institutions as recommended by the Financial Relations Committee.

The financial effect of the above proposals would be as shown in the appended statement.

5. *Disestablishment of local boards the revenues of which are largely absorbed in the cost of their establishment.*—As the expenditure under 'Management' in the Wynaad Taluk Board is almost equal to its normal revenue it was proposed that the taluk board might be abolished. This proposal was duly seconded and carried unanimously with the Vice-President of the Wynaad Taluk Board alone dissenting.

6. *Raising of land-cess.*—The committee considered the question of raising land-cess by 6 pies in the rupee of land revenue in all the taluks as required in Government Memorandum No. 19593-1, L. & M., dated 1st October 1923. As all the taxes and tolls prescribed in the Local Boards Act are now levied at the maximum rates and elementary education cess in addition, the committee is unanimously of opinion that the proposal is not feasible. Since all the taxes and tolls are levied at the maximum rates, the people expect expansion of services in several directions, but want of funds stands in the way. At present the boards are unable to maintain even the existing institutions. If any of them is closed there will be a loud hue and cry. Thus the administration of local boards has become a difficult problem.

As noted by the Government even the raising of the land-cess by 6 pies would not be sufficient to wipe off the deficits of the Wynad Taluk Board. The committee resolved to abolish the taluk board and place the area under the district board management, as already noted, whereby almost the whole of the expenditure under 'Management' would be saved. There would still remain a large deficit in the administration of Wynad which the committee request to be made good by a compassionate grant from Government.

DISTRICT BOARD.

7. (i) In G.O. No. 2173, L. & M., dated 3rd October 1923, Government expect a surplus of Rs. 78,414 in the budget of the District Board and want this amount to be utilized to wipe off the 7 (iv) of taluk boards. The real surplus amounts to only Rs. 41,777 as per the President in his letter to Government No. 10/A 23, dated 1st V. MA 24. The question to be considered is how far it is possible to utilize the District Board for the above purpose. It must be explained that the above figure does not take into consideration the several items in which the District Board has definitely committed itself too far to retract now. The construction of the Mamanthole bridge, the Moyan Girls' High School, the improvement of the Kanjeri High School, to mention only a few, are works well advanced and are being carried out fairly well and under no circumstances can they be stopped at this stage without involving

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*D.—Number of students in the Presidency College, belonging to the districts of
Malabar and Tanjore.*

District.				Class I.	Class II.	Class III Pass.	Class IV Pass.	III Honours.	IV Honours.	V Honours.
Malabar	..	..	..	6	6	27	18	9	12	10
Tanjore	..	..	..	21	26	19	11	9	11	9

E.—Accommodation for college students in Maiabar and Tanjore districts and the present strength of each of the colleges in the districts.

College.	Accommodation available				Present strength.			
	Class I.	Class II.	Class III.	Class IV.	Class I.	Class II.	Class III.	Class IV.
<i>Tanjore district.</i>								
Government College, Kumbakonam.	140	140	120	120	143	109	69	58
Findlay College, Mannargudi.	100	100	25	25	65	41	13	15
<i>Malabar district.</i>								
Government Victoria College, Palghat.	100	100	..	..	84	69	..	..
Government Brennen College, Tellicherry.	67	67	..	..	52	49	..	..
The Malabar Christian College, Calicut.	50	50	..	..	33	54(a)	..	..
The Zamorin's College, Calicut.	100	100	..	..	53	72	..	..

NOTE.—(a) This number excludes students who appeared for September examination, 1924.

F.—Number of students rejected in the Ceded Districts College for want of accommodation.

(1) Classes.	(2) 1922-23.	(3) 1923-24.	(4) 1924-25.
I ...	33	28	42
III ...	Nil.	Nil.	17

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works which is the maximum prescribed by rule 50 (1) of the Local Boards Manual. With a view to reduce the expenditure and bring it within the permissible limit, the committee resolved to take the following steps :—

(1) To abolish the post of the Assistant Engineer, Wynaad, and to reduce the number of overseers by one. The saving will be about Rs. 10,525 per annum.

