

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FOURTH SESSION OF THE SECOND LEGISLATIVE COUNCIL

Vol. XXVII (Nos. 1 to 6)

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PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Mr. M. RUTHNASWAMY, M.A., Bar.-at-Law.

Deputy President.

M.R.Ry. Diwan Bahadur P. KESAVA PILLAI Avargal, C.I.E.

Panel of Chairmen.

M.R.Ry. A. RAMASWAMI MUDALIYAR Avargal.

Sriman SASIBHUSHAN RATH Mahasayo.

Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB Bahadur

M.R.Ry. Rai Bahadur T. M. NARASIMHACHARLU Garu.

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. SATAGOPA ACHARIYAR Avargal, B.A.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.	Name of member.	Name and class of constituency.
1. Abdul Hye Sahib Bahadur ...	Ceded Districts, M. Rural.	30. Kesava Pillai, C.I.E., Diwan Bahadur P. (Deputy President).	Anantapur, N.-M. Rural.
2. Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, M. Rural.	31. Khadir Mohiddin Elyas Khan Sahib Bahadur.	East Coast Muhammadan.
3. Abdulla Ghatala Sahib Bahadur, Khan Bahadur (Council Secretary).	North Arcot cum Chingleput, M. Rural.	32. Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Madura cum Trichinopoly, M. Rural.
4. Adinarayana Chettiyar, T. ...	North Arcot, N.-M. Rural.	33. Koti Reddi, K. ...	Cuddapah, N.-M. Rural.
5. Anjaneyulu, P. ...	Guntur, N.-M. Rural.	34. Krishnan Nayar, Diwan Bahadur M.	Malabar cum Anjengo, N.-M. Rural.
6. Ankinedu Prasad Bahadur, S. R. Y.	Northern Landholders II, Landholders.	35. Krishna Rao Pantulu, Rao Bahadur A. S.	Nellore, N.-M. Rural.
7. Appavu Chettiyar, D. ...	Salem, N.-M. Rural.	36. Krishnama Achariyar, C.I.E., Rao Bahadur V. T.	NOMINATED. (Secretary to Government, Law Department.)
8. Ari Gowder, H. B. ...	Nilgiris, N.-M. Rural.	37. Krishnaswami Nayudu, Rao Bahadur K.	North Arcot, N.-M. Rural.
9. Arpudaswami Udayar, S. (Council Secretary).	Tanjore, Trichinopoly cum Madura, Indian Christian.	38. Kuppuswami, J. ...	Guntur, N.-M. Rural.
10. Arumuga Nadar, P. K. S. A. ...	NOMINATED for Nadars.	39. MacDougall, Kt., Sir Alexander.	European.
11. Bhanoji Rao, A. V. ...	Vizagapatam, N.-M. Urban.	40. Madanagopal Nayudu, R. ...	Madras City, N.-M. Urban.
12. Biswanath Das Mahasayo, Sriman	Ganjam, N.-M. Rural.	41. Madhava Raja, V. ...	Malabar cum Anjengo, N.-M. Rural.
13. Boag, I.C.S., G. T. ...	NOMINATED. (Secretary to Government, Finance Department.)	42. Madurai, Hony. Lt. ...	NOMINATED for Adi-Dravidas.
14. Chambers, G. W. ...	Madras Chamber of Commerce.	43. Mallesappa, T. ...	NOMINATED for Lingayats.
15. Chidambara Nadar, A. ...	Madura, N.-M. Rural.	44. Marakkayar Sahib Bahadur, Khan Bahadur V. Hamid Sultan.	Tanjore, M. Rural.
16. Cruz Fernandez, Rao Bahadur.	Ramnad cum Tinnevelly (Christian), Indian Christian.	45. Marjoribanks, C.S.I., C.I.E., I.C.S., The hon. Mr. N. E.	EX-OFFICIO.
17. Davis, J. A. ...	NOMINATED for Anglo-Indians.	46. Marthandam Pillai, P. N. ...	Tinnevelly, N.-M. Rural.
18. Devendrudu, N. ...	NOMINATED for Adi-Andhras.	47. Maruthavanam Pillai, C. ...	Tanjore, N.-M. Rural.
19. Ellappa Chettiyar, Rao Sahib S.	Salem, N.-M. Rural.	48. Meera Sahib Bahadur, Muhammad.	Madura, Trichinopoly cum Srirangam, M. Urban.
20. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.	49. Moidu Sahib Bahadur, T. M. ...	Malabar cum Anjengo, M. Rural.
21. Gangaraju, M. ...	Kistna, N.-M. Rural.	50. Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.	EX-OFFICIO.
22. Ghouse Mian Sahib Bahadur, Muhammad.	Central Districts, M. Rural.	51. Moosa Sait Sahib Bahadur, Muhammad.	Madras, M. Urban.
23. Gopala Menon, C. ...	Southern India Chamber of Commerce, Commerce and Industry.	52. Muhammad Sahib Bahadur, T. N.	Ramnad cum Tinnevelly, M. Rural.
24. Gopalan, Rao Sahib P. V. ...	NOMINATED for Mukkuvans or Fishermen.	53. Muniswami Nayudu, Rao Bahadur B.	Chittoor N.-M. Rural.
25. Guruswami, L. C. ...	NOMINATED for Arundhateyas.	54. Murugappa Chettiyar, Diwan Bahadur A. M.	Nattukottai Nagarathars' Association, Commerce and Industry.
26. Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abdulla (Chairman).	South Kanara, M. Rural.	55. Muttayya Mudaliyar, C. ...	Chingleput, N.-M. Rural.
27. Hall, O.B.E., I.C.S., J. F. ...	NOMINATED. (Secretary to Government, Revenue Department.)	56. Muttayya Mudaliyar, S. ...	Tanjore, N.-M. Rural.
28. Hegde, J. Naganna ...	South Kanara, N.-M. Rural.	57. Muttu Chettiyar, P. C. ...	Ramnad, N.-M. Rural.
29. Heggade, D. Manjappa ...	Do.	58. Narasimbachari, Rai Bahadur T. M. (Chairman).	Cuddapah, N.-M. Rural.
		59. Narasimha Raju, Rao Bahadur C. V. S.	Vizagapatam, N.-M. Rural.
		60. Narayanan Nambudiripad, Rao Bahadur O. M.	NOMINATED for Nambudiris.
		61. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural.

Name of member.	Name and class of constituency.
62. Natesa Mudaliyar, Rao Bahadur C.	Madras, N.-M. Urban.
63. Nicholson, L. C.	Madras Trades' Association, Commerce and Industry.
64. Obalesappa, B.	NOMINATED for Maruthuvakulats (Barbers).
65. Pandrang Rao, I.C.S., V.	NOMINATED. (Secretary to Government, Development Department.)
66. Patro, <i>Kt.</i> , The hon. Rao Bahadur Sir A. P. (Minister).	Ganjam, N.-M. Rural.
67. Peddiraju, R.	Kistna, N.-M. Rural.
68. Ponnuswami Nayudu, C.	Madura, N.-M. Rural.
69. Ponhuswami Pillai, K. S.	NOMINATED for Protestant Christians.
70. Prabhakaran Tampan, K.	West Coast Landholders, Landholders.
71. Premayya, G.	NOMINATED for Adi-Andhras.
72. Raghuchandra Ballal, K.	NOMINATED for Jains.
73. Raja, Rao Bahadur M. C.	NOMINATED for Depressed Classes.
74. Raja of Panagal, K.C.I.E., The hon. the (Minister).	North Central Landholders, Landholders.
75. Raja of Ramnad	Southern Landholders, Landholders.
76. Rajan, P. T.	Madura, N.-M. Rural.
77. Rajappa Tevar, P. S.	NOMINATED for Kallars.
78. Ramaachandra Reddi, B.	Nellore, N.-M. Rural.
79. Ramalinga Chettiyar, Rao Bahadur T. A.	Coimbatore, N.-M. Rural.
80. Ramalinga Reddi, C.	Chittoor, N.-M. Rural.
81. Raman, Rao Bahadur P.	NOMINATED for Tiyyas.
82. Ramaswami Ayyar, K.C.I.E., The hon. Sir C. P.	EX-OFFICIO.
83. Ramaswami Mudaliyar, A. (Chairman).	Chingleput, N.-M. Rural.
84. Rameswara Rao, G.	Anantapur, N.-M. Rural.
85. Ranganatha Mudaliyar, A.	Bellary, N.-M. Rural.
86. Rencontre, A. E.	Anglo-Indian.
87. Ruthnaswamy, The hon. Mr. M. (President).	Central Districts (Christian) Indian Christian.
88. Sagaram, P.	NOMINATED for Setti-Balijas.
89. Saldanha, J. A.	West Coast (Christian) Indian Christian.
90. Samuel, J. D.	Northern Districts Indian Christian.

Name of member.	Name and class of constituency.
91. Sarabha Reddi, K.	Kurnool, N.-M. Rural.
92. Sarvarayudu, K.	Kistna, N.-M. Rural.
93. Sasibhushan Rath Mahasayo, Sriman (Chairman).	Gaujam, N.-M. Rural.
94. Satyamurti, S.	Madras University, University.
95. Sessa Reddi, B. P.	Kurnool, N.-M. Rural.
96. Seturatnam Ayyar, M. R.	Trichinopoly, N.-M. Rural.
97. Sitarama Reddi, K.	South Arcot, N.-M. Rural.
98. Sitayya, M.	Kistna, N.-M. Rural.
99. Sivagnanam Pillai, <i>Kt.</i> , The hon. Diwan Bahadur Sir T. N. (Minister).	Tinnevely, N.-M. Rural.
100. Siva Rao, P.	Bellary, N.-M. Rural.
101. Srinivasa Ayyangar, R.	South Arcot, N.-M. Rural.
102. Srinivasan, Rao Sahib R.	NOMINATED for Adi-Dravidas.
103. Subbarayan, Dr. P.	South Central Landholders, Landholders.
104. Subrahmanya Pillai, K. Chavadi.	Tinnevely cum Palamcottah, N.-M. Urban.
105. Sundaramurti, Rao Sahib P. V. S.	NOMINATED for Adi-Dravidas.
106. Suryanarayanamurti Nayudu, Diwan Bahadur K.	Cocanada City, N.-M. Urban.
107. Tangavelu Pillai, Rao Sahib T. C. (Council Secretary).	Trichinopoly cum Srirangam, N.-M. Urban.
108. Tanikachala Chettiyar, Diwan Bahadur O.	Madras, N.-M. Urban.
109. Talasiram, L. K.	Madura, N.-M. Urban.
110. Uppi Sahib Bahadur, K.	Malabar cum Anjengo, M. Rural.
111. Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	EX-OFFICIO.
112. Veerian, R.	NOMINATED for Adi-Dravidas.
113. Vellingiri Gounder, V. C.	Coimbatore, N.-M. Rural.
114. Venkatachalam Chetti, Sami	Madras, N.-M. Urban.
115. Venkatachala Padayachi, K.	South Arcot, N.-M. Rural.
116. Venkatapati Razu, P. C.	Vizagapatam, N.-M. Rural.
117. Venkatarama Ayyar alias V. Pantulu Ayyar.	Tanjore, N.-M. Rural.
118. Venkataramana Ayyangar, C. V.	Coimbatore, N.-M. Rural.
119. Venkatarama Sastriyar, C.I.E., T. R. (Advocate-General).	NOMINATED.
120. Venkatarangam Nayudu, C.	North Arcot, N.-M. Rural.
121. Venkataratnam, B.	Godavari, N.-M. Rural.
122. Venkatarreddi Nayudu, <i>Kt.</i> , Rao Bahadur Sir K.	Do.
123. Virappa Chettiyar, Rao Bahadur P. K. A. Ct.	Ramnad, N.-M. Rural.
124. Windle, Capt. E. G.	Malabar Planters.
125. Wood, C. E.	Madras Chamber of Commerce.
126. Zamindar of Kallikota and Atagada Estates.	Northern Landholders, Landholders.
127. Zamindar of Mandasa	NOMINATED.