(2) To reduce the fixed travelling allowance of 10 overseers and sub-overseers from 50 to 30 per mensem.

(3) To abolish the local allowance of Rs. 30 per mensem given to the head draftsman of the District Board Engineer's office.

(4) To abolish the extra fixed travelling allowance of Rs. 10 per mensem to the Senior Assistant Engineer.

(5) To abolish the motor allowance of Rs. 30 per mensem to the Assistant Engineers of Malapuram and Tellicherry.

Nos. (2) to (5) would bring in a saving of Rs. 300 per mensem.

(iv) (1) In addition to the reduction of Rs. 17,719 made by Government in the 14 lakhs grant given to this district when the Health Department was formed, the District Board has to meet the cost of the travelling allowance of the District Health Officer and the salary and contingencies of his office staff amounting to Rs. 3,150 from its own funds. The committee request that this additional cost of Rs. 3,150 may be met from Provincial Funds.

(2) Formerly there were great difficulties in securing proper men as teachers in elementary schools. With a view to meet this want at least to some extent, the District Board has been maintaining three sessional schools with the aid of an annual provincial grant of Rs. 5,610. Lately the District Board has opened high schools in many parts of this district and the men educated in the schools are better equipped for taking up the teachers' posts than those trained in the sessional schools. Thus the District Board High schools are now supplying a better class of teachers than those trained in sessional schools which may be abolished. Since the District Board has been supplying the want of teachers and the Government is not paying for the maintenance of some of the District Board schools even the sum ordinarily given as grants for private schools, the Committee recommend that the annual grant of Rs. 5,610 now being paid towards the maintenance of the sessional schools, may be paid to the District Board towards the expansion of secondary education in the district.

8. In the normal budget of the District Board the retrenchments suggested in paragraph 7 (iii) have been carried out. Pending orders of Government the suggestions in paragraph 7 (iv) have not been incorporated.

V. MADHAVA RAJA,
President, District Board, Chairman of the Committee.

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the District Board into much financial loss. All high schools have also to be equipped with science apparatus. The surplus in the budget referred to above is therefore required for the District Board purposes alone. Thus only the compassionate grant of Rs. 17,728 sanctioned in the above Government Order is available for allotment to taluk boards. The committee request that the deficits of the Ponnani and the Wynaad taluk boards be made good by a further compassionate grant of Rs. 78,414.

(ii) Under 'Management' the expenditure under establishment has increased from Rs. 6,801 to Rs. 12,000 but this increase was inevitable and was due to the strengthening of the staff owing to increase in work and the adoption of the scales of pay allowed in Government offices. As far back as 1919 Mr. F. B. Evans, I.C.S., the then President, District Board, remarked that the clerical staff in the District Board office was quite insufficient to cope with the work and strongly suggested the desirability of increasing the same. Since then the work in the District Board office has considerably increased owing to the transfer of all secondary schools to the District Board under the new Local Boards Act and the vast advance made in the secondary education by the opening of new schools and raising the existing ones to the high school standard, the increase in the number of taluk boards, transfer of all the important roads from the taluk boards to the District Board and the constitution of the health department. The present cost on establishment works up to 1.37 per cent of the total receipts against 3 per cent allowed by the rules. From 1st April next the local boards are to prepare their own treasury accounts and maintain their account registers which were hitherto done by the Local Audit Department in the Collector's office. This will throw more work on the establishment which consequently will have to be further strengthened.