SPECIAL MEMBERS.

Name of member.	Purpose for which nominated.
128. Gopalaswami Ayyangar, Rai Bahadur N. (Registrar-General of Panchayats.)	NOMINATED for the Madras District Municipalities Act Amendment Bills and the Madras Village Panchayats Act Amendment Bill.
129. Ramachandra Ayyar, Diwan Bahadur T. R.	NOMINATED for the Malabar Tenancy Bill.
130. Raman Menon, K. P. ...	Do.
131. Varadachariyar, Rao Bahadur S.	NOMINATED for the Madras Irrigation Bill.

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

Fourth Session of the Second Legislative Council under the Government of India Act.

VOLUME XXX.

Saturday, the 10th July 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.	Muttu Chettiyar, Mr. P. C.
Marjoribanks, The hon. Mr. N. E.	Narasimbachari, Rai Bahadur T. M.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Narasimha Raju, Rao Bahadur C. V. S.
Moir, The hon. Mr. T. E.	Natesa Mudaliyar, Rao Bahadur C.
Raja of Panagal, K. C. I. E., The hon. the Patro, The hon. Sir A. P.	Obalesappa, Mr. B.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Pandrang Row, Mr. V.
Abdul Wahab Sahib, Mr. M.	Prabhakaran Tampan, Mr. K.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Prenayya, Mr. G.
Adinarayana Chettiyar, Mr. T.	Raja, Rao Bahadur M. C.
Anjaneyulu, Mr. P.	Raja of Ramnad.
Ankinedu Prasad Bahadur, S. R. Y.	Rajan, Mr. P. T.
Ari Gowder, Mr. H. B.	Ramalinga Chettiyar, Rao Bahadur T. A.
Arpudaswami Udayar, Mr. S.	Raman, Rao Bahadur P.
Biswanath Das Mahasaya, Sriman.	Raman Menon, Mr. K. P.
Boag, Mr. G. T.	Ramaswami Mudaliyar, Mr. A.
Chambers, Mr. G. W.	Rameswara Rao, Mr. G.
Devendrudu, Mr. N.	Ranganatha Mudaliyar, Mr. A.
Ellappa Chettiyar, Rao Sahib S.	Sagarani, Mr. P.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Saldanha, Mr. J. A.
Gopala Menon, Mr. C.	Nami Venkatachalam Chetti, Mr.
Gopalan, Rao Sahib P. V.	Samuel, Mr. J. D.
Guruswami, Mr. L. C.	Sarabha Reddi, Mr. K.
Hall, Mr. J. F.	Sarvarayudu, Mr. K.
Hegde, Mr. Naganna.	Satyamurti, Mr. S.
Heggade, Mr. D. Manjappa.	Sesha Reddi, Mr. B. P.
Kesava Pillai, Diwan Bahadur P.	Sitarama Reddi, Mr. K.
Khadir Mohiddin Elyas Khan Sahib, Mr.	Siva Rao, Mr. P.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Srinivasan, Rao Sahib R.
Krishnan Nayar, Diwan Bahadur M.	Subrahmanya Pillai, Mr. K. Chavadi.
Krishna Rao Pantulu, Rao Bahadur A. S.	Sundaramurti, Rao Sahib P. V. S.
Krishnama Achariyar, Rao Bahadur V. T.	Suryanarayanamurti Nayudu, Diwan Bahadur K.
Krishnaswami Nayudu, Rao Bahadur K.	Tangavelu Pillai, Rao Sahib T. C.
MacDougall, Sir Alexander.	Tanikachala Chettiyar, Diwan Bahadur O.
Madanagopal Nayudu, Mr. R.	Tulasiram, Mr. L. K.
Madhava Raja, Mr. V.	Uppi Sahib, Mr. K.
Mallesappa, Mr. T.	Veerian, Mr. R.
Marthandam Pillai, Mr. P. N.	Vellingiri Gounder, Mr. V. C.
Meera Sahib Bahadur, Mr. Muhammad.	Venkatachala Padayachi, Mr. K.
Moidu Sahib, Mr. T. M.	Venkataramana Ayyangar, Mr. C. V.
Muniswami Nayudu, Rao Bahadur B.	Venkatarama Sastri, Mr. T. R.
Muttayya Mudaliyar, Mr. C.	Venkataramam Nayudu, Mr. C.
Muttayya Mudaliyar, Mr. S.	Venkatareddi Nayudu, Rai Bahadur Sir K.
	Windle, Capt. E. G.
	Wood, Mr. C. E.
	Zamindar of Kallikota.

[10th July 1926]

I

NEW MEMBERS.

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

Mr. GEORGE WISHART CHAMBERS.

MUHAMMAD MEERA SAHIB Bahadur.

The ZAMINDAR OF KALLIKOTA.

Rao Bahadur V. T. KRISHNAMA ACHARIYAR, C.I.E.

M.R.Ry. LAGUDUVA KUPPIER TULASIRAM Avargal.

Mr. JOHN FREDERICK HALL, O.B.E., I.C.S.

II

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Bench Courts.

Honorary Magistrates for Negapatam.

* 1923 Q.—Mr. S. MUTTAYYA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) what is the total number of Honorary Magistrates for Negapatam town; of them how many are Hindus; how many Muhammadans and how many Christians and depressed classes; and

(b) why another Muhammadan was appointed as Honorary Magistrate while there are already three Muhammadans on the Bench of Magistrates?

A.—(a) The strength of the Bench of Magistrates at Negapatam is 14. Of these 7 are Hindus, 4 Muhammadans, 1 Christian and 2 members of the depressed classes.

(b) He was reappointed because he had evinced keen interest in honorary work in the past.

[10th July 1926]

Depressed Classes.

Alleged ill-treatment of depressed classes in Vriddhachalam.

* 1924 Q.—Mr. R. VEERIAN: 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 village talaiyaris and vettis cannot get upon the veranda of the taluk office in Vriddhachalam, South Arcot district, in order to hand over Government papers in the taluk office to the clerks concerned owing to orthodoxy prevailing there among the clerks, etc, but such papers will have to be placed on the ground for them to be taken up;

(b) whether it is a fact that the depressed classes witnesses or parties are not made to stand upon the witness box in the Vriddhachalam Munsif's Court, South Arcot district; and

(c) if the Government have no information, whether they will be pleased to call for the information?

A.—(a), (b) & (c) The Government have obtained a report. The answer to clauses (a) and (b) is in the negative.

Mr. R. VEERIAN:—"Sir, with reference to clauses (a), (b) and (c), I find the answer is 'The Government have obtained a report. The answer to clauses (a) and (b) is in the negative.' I was present in all those places. May I know whether any open enquiry will be conducted as several witnesses may be forthcoming?"

The hon. the PRESIDENT:—"That is a suggestion for action. What is the point the hon. Member wishes to elucidate?"

Mr. R. VEERIAN:—"May I know whether any open enquiry will be conducted?"

The hon. the PRESIDENT:—"Order, order. That is a suggestion for action."

Mr. R. VEERIAN:—"May I know whether the members of the depressed classes have contributed their signatures to the report said to have been obtained by the Government?"

Non-gazetted Service.

Qualifications for public service.

* 1925 Q.—Khan Bahadur V. HAMID SULTAN MARAKKAYAR: Will the hon. the Member for Revenue be pleased to state—

(a) what the minimum qualification for the entrance to the public service in the districts is, and what the term "Completed School Final Course" means;

(b) whether Book keeping and Commercial Practice form a subject; and

(c) whether candidates who have taken up the subject referred to in clause (b) are not declared eligible either for entrance to public service, and if so the object of the institution of such a course at all?

[10th July 1926]

- A.—(a) The hon. Member is referred to article I of the Public Service Notification and to the orders in G.O. No. 1343, Revenue, dated the 3rd September 1924, which has been placed on the Editors' Table. By the expression "Completed School Final Course" the hon. Member apparently refers to "Completed Secondary School-leaving Certificate". For a definition of this term, his attention is invited to the answer given to question No. 984 at the meeting held on the 14th December 1925.
- (b) "Book-keeping and Commercial Arithmetic" and "Commercial Practice and Geography" are optional subjects in the Secondary School-leaving Certificate scheme.
- (c) No. In the Revenue Department only such Secondary School-leaving Certificate-holders as have been declared eligible for the college course may ordinarily be entertained. As regards the eligibility of candidates who have studied "commercial subjects" for the college course, the hon. Member is referred to the answer given to question No. 714 at the meeting of the Legislative Council held on 30th October 1925.

Grievances of non-gazetted officers.

* 1926 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue and the hon. the Member for Finance be pleased to state—

- (a) whether the Government have received memorials from several non-gazetted officers giving some idea of their family budgets and asking for some immediate relief;
- (b) whether the Government have come to any final decision regarding the resolution passed by this Council recommending the appointment of a committee to consider the grievances of non-gazetted officers; and
- (c) whether the Government have any proposals in view for helping them to any extent and, if so, when and in what way any help is likely to be given?

A.—(a) In 1919-21 memorials containing family budgets were received from non-gazetted officers and these were taken into consideration when their pay was revised. Since then no memorials containing actual family budgets have been received, but in certain cases memorials containing hypothetical family budgets have been received.

(b) Yes; the hon. Member is referred to item (14) in Appendix VI on page 547 of the Proceedings of the Legislative Council, dated 21st August 1925 (Vol. XXIV—No. 4).

(c) No.

Village Establishments.

Petition against the karnam of Valambat village.

* 1927 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state whether the Commissioner of Labour, Madras, had made any enquiries regarding the petition of an Adi-Dravida against the present village karnam of Valambat village, Gudiyattam taluk, North Arcot district, dated 28th January 1926, forwarded to him through me?

[10th July 1926]

A.—Yes. The petitioner has denied the allegation made against the karnam in the petition and has stated that the person who wrote the petition did not explain to him what was written in it.

Mr. R. VEERIAN:—"I find here that the petitioner has denied the allegation made. May I know whether they obtained a written statement from the petitioner regarding the denial of allegations made against the karnam? If so, may I know whether the petition will be presented to me or may I have a look into the petition?"

The hon. Mr. N. E. MARJORIBANKS:—"My information is that he did deny. I do not propose to publish the papers."

Mr. R. VEERIAN:—"In the absence of such a written statement obtained from him, how am I to believe that he actually denied the allegation?"

The hon. the PRESIDENT:—"Is the written statement stronger than the oral statement? Government may be satisfied with the petitioner's denial."

Mr. R. VEERIAN:—"He would not have signed it. If so, how am I to believe?"

The hon. the PRESIDENT:—"Government is satisfied."

Mr. R. VEERIAN:—"If the House is fully satisfied, Sir, I do not wish to press the matter further."

Depressed Classes.

Cheris of the depressed classes in the City of Madras.

* 1928 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

- (a) the total number of cheris in the Madras City where the members of the depressed classes live;
- (b) how many cheris the District Labour Officer for Madras City visited; and
- (c) the suggestions made to the Commissioner of Labour or to Government for sanitary improvements, schools, pathways, etc., in each cheri he visited?

A.—(a) 107.

(b) 91.

(c) The District Labour Officer suggested sanitary improvements (such as metalling the streets and lanes, constructing drains, washing platforms, latrines and bathing fountains) to 24 cheris. The more important suggestions put forward have been carried out in 13 cheris. Owing to lack of funds the other improvements could not be effected. The District Labour Officer also corresponded with the private landlords of 30 cheris with a view to declare the streets and lanes in these cheris 'public' but succeeded only in three cases.

As regards schools the District Labour Officer suggested the opening of ten more schools in the city, but the proposal has been postponed for want of funds.

[10th July 1926]

Mr. R. VEERIAN :—"With reference to clause (c), may I know whether any proposals were made about giving midday meals and lighting? The answer says, the Labour Officer suggested sanitary improvements such as metalling the streets and lanes, constructing drains, etc. I wanted to know particularly whether any suggestions were made regarding the giving of midday meals, lighting and relieving of congestion."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Over the Corporation affairs we have no control."

Mr. R. VEERIAN :—"I merely want to know whether suggestions regarding midday meals, lighting and relieving of congestion were made."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"As far as I remember, no such suggestion has been made."

Forests.

Disafforestation of certain lands in Thottathadametūr.

* 1929 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether he received a memorial from the ryots of Mel Vythinakupam, Gudiyattam taluk, North Arcot district, for the disafforestation of 1,125 acres in Survey No. 373/2 of Thottathadametūr;

(b) whether it is a fact that the land referred to above is leased out to Panchayat and is not required for communal purposes; and

(c) whether Government will be pleased to enquire whether there is any objection for the assignment of these lands as prayed for?

A.—(a) The Government have received a representation from Mr. T. Adinarayana Chettiyar, M.L.C., on behalf of the ryots.

(b) & (c) The Collector of North Arcot reports that the panchayat-dars object to disafforestation, and the District Forest Officer and the Forest Panchayat Officer state that the land is required for grazing purposes. In the circumstances, the Collector and the Board of Revenue do not recommend disafforestation.

Alleged prohibition of goats from grazing in forest porambores.

* 1930 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Forest Panchayat Officer issued a circular to all the panchayats in the North Arcot district to send up resolutions for closing the forest porambores in their villages against goats for grazing;

(b) whether it is a fact that the panchayats on the strength of these circulars prohibited goats from grazing in porambores;

(c) whether the Government have passed any orders prohibiting goats from grazing even in porambores;

(d) whether it is a fact that some panchayats have on the strength of the circulars of the Forest Panchayat Officer referred to above impounded certain goats for the offence of grazing in porambores; and

(e) if the Government have prohibited the grazing by goats in porambores, whether they will be pleased to lay the orders on the table of the House?

[10th July 1926]

A.—(a) No. The Forest Panchayat Officer instructed the Special Deputy Tahsildars to ascertain the opinion of panchayats on the subject and to send up reports supported by resolutions of the panchayats. One Special Deputy Tahsildar appears to have misinterpreted these orders and to have issued a circular to panchayats to send up resolutions. The Forest Panchayat Officer is being instructed to rectify the mistake.

(b) & (d) The Forest Panchayat Officer has no information.

(c) & (e) The Government have not passed any orders prohibiting the grazing of goats in porambores other than forest porambores or reserved forests.

'Kumki' rights of landholders over lands adjoining their 'Warga' lands.

* 1931 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Home Member and the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Government have recently issued an order denying the 'kumki' right of the landholders over the lands adjoining their 'warga' lands, if they happen to be within 100 yards of the reserve forests; and

(b) if so, the reasons for the Government Order?

A.—(a) & (b) No such order has been issued by the Government.

Penalties for thefts from kumki lands.

* 1932 Q.—Mr. J. A. SALDANHA: With reference to the answer to question No. 154, clause (7) given on 6th February 1924, will the hon. the Home Member be pleased to state—

(a) the total amount of penalty levied in South Kanara from wargdars for thefts as for instance cutting of sandalwood trees from kumki lands in 1923-24 and 1924-25;

(b) whether it is a fact that when a sandalwood tree is found cut from a kumki land the wargdar to whose adjoining occupancy land it is attached, is charged for the cutting of the tree without proving that he has been responsible for the offences and without even allowing the accused wargdar to disprove the charge;

(c) if so, whether this burden is thrown on wargdar under any rule laid down by Government and if so, which; and

(d) whether Government have issued orders or propose to issue orders for change of procedure?

A.—(a) The total amount of penalty levied in South Kanara from wargdars for thefts of sandalwood trees from kumki lands during 1923-24 and 1924-25 is Rs. 982 and Rs. 1,207-8-0 respectively.

(b) & (c) The hon. Member is referred to the answer to clause (c) of Legislative Council Question No. 1918.

(d) The Government considered it inadvisable to continue the policy of encouraging the growth of sandalwood trees on kumki lands and have directed in June 1925 that sandalwood trees should be uprooted as soon as possible and sold in public auction.

Local Boards.

[10th July 1926]

Alleged irregularities in connexion with the elections to Narasapatam taluk board.

* 1933 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any irregularities in connexion with the elections to the Narasapatam taluk board, such as not providing full ten hours' polling, the omission from the ballot paper of the name of a duly-nominated candidate, etc., were brought to the notice of the Government; and

(b) what action has been taken?

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

(b) A report from the President, District Board, Vizagapatam, was called for in July last. It was received on 8th March and is at present under the consideration of the Government.

Nomination of Jains to the South Kanara District Board.

* 1934 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that one Jain Titular Chief called Kumaraya Arasu Marmma Heggade of Yernal Palace in South Kanara had sent a memorial to the Government about July 1925 requesting his nomination to the District Board of South Kanara;

(b) whether it is a fact that his request was not complied with and that, on the other hand, two Roman Catholic gentlemen of Mangalore town named Messrs. Lobo and Mascarenhas were nominated to the said board;

(c) whether the Government are aware that there was and still is on the said district board one Catholic gentleman of the town of Mangalore in the person of Mr. B. M. D'Souza;

(d) what the reasons are for making the said two nominations;

(e) whether the Government are aware that the Jains are an important minority community as distinct from the Hindus; and

(f) what objections the Government have to make nominations of Jains to the said district board?

A.—(a), (b) & (c) The answer is in the affirmative.

(d) The Roman Catholics form a large proportion of the population of the district.

(e) & (f) The hon. Member is referred to the answer given to clauses (b) and (c) of question No. 1233.

Notification of elections or nominations to local bodies.

* 1935 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the names of persons whose nominations or elections to local and municipal bodies were notified in the extraordinary issue of the *Fort St. George Gazette* within the last six months, together with (i) the dates of the Gazette and (ii) the names of the local or municipal body concerned; and

[10th July 1926]

(b) whether subsequent to the issue of the Gazette any meeting of the local or municipal body was held for the election of its President or Vice-President and, if so, when and the reason, if any, why publication could not be delayed until the issue of the weekly Gazette in each case?

A.—(a)—

Name of person.	Name of the local body.	Date of Gazette.
M.R.Ry. Diwan Bahadur P. C. Ethirajulu Nayudu Garu.	Guntur Municipal Council.	31st Oct. 1925.
Srimati M. K. Ramanjulu.		
M.R.Ry. D. Narayana Reddi Garu.	Nellore District Board.	23rd Jan. 1926.

(b) Yes, in both cases. The election to the chairmanship of the Guntur Municipal Council was held on November 2, 1925, and that to the presidentship of the Nellore District Board on January 25, 1926. As explained in the answer to question No. 1299, it is desirable that an election to chairmanship or presidentship should take place when the council or district board is at full strength and it was for this reason that Gazettes Extraordinary were issued in these two cases as otherwise the newly nominated members would not have been able to take part in the elections.

Municipalities and unions in South Kanara and Malabar districts.

* 1936 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased—

(i) to place before the House a statement showing the towns (within the area covered by the Town Nuisances Act) with a population of over 10,000 in the South Kanara and Malabar districts which are constituted into municipalities under the District Municipalities Act or into unions under District Boards Act and which have not been so constituted; and

(ii) to state—

(a) in the case of the latter, whether any steps and, if so, what steps have been or are being taken to constitute them into municipalities or unions,

(b) if not, why no such steps have been or are being taken, and

(c) what the policy of Government is as to the stage in the growth and their population at which they should be constituted into municipalities?

(i) A statement ^a is laid on the table.

(ii) (a) & (b) The question of constituting Udipi a union is under the consideration of the Government.

(c) Under sub-section (2) of section 4 of the Madras Local Boards Act, 1920, the District Board may, with the approval of the Local Government, declare by notification any revenue village or villages or any portion or portions thereof to be a union provided that the area has a population of not less than 5,000.