The income of the district and taluk boards in 1923-24 and the cost of their office establishments in that year as compared with the income and cost of establishment in 1920-21 are shown below :—

(1)	1920-21.		1923-24.	
	Total income. (2)	Establishment charges. (3)	Total income. (4)	Establishment charges. (5)
	RS.	RS.	RS.	RS.
1. District Board	5,35,556	6,801	9,14,240 (a)	12,000
2. Chirakkal Taluk Board			65,430	3,170
3. Kottayam Taluk Board	1,83,173	4,555	46,010	2,840
4. Kurumbanad Taluk Board			81,120	3,340
5. Calicut Taluk Board	39,207	1,997	29,310	2,480
6. Ernad Taluk Board	1,00,333	2,471	93,970	3,400
7. Walluvanad Taluk Board	93,058	2,050	1,00,520	3,680
8. Ponnani Taluk Board	239	2,502	1,66,930	3,700
9. Palghat Taluk Board	850	2,462	88,610	3,220
10. Wynaad Taluk Board	133 (b)	2,575	25,590	4,400

(a) Includes the cost of the health
(b) Includes allotment from district

(iii) The committee found establishment was in excess of

(3) Net.
1923-24. 60.

28
Nil.

account of the engineering the normal expenditure on

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APPENDIX XIV.

[Vide answer to question No. 1542 asked by Khan Bahadur Haji Abdullah Haji Qasim Sahib at the meeting of the Legislative Council held on the 6th December 1924, page 891 supra.]

(1)

Press Communiqué of the Government of Madras, Revenue Department, dated Ootacamund, the 12th May 1916.

In passing orders on a report on the cattle survey of the Presidency submitted by Mr. H. C. Sampson, Deputy Director of Agriculture, Southern Circle, the Government announced their intention of strengthening the Agricultural Department by the appointment of a Deputy Director with practical experience in stock raising, whose duties would include the following items:—

- (1) the establishment and management of stock farms in localities in which a good breed of cattle exists;
- (2) the preservation on such farms of valuable strains of indigenous cattle and the distribution of good stock therefrom;
- (3) the formulation of systematic measures to improve the draught and milking qualities of cattle by selection and crossing;
- (4) the formation of milk-record societies on the model of Danish 'control' bodies, thereby providing a secure basis for the selection of bulls and demonstrating in a practical way the loss sustained by the use of inferior cows;
- (5) the investigation of the problem of transporting milk for long distances in the climatic conditions of this Presidency;
- (6) the examination of problems connected with dairying; and
- (7) the provision of advice and help in connexion with dairying in general and with especial reference to the improvement of the milk supply in towns.

2. The Government of India were accordingly addressed in view to the recruitment of a person of the requisite qualifications and experience and, as a result of this reference, the Secretary of State for India has now sanctioned the creation of a post of Deputy Director to deal with questions affecting cattle-breeding and dairy operations in this Presidency and has appointed Mr. Allan Carruth to the post.

3. Mr. Carruth studied at the Glasgow and West of Scotland Agricultural College, underwent a course in the science and practice of dairying at the Scottish Dairy Institute, Kilmarnock, and holds diplomas in agricultural science and in other allied sciences, including dairying. He has served for over six years as agricultural instructor for County Monaghan in Ireland; for the three years immediately preceding the date of his appointment to the Indian Agricultural Service he has been employed under the Edinburgh and East of Scotland College of Agriculture as lecturer in agriculture and organizer of agricultural and dairy schemes.

J. P. BEDFORD,
Acting Secretary to Government

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(2).

Press Communiqué of the Government of Madras, Development Department, dated Fort St. George, the 5th April 1923.

In a Press Communiqué, dated 12th May 1916, the Government announced the appointment of a Deputy Director of Agriculture, Live-stock, in the Agricultural department and therein also defined his duties. The appointment was made on 24th April 1916 and the following is an account of the work which has been done since then with an indication of the lines along which future work will be continued:—

(1) *The establishment and management of stock farms in localities in which a good breed of cattle exists.*—An Ongole cattle farm was opened in June 1918 for the purpose of breeding Ongole cattle. This farm is situated at Chintaladevi about 36 miles from the Kavali Railway station, and is roughly 800 acres in extent, 250 cultivated and the remainder in pasture. The permanent buildings are not yet ready. About 240 acres of land have been broken up and 50 acres brought under irrigation to grow fodder. No big yields have been harvested and the land needs systematic manuring. Wells are being sunk as the water in the Mopad channel is stopped each year from May to September.

Funds have not yet been found to start the proposed Kangayam farm.

A buffalo-breeding station has been opened at Samalkot for the purpose of rearing good breeding bulls, and this work will be continued at Guntūr.

(2) *The preservation on such farms of valuable strains of indigenous cattle and the distribution of good stock therefrom.*—The stock in the Ongole farm consists of 50 cows, one breeding bull, 14 heifers—one to two years old—and ten calves under a year old, a bull from two to three years old, 20 bulls one to two years old, and 15 bull calves. Six good bull calves have been specially selected and put on extra rations to force them on. They should be ready to be placed out in the districts next year, 1923.

Milk recording was begun last year. As all the calves suckle their dams, the cows are milked dry one day in the week only and an average taken. All animals which give 15 lb. of milk and over are specially looked after. During the next five years, their bull calves when old enough will be placed in certain districts of the Ongole tract where dairy cows are bred, and possibly one or two may be sent to Madras to serve Ongole cows in the City.

Experiments are being conducted to see, if Ongole cattle will come to maturity earlier by extra feeding. A group of calves are weighed and measured each week to obtain information on the point.

One good breeding bull and 8 to 10 good cows will be purchased this year to add to the stock and it is hoped to have six bulls ready next year (1923) to be placed in the districts. This number will increase year by year.

Two Kangayam bulls were purchased some years ago from the Pattagar of Palayakottai and one has turned out a good stud bull. Seven good Kangayam cows have been purchased and these and the bull have been placed at Chintaladevi and from this stock a herd will be built up so that, when funds are available and the Kangayam farm can be started, material will be ready.

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Of 24 buffalo calves purchased in the Godavari district, none grew into big animals, but finally seven were selected. Three of these are at stud at the Nandyal farm in Kurnool district, three are in Madras City, and one is at Samalkot.

It is proposed to lay the foundations of a herd at the newly opened Guntur farm where 150 acres are reserved for the purpose by purchasing 10 to 12 good she-buffaloes of good milk strain and to allow the calves to suckle their dams. It is hoped in this way to produce larger bulls during the next five years as the calves are usually half-starved in their early life and their growth stunted.

There appear to be no buffalo bulls in most places and buffaloes are served by half-mulled work animals. Hence there is a great need for good buffalo bulls.

(3) *The formulation of systematic measures to improve the draught and milking qualities of cattle by selection and crossing.*—Four Ayrshire bulls were brought out from England in 1920 to serve milch cows in Madras, the idea being to select the best calves from the male progeny to rear as cross-bred bulls for breeding purposes. This plan, however, proved a failure. Two of the bulls have died, and another refused to serve in Madras. The milkmen did not make good use of these bulls and the cows served were mostly the property of private and wealthy owners. Very few of the calves produced were cared for and they were all stunted in growth and unfit for breeding purposes.

The two surviving bulls were protected against rinderpest by the serum simultaneous method and early this year were sent to Ootacamund to serve the pure-bred and cross-bred cows there, which number about 240 in Ootacamund and 60 in Coonoor. These cattle are chiefly owned by Europeans and the calves are better looked after and we shall be able to select bulls from the progeny of these cows. One of the bulls has recently had to be destroyed as he was incurably ill.

There were 14 Mongrel bulls in Madras City last year, most of them with some Australian blood in them. The majority were poor, so arrangements were made to bring six of our cross-bred bulls from Bangalore to Madras for stud purposes. These bulls were the progeny of imported Ayrshire bulls and selected Scindhi and Saniwal cows known to be of a good milking strain from their milk records. They are stationed in the Madras Veterinary College. A service fee of Rs. 2 is charged and the number of cows being served is increasing monthly and the bulls are becoming popular. In this way, it is hoped during the next five years to squeeze out all the Mongrel bulls from Madras City and in time Government will have a monopoly and will be able to control the breeding. If cross-bred bulls are a failure, pure Indian breeds can replace them.