^a Vide Appendix I on page 94 infra.

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The question whether a town should be constituted a municipality is decided upon various considerations the most important of which is the desirability of the application to it of the Municipal Act for reasons of public health. Other considerations are obviously the population of the town and its urban character.

Elected and nominated members of the Tinnevely Taluk Board.

* 1937 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the names of, and the communities to which, the elected and the nominated members of the Tinnevely Taluk Board belong;

(b) whether Mr. Kantimati Nathan Chettiyar was nominated to the Shermadevi Taluk Board in the Tinnevely district for the fourth or the fifth time; and

(c) whether he is the President of the board?

A.—(a) A list^a is laid on the table.

(b) Yes, for the fourth time.

(c) Yes.

Repairs, etc., of Rasipuram Agraharam road.

* 1938-A Q.—Mr. R. VEERIAN: With reference to question No. 1036 answered at the meeting of the Council on the 15th December 1925, will the hon. the Minister for Local Self-Government be pleased to state—

(a) by whom the Rasipuram Agraharam road is repaired and lighted, i.e., by the Rasipuram Union Board or by the residents of the Rasipuram Agraharam;

(b) why talaiyaris and vettis also are prevented from passing through this Agraharam road to go to the Tahsildar's office and other public duties also in the Agraharam;

(c) whether any Brahman officials, karnam or monigar, live in this Agraharam; and

(d) if they have no information, whether they will be pleased to call for the information?

A.—(a) By the Rasipuram Union Board.

(b) The Government understand that there has been no such prevention till now. They further understand that the Rasipuram Agraharam road does not serve as a passage to the Tahsildar's office or to any other public office.

(c) No.

Mr. R. VEERIAN:—"I find the answer to clause (b) is: 'The Government understand that there has been no such prevention till now. They further understand that the Rasipuram Agraharam road does not serve as a passage to the Tahsildar's office or to any other public office.' In fact some of the members of the depressed classes were lighting those streets and

^a Vide Appendix II on pages 94-95 infra

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were employed for that purpose by the union board. I want to know whether there is such a prevention or not and why they were substituted by other classes of people."

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

Religious and Charitable Endowments.

Hindu temples under Jain trustees.

* 1939 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that there are some Hindu temples in this Presidency under the management of Jain trustees; and

(b) if so, whether it is a fact that such trustees are appointed by Jain Committee members?

A.—(a) Yes; there are some Hindu temples in the South Kanara district with Jain trustees.

(b) Where the trusteeship is not hereditary, trustees are appointed by the committees in charge of the respective temples. These committees may, in some instances, be composed of Jains.

Schemes for maths and temples in this Presidency by Hindu Religious Endowments Board.

* 1940 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Madras Hindu Religious Endowments Board has framed, sanctioned or modified any schemes for any maths and temples in this Presidency and, if so, in respect of which institutions;

(b) whether a statement showing particulars will be placed on the table of the House;

(c) whether it is a fact that the Government have issued notices to temple committees in South Kanara to show cause why existing committees should not be abolished;

(d) whether any cause has been shown; if so, by how many committees;

(e) whether similar notices have been given to Jain committees having control over Hindu temples in South Kanara;

(f) whether the Government are going to constitute new temple committees in South Kanara in case the existing ones are abolished; and

(g) what are the Government's objections to retaining the existing temple committees for a period of three years from the commencement of the Madras Hindu Religious Endowments Act I of 1925?

A.—(a) & (b) A list^a of temples and maths for which schemes have been framed and sanctioned by the Board is placed on the table. The Board has not so far got any old schemes modified.

^a Vide Appendix III on pages 95-97 infra.

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- (c), (d) & (e) The question of abolition and reconstitution of temple committees in South Kanara is at present under examination by the Board. Their proposals on the subject have not yet reached Government.
- (f) & (g) The points mentioned in these clauses will be considered on receipt of the Board's proposals.

Suits against Hindu Religious Endowments Board.

* 1941 Q.—MR. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any suits have been filed by owners or managers of Hindu maths and temples against the Hindu Religious Endowments Board; if so, how many and by whom; and

(b) if the answer to the above is in the affirmative, whether the Board has defended any such suits; if so, with what results?

- A.—(a) Yes; a list ^a containing the information is laid on the table;
- (b) All the suits are being defended. The issues have not so far been settled in any of them.

Contributions by endowments in each district.

* 1942 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) the sums collected in each district towards the 3 per cent contribution to be paid by endowments in each district;
- (b) the amount spent by the department in each district;
- (c) the amount paid to the Board at Madras;
- (d) the total amount spent in the whole department in 1925-26; and
- (e) how many suits are pending in connexion with the Act and by whom those suits were filed?

A.—(a) & (c) The total amount of contributions received by the Hindu Religious Endowments Board up to the end of March 1926 was Rs. 37,000 (roundly) as shown in the appended ^b statement. No information is available in regard to the sums collected by the temple committees in each district towards the contribution payable to them under section 65 (2) of the Madras Hindu Religious Endowments Act, 1923.

(b) A statement ^c showing the expenditure incurred by the Hindu Religious Endowments Board in the several districts is placed on the table. No information is available as to the expenditure incurred by the temple committees in each district.

(d) The total expenditure of the Hindu Religious Endowments Board in 1925-26 was 1.40 lakhs. The Government have no information as to the expenditure incurred by the temple committees in that year.

(e) A list ^d of pending suits as on 13th May 1926 is laid on the table.

^a Vide Appendix IV on page 97 infra. ^b Vide Appendix V (a) on page 98 infra.
^c Vide Appendix V (b) on page 98 infra. ^d Vide Appendix V (c) on page 99 infra.

[10th July 1926]

Village Panchayats.

Formation of Panchayats.

* 1943 Q.—MR. A. CHIDAMBARA NADAR: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) how many panchayats have been formed till now; and
- (b) in how many cases objection has been taken after the panchayat has been formed to the formation and personnel of these panchayats?

A.—(a) Up to 21st March 1926 seven hundred and four panchayats had been formed.

(b) Petitions against the constitution of a panchayat were received in 49 cases after the constitution had actually been ordered and in 51 cases objection was taken either to the election proceedings or to the election of particular persons as panchayatdars.

Education.

School fees for depressed class pupils in Madras.

* 1944 Q.—MR. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) the number of Adi-Dravida and other depressed class pupils both male and female that are reading in the various Government, Mission and Non-Mission High schools, Colleges and Secondary schools in each standard in the Madras City;

(b) how many of them pay full school fees, how many pay half fees, and how many are exempted altogether from paying any school fees at all owing to utter poverty;

(c) whether the following Adi-Dravida students reading in the Kellett High School, Madras City—

P. V. Natarajan, VI form,
 V. S. Venugopal, VI form,
 Bashyam, VI form,
 Manickavasagam, V form,

pay full school fees or half fees;

(d) in the case of full fees in regard to all students, the reason for not giving effect to Rule 92 of the Madras Educational Rules; and

(e) if they have no information, whether they will be pleased to call for the information?

A.—(a) & (b) The information is given in the statements appended ^a to the answer.

(c) The pupils in question pay full school-fees.

(d) & (e) The Educational department has no information that Rule 92 of the Madras Educational Rules has not been given effect to except in the case of holders of scholarships. The Director of Public Instruction has informed the District Educational Officer that the holding of a scholarship does not bar a student from the fee-concessions prescribed in the rule.

^a Vide Appendix VI on pages 100-106 infra.

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Appointments to the District Secondary Education Boards.

* 1945 Q.—Mr. R. VEERIAN: With reference to question No. 1194 answered at the meeting, dated 18th December 1925, will the hon. the Minister for Education be pleased to state—

(a) how many Muhammadans and Christians are appointed on the District Secondary Education Boards in the Presidency, giving the names of such Boards;

(b) in how many Secondary Education Boards non-depressed class members are appointed by the Government, together with the names of such Boards;

(c) how many elected seats and how many nominated seats in each Secondary Board there are; and

(d) whether three-fourths of the seats are elected ones and the remaining one-fourth are for nomination by the Government as in the case of municipal councils and local boards?

A.—(a) & (b) The hon. Member is referred to pages 877-878 of Part I-B of the *Fort St. George Gazette*, dated the 16th October 1923, wherein the names of persons who were nominated as members of District Secondary Education Boards are notified. Subsequent changes in nominations have been notified from time to time in the *Fort St. George Gazette*.

(c) & (d) The hon. Member is referred to the annexure to G.O. No. 24, Law (Education), dated the 5th January 1923, which has been placed on the Editors' Table.

Admission of an Adi-Dravida boy in Vikravandi Board School.

* 1946 Q.—Mr. R. VEERIAN: With reference to question No. 1196, regarding admission of an Adi-Dravida boy in Vikravandi Board School answered at the meeting dated the 18th December 1925, will the hon. the Minister for Education and the hon. the Minister for Local Self-Government be pleased to state—

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

(b) if so, whether the Government will be pleased to lay a copy of the same on the table of this House?

A.—(a) Yes.

(b) A copy of the report^a of the Director of Public Instruction is placed on the table.

Excise.*Consumption of opium in the Presidency.*

* 1947 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Education be pleased to state—

(a) the number of opium shops and the amount of opium sold in the urban and in the rural areas in each of the districts of the Presidency during each of the last ten years;

^a Vide Appendix VII on pages 107-108 infra.

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(b) the net revenue derived by the Government during each of the last ten years from opium;

(c) the number of allopathic and indigenous free dispensaries recognized by Government in the rural and in the urban areas in each of the districts;

(d) whether all these dispensaries are now free to prescribe and dispense opium and its derivatives;

(e) the quantity of opium and its derivatives dispensed by these dispensaries according as they are urban or rural in each of the districts during the last ten years;

(f) the number of opium shops situated in the same urban and rural areas where the free dispensaries are situated and the quantities of opium sold in these shops during the last ten years in each of the districts;

(g) the amount, if any, of contraband opium seized by the Government during the last ten years; and how much of it was Indian and how much foreign;

(h) the price at which the Government sold opium and the price at which the retail vendor sold it to the public during the last ten years; and

(i) whether the Government have had a deliberate policy to reduce consumption of opium; if so, what steps have been taken towards that end during the last ten years?

A.—(a), (b) & (h) The information is available for each district in the annual Abkari Administration reports for the years in question.

(c) Information regarding the number of allopathic dispensaries is contained in the annual returns of civil hospitals and dispensaries.

No indigenous free dispensaries have been recognized by Government in rural or urban areas.