Three buffalo bulls of good milking dams have also been placed at stud in Madras and they are serving a good number of buffaloes in the city.

The work at present being done consists to a large extent in cross-breeding with English bulls of known milking strain. This is the quickest method of grading up the dairy cattle as the yield of Ayrshire dams is often treble and quadruple that of country cows, and an improvement in the daughters of these sires is very evident. The disadvantage is that these cross-bred animals

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are not so immune to disease as ordinary Indian breeds. Rinderpest can be guarded against to a large extent by inoculation but foot-and-mouth disease is still rife and a source of danger and loss to the dairy farmers.

The breeding experiments at Bangalore were started with the object of doing two things—

(a) producing a cross-bred dairy cow with a high milk yield in order to improve the milk supply of towns; and

(b) producing an animal which would be immune to rinderpest.

Both these objects are of the greatest importance not only to the Madras Presidency but to India as a whole. The Madras milk supply cannot be improved till we have got a strain of cattle which we can reproduce at will and in any desired quantity which give a great deal more milk than the ordinary country cows. The Ongole cow, which is the best dairy cow, only calves about once in three years and then only gives 8 lb. of milk a day at the most during lactation and if taken from one calf to another averages only 4 to 5 lb. a day. This will not repay the milkmen for feeding and attention. Immunity to disease would save lakhs of cattle and rupees each year.

These objects can only be obtained by following out a definite policy of breeding, just as a new strain of paddy or cotton is produced or a new sugarcane, which give an increased yield and are resistant to disease. It is no good (as far as these particular objects are concerned) importing good pedigree bulls and letting them serve cows of all descriptions in the hope of obtaining something good. Too much of this has been done in the past and the result is just nothing. A few individual cows may be produced with an increased milk yield, but these are probably mated with poor country stuff and the milk character disappears again in the second and third generations. So some definite, continuous policy must be pursued till a number of animals are produced (a cross-bred milch herd in fact) which possess the valuable characters aimed at, and the members of which can be crossed among themselves to reproduce as many as are desired.

Moreover, it must be done with cross-breeds. If pure Indian stock is used, the milk yield of the resulting herd can only be raised to a certain definite point by careful selection of only the very best of the progeny. With a cross-bred, however, the very high milk-yielding character of the Ayrshire can be introduced into the Indian cow which raises the milk yielded above anything a pure Indian strain will give. At the same time, it is desirable to produce pure-bred Indian cattle (a) for the sake of comparison with the cross-bred herd, (b) for special purposes such as draught cattle, and (c) in case the cross-breeding does not ultimately prove a success for some reason at present unforeseen so that there may be other material to fall back on better than the usual country stock.

The country stock are bad—and getting worse—because no attempts are made at pure breeding. The bulls are allowed to run with the herd, strains are mixed haphazard, cross-breeding of quite the wrong kind takes place. The result is chaos. If the cattle in India are to be improved, herds must be raised which are either pure bred or bred to a particular type and promiscuous crossing of types avoided. For example, Ongole and Kangayam are draught animals, while the Scindhi is a milk animal. If these two breeds are mated, the resulting cow may give a few pounds of milk extra per day, but the male

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progeny will be reduced in size and unsuitable for draught. The consequence is that one strain at least has lost its value and the other has been little, if any, improved. Another very important point is to raise a strain with a longer lactation period and one which calves more frequently so as to raise the daily milk average. Country cows are dry for long periods during which time they are a loss to the milkman and he cannot afford to feed them properly.

Having explained the exact object of the Bangalore experiment, let us see how far success has been obtained. The first cross between Ayrshire bulls (carrying the milk-yielding character) and country cattle gave animals

- (1) giving two to three times as much milk as the country cow,
- (2) with a lactation period of nine months,
- (3) which breed regularly and are only dry six weeks to two months in the year (as compared with the country cow 3 to 9 months dry).

The following figures from the records kept at Bangalore illustrate these points very clearly:—

Cross-bred cows.			Country cows.		
Animal.	Milk yield.		Animal.	Milk yield.	
	Total.	Daily average.		Total.	Daily average.
	LB.			LB.	
No. 1 ...	6,556	24.3	No. 1 ...	3,921	12.1
No. 2 ...	4,615	16.4	No. 2 ...	4,155	11.8
	6,113	19.4		4,066	15.2
No. 3 ...	5,479	24.0	No. 3 ...	3,485	11.2
	7,109	26.7		2,831	12.2
No. 4 ...	6,264	20.6	No. 4 ...	3,106	10.0
	5,791	16.5		3,073	13.6
No. 5 ...	5,378	17.7	No. 5 ...	4,447	12.4
	4,958	20.4		2,098	10.7
No. 6 ...	4,905	30.0	No. 6 ...	2,807	10.5
Total of six animals ...	64,500	237.4	Total of six animals ...	33,989	119.2
Average per lactation.	5,873	21.5	Average per lactation.	3,398	11.9

The following are two typical weekly reports for the Bangalore Dairy:—

	Week ending 11th March 1922.		Week ending 24th June 1922.	
	Cross-bred.	Country.	Cross-bred.	Country.
	LB.	LB.	LB.	LB.
Average number of cows in milk per day ...	16.8	10.8	15.8	14.1
Average of whole herd ...	14.5	4.8	12.5	8.2
Number of cows in milk ...	114	19	104	21
Number of cows dry ...	3	10	8	12

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These figures show very clearly the excellent results obtained in the *first generation* of the cross. The cross-bred cow gives nearly twice as much milk as the country cow and is a very regular breeder. While only 3 to 8 per cent of the cross-bred herd are dry, 52 to 57 per cent of the country herd are dry.

The future lines of the experiment should be as follows:—

It must be found out where these cross-bred animals when *mated together* still keep their high milk yield and also if they are immune to disease. This work has been begun. At Bangalore, there are 15 heifers and 8 bulls and of this *second generation*, that is the progeny of the first lot of cross-bred bulls and cross-bred heifers. The next step is to mate these and see what the *third generation* is like. This will take another two years or so, and it is proposed to do this work at Coimbatore for the sake of economy. The *second generation* are good and promising animals and the experiment certainly ought to be continued and completed so as not to lose that has been gained. No more Ayrshire bulls are needed as there are quite enough cross-bred bulls now for our purpose. When a really good cross-bred bull which throws good calves with a high milk yield and immune to disease is obtained, the object of the experiment is obtained.

As regards immunity to disease, this is tested when the herd is inoculated. It is found that some cross-bred calves will not 'take'—that is, they are immune to the disease. It is necessary to discover now:

(a) whether this immunity is an hereditary character,

(b) whether it is combined with milk yield. If it is, when we can attain the second object of the experiment, which is of the greatest importance.

Cross-bred bulls from these sires when used in India on cross-bred cows tend to increase the milking properties of the cattle. This is being done at present in the Madras City, cross-bred bulls from Bangalore being used for stud purposes. The work is not being done in district towns because sufficient control cannot be exercised over the inoculation of the progeny against rinderpest.

Whether these cross-breds and their progeny can be permanent dairy cattle of Madras or not, remains yet to be proved.

4. *The formation of Milk Record Societies, etc.*—A detailed survey of the Madras Dairy trade has been made and it was decided that it was impossible to form such milk record societies, but the improvement of the dairy business has been investigated and a Milkmen's Association has been formed. Some twenty members took out five-rupee shares, and cake was purchased locally from the Penitentiary and sold daily to the milkmen. At the end of eighteen months a profit of one thousand rupees has been made. The association was duly registered, and this profit was divided up amongst the members according to the amounts of their purchases, five-rupee shares being taken out in their names up to a maximum of one hundred rupees per member.