(d) All allopathic medical practitioners employed in Government, Local Fund or Municipal service are permitted to prescribe preparations of opium.

(e) to (g) The Government are not in possession of the particulars asked for.

(i) The policy of Government is to put the internal traffic in opium under stringent control and to restrict consumption as far as possible consistent with the legitimate needs of the people. To reduce consumption, it has always been the practice to close shops in places where the demand is limited and to increase the issue price of opium. The number of opium shops has thus been reduced from 1,118 in 1908-09 to 604 in 1925-26, the issue price of opium has been raised from Rs. 21 per seer to Rs. 75 per seer and the consumption has fallen by 25 per cent. The limit of individual possession of opium was reduced in 1911 from three tolas to one tola.

Illicit sale of liquor in Chingleput district.

* 1948 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that open illicit sales of toddy and liquor are going on in many of the villages in Poonamallee division, Chingleput district;

(b) whether any Sub-Inspector of Police of Poonamallee said that he was unable to do anything in the matter;

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(c) whether a salesman in the village of Tirumushi caught red-handed was let off by the Sub-Magistrate on a technical ground;

(d) whether another case was recently charged in Nasarathpet village; and

(e) whether the Government propose to take any steps to put down such illicit sale of liquor, and, if so, what they are?

A.—(a) No.

(b) The Government are not aware of any such statement made by any such Police Sub-Inspector.

(c) Yes. The case relates to the year 1921.

(d) A case of possession of arrack beyond the limit of private possession was reported on 2nd January 1926 by a police constable, but the evidence adduced was not sufficient to bring the guilt home to the accused. The accused was therefore given the benefit of the doubt and released by the departmental officer who enquired into the case.

(e) Effective steps have been and are being taken to put down illicit practices by careful and constant patrolling.

Development Departments.

Activities of Agricultural, etc., departments.

* 1949 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to state—

(a) what arrangements there are for bringing the officers of the Agricultural, Industrial and Fisheries departments in close touch with the public, the agricultural or industrial associations, district advancement associations like the South Kanara District Advancement Association and other local bodies or individuals interested in the development of the resources of the country;

(b) whether Government have received a representation from the South Kanara District Advancement Association on the subject and with what result; and

(c) whether the programmes of the tours of the officers of the two departments are published in the *Fort St. George Gazette*, the District gazette, and newspapers, the dailies of Madras and local mufassal papers, and if so in which?

A.—(a) The Director of Industries sends copies of his tour programmes to the Collector of the district, to correspondents of Industrial schools, and to any enquirers who have expressed a desire to discuss with him questions relating to industrial matters.

The Director of Agriculture attends important conferences or meetings of ryots; for instance, he has on more than one occasion attended meetings of the South Kanara District Advancement Association while at Mangalore; the Deputy Directors and local demonstrators also attend meetings. The district officers have instructions to give help and advice to associations and bodies like the South Kanara District Advancement Association. The general meetings of village co-operative societies are attended by officers of the Agricultural

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department and members are advised on agricultural matters in general. Co-operative union meetings are also attended and demonstrations given of ploughing, etc.

It is the practice of the officers of the Fisheries department when they visit fish-curing yards and fisheries schools to talk to the fishermen of the village on socio-economic questions which concern them. They also visit villages and talk to the people with a view to the opening of schools or of fish-curing yards where they do not at present exist.

(b) A representation was received from the association in January last wherein the association requested that it might be supplied with copies of the tour programmes of heads of departments and with copies of the departmental administration reports and that heads of departments might be instructed to render any help or advice that was sought. These requests have since been granted.

(c) No.

UNSTARRED QUESTIONS.

Bench Courts.

Powers of Honorary Presidents of First-class Bench Courts.

1950 Q.—Mr. MUHAMMAD MOOSA SAIT: Will the hon. the Law Member be pleased to state—

(a) whether the Honorary Presidents of First-class Bench Courts have been authorized in any of the districts to award whipping as sentence in criminal cases; if so, in what districts;

(b) whether it is a fact that the President of the First-class Bench Court in Saidapet ordered whipping six stripes each on three persons concerned in two criminal cases Nos. 2434, dated 21st October 1925, and 2455, dated 2nd November 1925, and whether he was empowered by Government to do so;

(c) if not, what action the Government has taken in the matter; and

(d) if no action has been taken, whether the Government is going to take any action in the matter?

A.—(a) The power to inflict the penalty of whipping is one of the inherent powers of a bench of magistrates invested with the powers of a magistrate of the first-class.

(b) Yes.

(c) & (d) Do not arise.

Legislative.

Travelling allowances drawn by M.L.C.'s.

1951 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state the total amount of travelling allowances drawn by Members of the Legislative Council since November 1923 up to the end of the year 1925?

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		RS.	A.	P.
A.—November 1923 to March 1924	...	65,869	1	1
April 1924 to March 1925	...	1,56,038	12	6
April 1925 to December 1925	...	94,258	13	0
Total	...	3,16,166	10	7

Police.*Promotion of Sub-Inspectors of the Mufassal Police as Inspectors of the City Police.*

1952 Q.—MR. J. A. SALDANHA: Will the hon. the Law Member be pleased to state why Sub-Inspectors of Police are brought from the mufassal as Inspectors in the City to the prejudice of the prospects of Sub-Inspectors already working in the City?

A.—There is only one instance of the appointment of a Sub-Inspector of Police of the mufassal as an Inspector in the City. The appointment was made as there was at the time—in 1925—no Sub-Inspector in the City qualified to be appointed as a Prosecuting Inspector.

Minor Irrigation.*Repairs to the Kulungaleri tank in Tiruvannamalai taluk.*

1953 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

- whether it is a fact that the bund of Kulungaleri tank in Tiruvannamalai taluk was damaged some ten years back;
- whether the tank has wet ayacut under it;
- whether the tank was not repaired till now and it holds no water now;
- how many acres are lying waste and how many acres are cultivated by wells;
- whether it is a fact that no remissions are allowed even for waste lands and for baling;
- whether it is a fact that petitions to the Collector were made; and
- whether the Government will be pleased to enquire into and order for the repair of the tank?

A.—The Government have not the information asked for. The question and answer will be communicated to the Collector of North Arcot who will doubtless consider the suggestion that the tank should be repaired if he has not already done so.

Travelling allowance of Minor Irrigation Overseers.

1954 Q.—MR. CHAVADI K. SUBRAHMANYA PILLAI: Will the hon. the Member for Revenue and the hon. the Minister for Local Self-Government be pleased to state—

- whether it is a fact that the Minor Irrigation Overseers are paid monthly consolidated travelling allowance of Rs. 22-8-0 (Rupees twenty-two

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and annas eight) only, while the Local Fund Overseers are paid Rs. 30 (Thirty) and above; and

(b) if the answer to question (a) is in the affirmative, what the reason is for the difference?

A.—(a) & (b) Minor Irrigation Overseers are paid a fixed travelling allowance of Rs. 22-8-0 per mensem if their duties extend over a single taluk and of Rs. 27-8-0 per mensem if they extend over two taluks. The Government are not aware of the rates of travelling allowance paid to Local Fund Overseers, as the Local Boards are themselves competent under section 67, Local Boards Act, to fix the rates without reference to the Government.

Revenue Establishments.*Refund of increments drawn by unpassed clerks.*

1955 Q.—MR. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state—

(a) whether Government have issued orders as to repayment of the excess amount recovered from non-passed clerks in the Revenue Department as a result of the Accountant-General's action in getting refund of the excess amount received by them under orders of the Board of Revenue;

(b) whether any recent orders issued by Government apply to excess amounts already drawn and refunded by unpassed clerks and, if not, whether the orders apply only to amounts received by unpassed clerks and not yet refunded; and

(c) if any distinction is made between refunded and not refunded amounts, what the grounds are for such distinction?

A.—The hon. Member is referred to the orders in G.O. No. 773, Law (Education), dated 3rd May 1925, published on pages 227-228 of Part I-B of the Fort St. George Gazette, dated 1st June 1926.

Forests.*Grade and pay of supernumerary rangers.*

1956 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the grade and pay of the Forest staff, including rangers, is regulated by express provision of the Forest Code or Government Orders;

(b) whether there is any staff as supernumerary rangers doing the duties of permanent rangers;

(c) what is the scale of pay fixed for such supernumerary rangers in the Code or in the Government Orders; and

(d) whether he will be pleased to lay on the table of this House the authority for creating the cadre and fixing their pay?

A.—(a) Yes.

(b) Yes.

(c) Rs. 65 per mensem.

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- (d) Copies of Government Orders Nos. 329, Development, dated 25th February 1921, and No. 842, Development, dated 30th April 1924, are appended.^a

Prospects of students with higher grade certificates from the Forest College.

1957 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) with reference to his answer No. 1277, dated 3rd December 1924, whether students coming out from the Forest College with higher standard certificates prior to 1925 are appointed to the sixth grade of rangers;

(b) whether he will be pleased to give a list of higher grade students coming out of the college from the year 1921 and the date of their leaving their college, date of their appointment, the grade and pay of such men;

(c) if any of them has not been appointed in the sixth grade the names of those, the date on which they joined the department, their present appointment and pay and the reason why they were not appointed in the sixth grade;

(d) whether it is a fact that four seventh grade rangers got appointments in the sixth grade in preference to higher standard men who are waiting as supernumeraries; and

(e) whether it is a fact that two such promotions given in the year 1922 were cancelled after the objections raised by the Conservators' Conference?

A.—(a) Yes.

(b) A list^b is appended.

(c) The following ten men have not yet been appointed to the sixth grade for want of vacancies. The dates on which they joined the department are as follow:—

T. Perumal Kavandan—30th October 1916.

B. Krishna Rao—18th February 1911.

B. Kotilingam—1st August 1920.

M. S. Krishnaswami Ayyar—5th June 1918.

M. M. Mandanna—2nd April 1918.

M. V. Ganesan—22nd March 1919.

P. A. Madhavan—22nd January 1913.

M. S. Ayyanna—18th April 1919.

J. S. Vedanayagam—February 1917.

P. Madhavan Nayar—1st May 1919.

Details regarding their present appointment and pay are given in the list^b appended.

(d) Yes. The claims of these men for special promotion on account of their specially good work were considered at the Conservators' Conference of 1924 and 1925 and they were promoted to the sixth grade.

(e) Yes.

^a Vide Appendix VIII on page 109 infra.

^b Vide Appendix IX on page 110 infra.

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Alleged constitution of 'unassessed waste' of Ponnarampatti village as a 'reserve forest'.