The running of this association has now been handed over to the President and Secretary to manage. In future, an agricultural demonstrator posted in

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Madras will visit the milkmen, and urge those who have not already done so to join the association. He will advise them how to feed and rear calves and advertise the fact, that Government have good cross-bred bulls at stud in Madras for a service of two rupees. This propaganda work is already being carried out.

5. *The investigation of the problem of transporting milk.*—This work has been done in the Central Provinces and the results published by Allen in the *Agricultural Journal of India* and it has not appeared necessary to repeat the work in Madras Presidency. There has at present been no chance of utilizing the knowledge gained.

6. *The examination of problems connected with dairying and the provision of advice and help.*—A survey of the whole Ongole breeding tract is being made and particulars recorded about all the animals in each village with a report on the quality of the breeding bulls and methods of feeding and rearing. When this is completed, arrangements will be made to meet the District Boards in these tracts and urge them to take up the question of providing good Ongole bulls for breeding in the villages in this district.

A survey of buffaloes is also being made in the Cuddapah and Kurnool districts and the Deputy Director of Agriculture, Live-stock, has surveyed the animals in the Godavari and Guntur districts. When this preliminary work is finished, proposals will be formulated for laying down the foundation of a buffalo herd on the newly-opened Guntur Farm.

7. *The programme of work in the future.*—The programme of work for the next five years may be summarised as follows:—

(1) The continuance of the work on the Ongole Cattle Farm at Chintaladevi and the opening of a Kangayam Farm.

(2) The establishment of a buffalo farm on the new Agricultural Farm at Guntur.

(3) The distribution of breeding bulls from Chintaladevi to the districts beginning in 1923 with six and increasing the number each year.

(4) The distribution of breeding bulls, the progeny of high milk-yielding mothers, to the Ongole tract and Madras in gradually increasing numbers.

(5) The building up of a Kangayam herd in Chintaladevi to be transferred to a Kangayam Farm when this can be opened.

(6) The laying of the foundation of a buffalo herd at the Guntur Farm and the production of larger bulls for breeding purposes.

(7) The provision of good cross-bred bulls available for service in Madras City and thus squeezing out the Mongrel bulls and getting a monopoly of breeding and thus raising the milking qualities of the cattle and improving the City dairy industry.

(8) The continuance of the Bangalore breeding experiments but transferred to Coimbatore; there to try and raise a type of animal, which will breed true yield more milk and, at the same time, be immune to rinderpest and, also the production of a good draught animal.

(9) The formation and encouragement of Milkmen's Association and propaganda in connexion with them.

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(10) The completion of a cattle survey of the Presidency.

(11) The completion of the buffalo survey of the Madras Presidency.

(12) Co-operation with District Boards with regard to breeding Ongole cattle.

J. M. TURNER,
Secretary to Government.

APPENDIX A V.

[Vide answer to question No. 1543 asked by Rao Bahadur A. S. Krishna Rao Pantulu at the meeting of the Legislative Council held on the 6th December 1924, page 891 supra.]

Irrigation sources in and around Hosur, Salem district.

Number of village.	Name of village.	Irrigation sources.
10	Chennattur ...	Varadaiyan eri, Pattalamman eri, Varadien tank, Daner eri and Krishna Rao eri.
11	Hosur ...	Ramanayakkan eri, Chandrambudi eri, Thoddan eri and Motham eri.
12	Jujuvadi ...	Dada Rao Government eri, Venkatesaiyan Government eri, Venkatappan Kodigai eri (dasabhandan), Kapinipathian eri (private), and Santhapuram Kadigai eri (dasabhandan).
14	Nallur ...	Kasappanda Samudram eri, Gollappan eri, Chinnar river baling, Pedda Elachagiri Circar eri and Siddandapalli Circar eri.
15	Mukundapalli ...	Sitaramayyan eri, Shrotriem Mothamagraharam eri and Dada Rao Kadigai eri.
19	Mattagiri ...	Chinnappa Reddi Kodigai eri and Vir Raghavien eri.
20	Onnalavadi ...	Nanjakavandan Circar eri, spring of Bangapandithar agri and Juvukka in R.S. No. 851/1.
77	Avalepalli ...	Kodigai eri, Circar eri, Mairananan eri and Venkatagiri Ayyan eri.