1958 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that R.S. No. 301, 'unassessed waste' of Ponnarampatti village, in the Salem taluk, has been recently constituted a 'reserve forest';

(b) whether in constituting the 'reserve' due notice (beyond formal publication in the District Gazette) was not given to the ryots of the village;

(c) whether it is a fact that a forest panchayat has been formed consisting of people representing only one faction in the village;

(d) whether the ryots who do not belong to that particular faction are being kept out of the benefits of enjoying the 'reserve';

(e) whether the constitution of this reserve has left the villagers without any land for grazing their cattle on; and

(f) whether there is any objection to disafforest this 'reserve' as it was done in the case of the Jalluthu reserve in the same taluk recently?

A.—(a) & (b) No. The land was declared by the Collector to be 'reserved land' under rule 5-A of the rules framed under section 26 of the Forest Act, and the declaration was published in the District Gazette.

(c) A panchayat was formed in the first instance for this village, and the villagers of Ponnarampatti, Veppilaipatti and Mannar-palayam were represented on it. Subsequently the members were unwilling to take charge of the reserve, and the panchayat was therefore dissolved. A fresh panchayat was thereafter formed, and five members were selected for it from the residents of Veppilaipatti. These members do not belong to any faction.

(d) No. Any person can get permits on payment.

(e) No. There are two other hills in S. Nos. 268/1 and 293/1 at a distance of about a mile from the village. They continue as unreserves and the villagers can graze their cattle on these hills.

(f) The entire area of this reserve is a big hillock and there is no plot in it fit for cultivation as in Jalluthu reserve.

Forest Panchayats.

Assignment of 200 acres of scrub jungle in the Eraiyur Panchayat Reserve.

1959 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that certain cobblers of Eraiyur village in Tiruvannamalai taluk, North Arcot district, applied for the assignment to them of about 200 acres of scrub jungle in the Eraiyur Panchayat Reserve and whether the said Panchayat recommended the disafforestation and whether the Panchayat Officer and the Collector also strongly supported the same;

(b) whether it is a fact that the cobblers were asked to cut a line about ten feet broad, at their own cost, on the promise of assignment of the lands they had asked for;

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- (c) whether the Board of Revenue declined to make the grant;
 (d) whether it is a fact that the people of the Eraiyur village do not require the land for any communal purposes; and
 (e) whether it is proposed to inquire whether the land cannot be assigned to the members of this depressed community?

A.—(a) Yes. The Collector, in consultation with the Forest Panchayat Officer and the Panchayat, submitted proposals for the disforestation of about 104 acres of Eraiyurmalai reserve.

(b) No.

(c) As the land was reserved forest, it was not in the power of the Board of Revenue to make the grant.

(d) & (e) On further inquiry the Government have issued orders for the disforestation of the land with a view to its assignment.

Formation of forest panchayats in South Kanara.

1960 Q.—Mr. J. A. SAIDANHA: Will the hon. the Home Member be pleased to state—

(a) how many forest panchayats have been formed in South Kanara and Malabar districts;

(b) what the extent of forests is in those districts which Government have set aside for placing at the disposal of forest panchayats;

(c) what difficulties there exist for a larger number of forest panchayats being formed or for extending the area for being handed over to forest panchayats in the two districts; and

(d) whether there is any forest panchayat committee for recommending or deciding upon the formation of forest panchayats; and who are the members of it in those districts?

A.—(a) All the reserved forests in the Malabar and South Kanara districts are to be permanently retained under the control of the Forest department and none of them will be handed over to ordinary panchayats for management. Nine panchayats have however been formed under the Forest Village system under the direct control of the Forest department in the South Kanara district. This system is not in force in the Malabar district.

(b) No forests have been set apart for handing over to ordinary panchayats or to panchayats formed under the Forest Village system.

(c) There are no reserves in the two districts suitable for ordinary panchayat management. Panchayats under the Forest Village system are formed whenever there is a demand from the villagers.

(d) There are no forest panchayat committees in the two districts.

Local Boards and Municipal Councils.

Representation of Roman Catholic Christians in the local bodies of Ramnad.

1961 Q.—Rao Bahadur CRUZ FERNANDEZ: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the very large Roman Catholic population in the Ramnad district is not adequately represented in the various local bodies of that district; and

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(b) if the answer to clause (a) is in the affirmative, whether he will make inquiries from the President of the District Board of Ramnad and the presidents of the taluk boards as to the reason why the Roman Catholic Christians have not been nominated to the union boards and taluk boards in proportion to their population?

A.—(a) & (b) The report received from the President, District Board, Ramnad, in regard to the representation of Roman Catholic Christians on the local boards in the district is laid on the table. There is no Roman Catholic Christian, on either the Sivakasi or the Srivilliputtur Municipal Council. The term of a Roman Catholic Christian who was nominated to the Virudunagar Municipal Council expired on the 1st March 1926, the date on which the Council was reconstituted after dissolution. Fresh nominations to the reconstituted Council are under consideration.

Elected presidents for district boards.

1962 Q.—Mr. CHAVADI K. SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the names of the district boards whose members are given the privilege of electing their own presidents as also the names of the district boards to which this privilege has not been given; and

(b) whether there is any special reason for not giving such privilege to those district boards also?

A.—A statement^b is laid on the table.

Communal representation in the taluk boards of Bellary district.

1963 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any among the nominated members of each of the taluk boards of the Bellary district belong to the depressed classes, or to the Muhammadan and Indian Christian communities and, if so, how many in each taluk; and

(b) whether among the nominated candidates there are any who stood for election and were defeated and if so, who and of what caste and sub-caste?

A.—(a)—

Name of the taluk board	Name of the community represented.
(1) Adoni ...	One Muhammadan and one Indian Christian.
(2) Bellary ...	Do. do.
(3) Hospet ...	Do. do.
(4) Harpanahalli.	The President, District Board, proposes to nominate an Adi-Andhra and a Muhammadan.

(b) The Government have no information.

^a Vide Appendix X on page 110 infra. ^b Vide Appendix XI on page 111 infra.

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Preparation of voters' lists for municipal and local board elections.

1964 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what arrangements are contemplated by the Government to see that the voters' lists are properly prepared for municipal and local boards areas for municipal and local board elections; and

(b) whether the Government have received complaints that some names were omitted from voters' lists either spitefully or for other highly improper reasons?

A.—(a) The Local and Municipal and Public Health Advisory Committees have recommended that the revising authority for the electoral rolls of local bodies should consist of the Revenue Divisional Officer and two non-officials who are not members of the local body to which the roll relates and that the revising authority should have power to scrutinize the entire roll and rectify all errors whether of omission or commission. The revision of the rules for the preparation of electoral rolls with reference to this recommendation and in the light of the rules relating to the electoral roll for the Madras Legislative Council is engaging the attention of the Government.

(b) The answer is in the affirmative.

Fees for licensing weaving handlooms.

1965 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are any municipalities levying fees for licensing weaving handlooms under section 249 of the District Municipalities Act;

(b) whether the Chairman of the Municipality of Cannanore has published a notification for licensing the use of weaving machines with maggams;

(c) whether any representations have been made against this action to Government; and

(d) if so, what action has been taken thereon?

A.—(a) to (d) The hon. Member is referred to the answer given to question No. 1805

Alleged closure of the Tuticorin-Athur road.

1966 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government and the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that the Government have ordered the closure of the Tuticorin-Athur road in spite of representations and protests from various directions, and whether the Government have permitted the Salt Department to take charge of the road between the Rollen Bridge and the Municipal toll-gate without the consent of either the taluk board or the municipal council, Tuticorin, and without providing suitable and convenient alternate route for the use of the people, whose rights have been infringed and, if so, why; and

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(b) whether there is any possibility of reconsideration in the matter, and, if not, whether the Government are prepared to open a new route for the convenience of the people and traffic?

A.—(a) The attention of the hon. Member is invited to the answer given to question No. 267 at the meeting held on 2nd March 1925. A copy of Memorandum No. 509 S.R.-1, dated 2th March 1924,* which explains in detail the reasons which induced the Government to take over the road from the control of the Taluk Board is placed on the Table.

(b) No. The Government see no need to open another route as the one now closed by the Salt Department was not the only route between Tuticorin and the adjoining villages.

Village Panchayats.*Organization of village panchayats under the Madras Village Panchayats Act.*

1967 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU: Will the hon. the Minister for Local Self-Government, the hon. the Home Member and the hon. the Member for Revenue be pleased to state—

(a) in how many cases, (1) Collectors and (2) their Assistants have organized village panchayats under the Madras Village Panchayats Act;

(b) in how many cases, (1) Collectors and (2) their Assistants have taken part in the progress of the panchayats and, if so, in what manner;

(c) the circumstances under which the Government have come to the conclusion that the formation of panchayats and their working should be strictly on a voluntary basis, as stated in G.O. No. 3597, L. & M., dated 3rd October 1925; and

(d) how many of the panchayats organized in the Presidency have been invested with powers, (1) in regard to irrigation and (2) in regard to forests, and why more of such panchayats were not invested with powers in regard to either irrigation or forests?

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

(c) The Madras Village Panchayat Act, 1920, does not provide a remedy in the event of the villagers refusing to meet and elect panchayatdars after the constitution of a panchayat has been ordered, nor does it reserve power to compel the functioning of an apathetic or recalcitrant body of panchayatdars. It is therefore necessary that the formation of panchayats should be based on the consent of the villagers affected as in this way alone can the effective working of the panchayats be secured.

(d) Twenty-two and one respectively. The Government have approved proposals to invest panchayats with powers in regard to irrigation and forests, wherever conditions have rendered such a course desirable.

* Vide Appendix XII on pages 112-113 infra.

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Education.

Pay of teachers transferred from Government elementary girls' schools to local bodies.

1968 Q.—Mr. N. DEVENDRUDU: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government have received any memorials from the permanent teachers of the Government elementary girls' schools transferred to the local bodies regarding time scale of pay and what action has been taken;

(b) whether any of the Government school teachers in elementary or secondary or training schools have been granted time-scales of pay and from what date;

(c) whether any time-scale statements have been called for at first by departmental heads or by Government from teachers of these elementary schools with a view to grant time-scale of pay;

(d) whether the Government have considered the advisability of extending the benefit of time-scale of pay to these teachers of schools which are transferred to local bodies;

(e) whether any of the teachers of these transferred schools are granted time-scale of pay by Government;

(f) what is the number of permanent teachers of the Government girls' schools transferred in the years 1922 and 1924 respectively; and

(g) whether there is any Government Order to the effect that these teachers should enjoy equal liberties with those of other Government servants?

A.—(a) & (d). Yes. The local bodies concerned were informed that it was open to them to revise the pay of the teachers in question if the additional cost involved could be met from their own funds.

(b) Yes; from 1st March 1922.

(c) The Government have no information as to whether the Director of Public Instruction called for any such statements.

(e) No.

(f) Particulars have been called for from the Director of Public Instruction.

(g) No. The teachers in question are the employees of local bodies except for the fact that they retain their rights to pension.

Furniture grants for the Madura Deaf and Dumb school.

1969 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government allow any furniture grants to temporarily recognized schools; and

(b) if so, why no grant was given to the Madura Deaf and Dumb school which has had its temporary recognition for the last six years?

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A.—(a) Furniture grants are given to schools temporarily recognized if their ineligibility for permanent recognition is due solely to defects in equipment and if there is a probability that the school will fulfil the conditions required for permanent recognition.

(b) The question of grant for equipment was deferred until the school was permanently recognized.

Government grants to the Madura Deaf and Dumb school.

1970 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Minister for Education and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Madura municipality was asked by Government not to give the house-rent to Madura Deaf and Dumb school;

(b) whether it is a fact that any furniture grant is refused to the above school;

(c) whether it is a fact that the school was asked to postpone the deputation of one of the teachers for training to Mysore till 1st April 1926;

(d) whether it is a fact that the school is threatened with its extinction by the withdrawal of its temporary recognition from 1st April 1926 on the grounds that it is not well accommodated, not well equipped and not well staffed by sufficient number of teachers in spite of the Government's actions regarding the grant, etc.;

(e) what is the grant sanctioned for the Madura Deaf and Dumb school for the year 1924-25; and

(f) whether the accounts of the Madura Deaf and Dumb school are being audited by certified auditors; if so, why the Government cannot sanction just half of the net cost audited in accordance with their policy?

A.—(a) The answer is in the negative.

(b) The question of grant for equipment was deferred until the school was permanently recognized.

(c) The school was asked to postpone the deputation of one of its teachers for training until after the defects pointed out by the District Educational Officer in his inspection report were remedied.

(d) The school is no longer held in Madura so that even the temporary recognition granted no longer applies to it.

(e) Rs. 698.

(f) The accounts of the school for the year 1924-25 were audited by Mr. N. S. Pattabhirama Ayyar of Ayyampet, Tanjore. Teaching grants to schools for special education are awarded under sections 44 and 45 of the Grant-in-aid Code.

Vernacular test for Inspectresses of Girls' Schools, South-western Circle.

1971 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

(a) the conditions as to passing vernaculars of the districts of the South-western Circle under which such Inspectresses of Girls' Schools are transferred to that circle;

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(b) whether the Inspectresses of the Girls' Schools who have served for the last three years in that circle have passed the Kanarese test;

(c) if not, how they managed to do their duties as to inspections of vernacular schools in South Kanara;

(d) whether the ignorance of the language of the district on the part of the Inspectresses has rendered them unfit for the duties of inspection to a great extent;

(e) which elementary schools as well as other schools the Inspectress inspected in South Kanara during her tour within the last six months and at which places; and

(f) whether she has been drawing travelling allowances for visiting places having only elementary schools in South Kanara?

A.—(a) Rules for the study of Oriental languages are the same for all Inspectresses in the Presidency. They have been published at pages 158—160 of Part I-B of the *Fort St. George Gazette*, dated the 7th April 1925.

(b) No.

(c) The inspections of elementary schools in Kanara are conducted by the Sub-Assistant Inspectress of the district. The Inspectress visits such schools for imparting advice on improvements and not for detailed examination for purposes of recommending assignment of grants.

(d) Kanarese, Malayalam, Urdu, Konkani and Tulu are all spoken in South Kanara district. No Inspectress knows all these languages and ignorance of one of them does not make an Inspectress unfit for her duties which consist mainly in inspection of secondary schools and administrative work with persons whose linguistic knowledge is not limited to the official language of the district.

(e) Names of elementary schools in the South Kanara district inspected by the Inspectress of Girls' Schools, Western Circle, in January and February 1926—

- (1) K.E.M. Girls' School, Moolki.
- (2) Board Girls' School, Coondapoor.
- (3) Board Girls' School, Gangoli.
- (4) Hindu Girls' School, Karkal.
- (5) K.E.M. Girls' School, Karkal.
- (6) Municipal Girls' School, Attavar, Mangalore.
- (7) Municipal Girls' School, Kadri, Mangalore.
- (8) Kanara Girls' School, Mangalore.
- (9) Board Girls' School, Pathur.
- (10) St. Joseph's Asylum Girls' School, Jeppo, Mangalore.
- (11) Board Girls' School, Moodabidri.

Names of other schools in the South Kanara district inspected by the Inspectress of Girls' Schools, Western Circle, in January and February 1926—

- (1) Government Girls' Secondary School, Mangalore.
- (2) Government Training School for Women, Mangalore.
- (3) K.E.M. Balmatta Girls' Secondary School, Mangalore.
- (4) Milagres Girls' Secondary School, Mangalore.

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(5) St. Cecilia's Girls' Secondary School, Udipi.

(6) Victoria Caste Girls' Secondary School, Mangalore.

(7) St. Agnes Girls' High School, Mangalore.

(8) St. Ann's Training School for Women, Mangalore.

Total number of schools inspected in South Kanara district—19.

(f) Yes.

Co-operative Societies.

Misappropriation of cash balances by co-operative societies.

1972 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the number and names of co-operative societies in each district about which correspondences relating to the misappropriation of cash balance and other frauds have been received by the Registrar in his office during the year 1925;

(b) the month and the year for each society when the misappropriation of cash balance or other frauds were committed;

(c) the month and the year for each society when cases mentioned in (b) first came to the notice of the Assistant Registrar or the Deputy Registrar of the section;

(d) the number and names of societies whose office-bearers were or are under criminal prosecution during the year 1925 and at present;

(e) the number and names of societies in each district whose defects in the matter of misappropriation of cash balance and other frauds were rectified by the concerned local union or the district councils or both during the year 1925;

(f) the number and names of societies in each district which are under departmental investigation in connexion with such cases; and

(g) the reasons why there are so many cases of frauds?

A.—(a) to (d) & (f) The Government are unable to furnish full and accurate information. Seventeen cases of criminal breach of trust and other fraud were reported to the Registrar during the calendar year 1925.

(e) The Government have no information.

(g) The number of cases is small in comparison with the number of societies. The attention of the hon. Member is invited to the Registrar's remarks in paragraph 74 of his administration report for 1924-25.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III

ADJOURNMENT MOTION REGARDING STOPPAGE OF INCREMENTS AND RECOVERIES FROM PAY OF UNPASSED CLERKS.

* MR. A. RANGANATHA MUDALIYAR :—“ I beg to move

‘ that the business of the House be adjourned to discuss a definite matter of urgent public importance, viz., G.O. No. 773, Law (Education), dated 3rd May 1926, regarding the pay to be drawn by and the recoveries to be made from unpassed clerks and the orders relating to their exemption from examination rules ’.”

* The hon. the PRESIDENT :—“ What is the urgency about this question ?”

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* Mr. A. RANGANATHA MUDALIYAR :—" Sir, an order has been issued that the emoluments drawn by them and the increments allowed to them for some time past should be recovered. In many cases the amounts come to a very large sum now. I think, Sir, a decision has to be arrived very early—almost immediately—whether or not, for example, the increments already paid to them should be recovered. This is one of the several other points."

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" May I also beg leave to move for the adjournment of the House on the same subject suggesting the desirability of rescinding that Government Order? Both relate to the same subject. Only, mine is a little more comprehensive."

* The hon. the PRESIDENT :—" I have only to see whether the resolution is in order. I consider that it is. The motion is as follows :

"That the business of the House be adjourned to discuss a definite matter of urgent public importance, namely, G.O. No. 773, Law (Education), dated 3rd May 1926, regarding the pay to be drawn by and the recoveries to be made from unpassed clerks and the orders relating to their exemption from examination rules."

"I have to ask whether this is objected to by any hon. Member. (After a pause). As no objection has been taken, I fix to-day 2-30 for the taking up of this resolution."

IV

CONDOLENCE RESOLUTIONS REGARDING THE DEATHS OF M.R.RY. RAO SAHIB
K. V. RAMACHARI AVARGAL, AND THE ZAMINDAR OF KURUPAM.

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr President, I beg to move

that an expression of sincere regret of the Council at the deaths of M.R.Ry. Rao Sahib K. V. Ramachari Avargal and M.R.Ry V. N. Suryanarayana Raju Garu, Zamindar of Kurupam, and of sympathy with the members of the respective bereaved families be placed on record and conveyed to them.

"Mr. President, it is unnecessary to remind you, Sir, and the House that Mr. Ramachari has been a well-known member of this House. He belonged to the Sourashtra community and was a most prominent merchant and importer of Madura. He was chairman of the municipal council, Madura, in 1910; he was a member of the municipal council of Madura from July 1904 practically up to 1910; he was president of various Sourashtra organizations and was one of the chief yarn merchants of Madura town. He was elected to represent the Madura urban constituency and I think it will be agreed on all hands that his unassuming manners, his courtesy and his personal friendliness to every section of the House earned him the esteem and good-will of everyone in this House.

"The other death which we have to lament is the untimely demise of the Zamindar of Kurupam. He was elected to represent the zamindars. Unfortunately his health prevented his taking as large or as prominent a part in the deliberations of the House recently as might have been expected or as his attainments fully entitled him to do. He had always an open mind and he not only knew his own mind but could express himself well. I may mention that he was a person who took keen interest in military matters and was qualifying himself for a military career. His untimely death is also to be deplored. With these words, I beg to move this resolution."

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* The hon. the RAJA OF PANAGAL :—" I second the resolution. In doing so, I wish to associate myself with what the hon. Mover has said."

Mr. L. K. TULSIRAM :—" Mr. President, Sir, I associate myself with the sentiments that have been expressed on behalf of Mr. Ramachari. He was one with whom I was associated for 48 years. I can describe him as a self-made man. He improved Madura to a very large extent so much so that Madura now claims to be the first industrial city in the whole of India, not only for the consumption of alizarine dyes, not only for the consumption of lace but also in all matters affecting technical chemistry. Mr. Ramachari was the president of the Sourashtra Sabha, a sabha which counts on its rolls 15,000 members, a fact not known in this Presidency. Not only that. He was president of the Sourashtra High School. He was a man of unassuming manners, a kind father, a successful merchant and a shrewd and tactful politician. He was a member of this House for a period of six years and though sometimes he did not make very big orations, his silence alone would have convinced the House that he was a man of principles and a man of action, a man worthy of being followed in every walk of life. He was taken away suddenly. He died of pneumonia on the 12th June at the early age of 58. I think he was born in October 1868. Though born of very humble parents, by his exertions and foresight, he came to the top of the business community and led the whole mercantile business in Madura. With these few words I wish to associate myself with the sentiments expressed in the House."