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APPENDIX XVI.

[Vide answer to question No. 1545 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 6th December 1924, page 892 supra.]

Co-operative societies in the flood-affected villages in Malabar, etc.

1030 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether any arrangement was made to start co-operative societies in the flood-affected villages in Malabar, Salem, Coimbatore, Trichinopoly and Tanjore districts;

(b) how many affected villages have societies already in each district; how many are without societies;

(c) how many new societies were organized after the floods;

(d) whether there is any special staff engaged for this urgent work, whether official or non-official, with their names and the number of societies organized by them;

(e) how much of loans were given to old societies, and new societies after the floods;

(f) whether any attempt was made in these districts to open co-operative stores for joint purchase of food-grains in order to have a check against profiteering;

(g) how many stores were started in each district and what are they;

(h) whether it is a fact that the Secretary of the Provincial Union is working in those affected districts and starting co-operative societies; and

(i) whether the hon. Minister will be pleased to sanction a subsidy to the Provincial Union to enable its members to take up the work?

A.—(a) Yes. The Assistant Registrars of the five districts and their subordinate staff have been devoting special attention to the organization of co-operative societies in all flood-affected villages not served by existing co-operative societies, where it is possible to form societies on proper co-operative lines with a reasonable chance of their working successfully. The Registrar has visited Malabar, Coimbatore, Trichinopoly and Tanjore and given personal instructions to the Assistant Registrars concerned.

(b) The information is furnished below:—

District.	Number of villages which	
	Already have societies.	Have not got societies.
Malabar	198	98
Salem	13	11
Coimbatore	13	20
Trichinopoly	64	37
Tanjore	105	25

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(c) Eighty-nine.

(d) An Additional Assistant Registrar was posted to Tanjore in August last to assist the Assistant Registrar in charge of Tanjore and Trichinopoly districts in his routine work so that he might be able to devote more time and attention to the organization of labour on co-operative lines for flood relief work. An additional inspector of co-operative societies was sanctioned for five months from 1st October last to assist in the work.

As regards non-officials, M.R.Ry. K. S. Madhava Rao Avargal, a Director of the Coimbatore District Urban Bank, organized one credit society in Coimbatore district, and the Secretary of the Y.M.C.A. at Arcode in Malabar assisted the departmental staff in organizing a few societies in the neighbourhood of Arcode. A member of the Servants of India Society visited some parts of Coimbatore and indicated plans where societies might be started.

(e) The information is furnished below:—

District.	Amount of loans given to	
	Old societies.	New societies.
	Rs.	Rs.
Malabar	53,900	2,000
Salem	...	...
Coimbatore	11,070	8,385
Trichinopoly	21,900	4,000
Tanjore	25,175	...

The Government have sanctioned the proposal of the Labour Commissioner that loans to the extent of Rs. 40,000 may be granted to co-operative societies consisting of member of the depressed classes and other poor caste labourers in Tanjore district who have lost their houses in the floods.

(f) Except in Trichinopoly district, attempts have not been made to open separate co-operative stores for the joint purchase of food-grains. But attempts have been and are being made to induce credit societies in Trichinopoly, Tanjore and Malabar to arrange for the joint purchase of food-grains or to purchase them through the agency of existing trading unions.

(g) One co-operative store was registered at Srirangam in Trichinopoly district.

(h) One of the Secretaries of the Madras Provincial Co-operative Union visited certain villages in Coimbatore and Tanjore but he does not appear to have organized any societies.

(i) The Government are not convinced of the necessity of the grant of a subsidy to the Provincial Union to enable its members to take up the organization of societies in flood-affected areas as other agencies, both official and non-official, are already at work.

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