11-11
a.m.

The motion was put and carried, the whole House standing.

V

ANNOUNCEMENT REGARDING ALLOTMENT OF DAYS FOR NON-OFFICIAL
BUSINESS.

* The hon. the PRESIDENT :—" I have to inform the House that under Rule 6 of the Madras Legislative Council Rules His Excellency the Governor has been pleased to allot six days for the transaction of non-official business during this meeting."

VI

COMMUNICATIONS TO THE COUNCIL.

(a)

With reference to the answer given to a supplementary question to question No. 1489-A at the meeting of the Legislative Council held on the 2nd March 1926, the Secretary laid on the table copies of the Proceedings^a of the Surgeon-General, No. P. 51, Establishment, dated 10th March 1926.

(b)

The Secretary laid on the table copies of the proceedings of the 19th, 20th and 21st meetings of the Finance Committee for 1925-26 held on 16th, 23rd and 26th March 1926, respectively.

(c)

With reference to further demands for 1926-27 the Secretary laid on the table^c copies of the Finance Committee's recommendation regarding appropriation for the acquisition of land for a paddy-breeding station in Malabar.

^a Vide Appendix XIII on page 118 infra. ^b Vide Appendix XIV on pages 114-125 infra.

^c Vide Appendix XV on page 126 infra.

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(d)

The Secretary laid on the table the following Government Orders:—

^a (1) G.O. No. 227, Development, dated 16th February 1926, reviewing the accounts of the Government Industrial Institute, Madura, for 1924-25.

^a (2) G.O. No. 150, Development, dated 26th March 1926, passing orders on the accounts and audit report of Nilambur Valley Forests for the year ending 31st March 1925.

^b (3) G.O. No. 546, Development, dated 5th April 1926, recording the audit report of the Government Industrial Institute, Madras, for the half-year ending 30th September 1925.

^c (4) G.O. No. 571, Development, dated 10th April 1926, recording accounts of Kerala Soap Institute for the quarter ending 30th September 1925.

^d (5) G.O. No. 750, Development, dated 25th May 1926, recording the audit report of the Russellkonda Saw Mill for the quarter ending 31st December 1925.

(e)

The Secretary laid on the table ^e copies of the list of posts on Rs. 500 per mensem and above created during the quarter ending March 1926.

VII

ACTS ASSENTED TO BY HIS EXCELLENCY, THE GOVERNOR.

* The hon. the PRESIDENT:—"I have to announce to the House that the following Acts have been assented to by His Excellency the Governor on the dates marked against them:—

Acts.	Dates.
Act for the Registration of Nurses and Midwives in the Presidency of Madras.	7th May 1926.
The Madras Village Officers Restoration Act ...	14th May 1926.
The Madras Local Authorities Entertainment Tax Act.	21st May 1926."

VIII

THE MALABAR TENANCY BILL.

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I moved on the last occasion in presenting the report of the Select Committee on the Malabar Tenancy Bill that the Bill as amended by the Select Committee be taken into consideration. That is the motion now before the House. That motion was, at the instance of the hon. Law Member, adjourned to this day. Therefore, I move that the motion which stands adjourned to this day be taken up, viz., that the Bill as amended by the Select Committee be taken into consideration."

^a Laid on the Editors' Table.

^b Vide Appendix XVI on pages 126-134 infra.

^c Vide Appendix XVII on pages 134-143 infra.

^d Vide Appendix XVIII on pages 141-151 infra.

^e Vide Appendix XIX on pages 151-155 infra.

^f Vide Proceedings of Council, dated 10th February 1926.

[10th July 1926]

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, I should like to request the House that this matter may be taken up on Monday the 12th instant. In the first place, my hon. Friend the expert Member, Mr. T. R. Ramachandra Ayyar, has not been able to come to-day. You know, Sir, that the Members were told only yesterday that the Malabar Tenancy Bill would be taken up to-day. My hon. Friend therefore is obviously under the impression that the Irrigation Bill will have precedence. I should be very happy to avail myself of the help of the expert Member and for that reason I would request the House to be pleased to adjourn this business to Monday."

* Mr. V. MADHAVA RAJA:—"I am in favour of the motion for adjourning this matter to Monday."

Mr. K. P. RAMAN MENON:—"I object to this motion for adjourning this business to Monday. I submit, Sir,....."

* The hon. the PRESIDENT:—"I do not want any argument. It seems to me that the point urged by Mr. Prabhakaran Tampan cannot bear examination. It is the duty of hon. Members to be present at the House when the Council meets and it is their duty to be present for all the business of the House. Therefore I cannot put to the House the motion made by Mr. Prabhakaran Tampan."

Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, it was proposed and seconded that this question be taken up on Monday."

* The hon. the PRESIDENT:—"I am not putting the question to the House."

Rai Bahadur T. M. NARASIMHACHARLU:—"I wish to know whether it is the exclusive privilege of the President to allow or not to allow a motion. I raise it as a point of order."

* The hon. the PRESIDENT:—"I disallowed that motion on account of the argument urged by Mr. Prabhakaran Tampan, the mover. Has Mr. Narasimhacharlu any other argument to advance?"

Rai Bahadur T. M. NARASIMHACHARLU:—"It is not a question of argument. My point is whether it is within the exclusive jurisdiction of the President to allow or disallow a motion. I am not discussing the merits of the motion. I am only going into the question of the ruling passed by the President."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"It becomes practically questioning the ruling of the Chair—a new thing I have heard in this House."

Rai Bahadur T. M. NARASIMHACHARLU:—"The opinions of the Members also should be heard. Therefore, I respectfully submit that for the consideration of the President."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"May I suggest to the hon. Member from Malabar that the only ground urged by him is the absence of Messrs Ramachandra Ayyar and Nambudiripad? It cannot be stated that the discussion even of one section of the Bill is likely to be finished between now and half past one when the House will rise for lunch; and at half past two, there is a motion for adjournment. Surely, it cannot be suggested that these two hon. Members cannot take part in the deliberations even on the very first section of this Bill which is likely to engage the attention of the House on Monday. From that point of view, I would ask him not to press his motion."

[Sir C. P. Ramaswami Ayyar]

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because all Members of the House have come prepared with one set of notes for proceeding with the Malabar Tenancy Bill and it would be very inconvenient."

* Mr. K. PRABHAKARAN TAMPAN :—" You will find, Sir, in the notice paper there are 350 and odd amendments to the Bill. We were given this only yesterday. If we are given a day's time, we will be in a position to find out on what all amendments we should concentrate our attention. That will also very much facilitate the business of the House and there will not be unnecessary delay in the disposal of this Bill. I hope this point will commend itself to the House."

* The hon. the PRESIDENT :—" Will the hon. Member make a regular resolution ? "

* Mr. K. PRABHAKARAN TAMPAN :—" I will put it thus: That with a view to give an opportunity to hon. Members on both sides of the House to decide on what all amendments they should concentrate their attention, the consideration of this Bill be adjourned till Monday morning."

* The hon. the PRESIDENT :—" In the absence of a seconder. . . . "

* Mr. V. MADHAVA RAJA :—" No, Sir, I am seconding it."

* The hon. the PRESIDENT :—" I cannot wait indefinitely for a seconder. In the absence of a seconder, the motion has fallen to the ground."

" Now, the question is that the Malabar Tenancy Bill as it has been presented by Mr. Krishnan Nayar be taken into consideration."

The motion was put and carried and consideration of the Bill was taken up.

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Mr. President, may I move that amendments from No. 74 onwards might be taken up first. I am suggesting this merely as a matter of convenience; so far as the preamble is concerned, we generally take it last, and, as for the first clause, it is a small matter and would not detain us very much. As regards clause 2, it relates to definitions. When we settle the substantive parts of the Bill, we shall know exactly what terms require to be defined and therefore it might perhaps be convenient to take up that clause later. Clauses 3, 4 and 5 relate to the scope of this enactment. These again, I suggest, might be taken up for consideration after we have settled the main provisions of the Bill when we shall be in a better position to settle the scope of the Bill under clauses 3, 4 and 5. I think, as a matter of convenience, the House will agree to the course I propose. I would suggest that amendments beginning with chapter II may be taken up first, and the Council may come back later on to clauses up to 5 and consider the amendments relating to them."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Is it only a suggestion or a formal motion ? "

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I am making a motion that amendments beginning with chapter II might be taken up first and I am formally moving it, suggesting my reasons therefor."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—" I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I oppose the motion as I see no reason whatever to support the suggestion of my hon. Friend the

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[Mr. M. Krishnan Nayar]

Advocate-General. No doubt, in accordance with the usual practice, the preamble will be taken up last, but with reference to section 6 under which this amendment No. 74 comes, I submit that, for the matter of convenience, it is desirable that clauses 2 to 5 should be disposed of first in respect of their amendments. No doubt, clause 2 deals with the definitions. The chief amendments tabled with reference to that clause are the amendments of Government; and the policy of the Government also is seen by the amendments that they have given in this clause. If we take clause 6, any amendment proposed to that clause will not in any way assist the Council in the disposal of clauses 3, 4 and 5. So from the point of view of convenience also, I think it is desirable to proceed in the ordinary way."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, I commend to this House the desirability of postponing the consideration of clause 2. I am not particular whether clauses 3, 4 and 5 are taken up first or otherwise. The reasons why I suggest a postponement of the consideration of clause 2 are those contained in the remarks that have fallen from the hon. Member from Malabar on the policy of the Government."

" It is of course open to the House to accept that policy, or not to accept it, but the Government's position is that clauses 6 and 7 should be omitted and that no permanent occupancy right should be given to a cultivating kanamdar or a kuzhikanamdar or other tenant who is in possession under a demise or lease. The question of policy therefore will arise on the discussion of clauses 6 and 7. I do not desire to assert any proposition just now in one way or the other, because this House is sovereign with regard to that particular matter, during the discussions here. However, I may point out, assuming the Government's amendments are accepted and no permanent occupancy is given either to the kanamdar or to other classes of persons, it may be that some of the definitions are superfluous and will have to be deleted while some others may have to be altered, and new amendments will have to be considered. It is therefore from the point of view of convenience that I suggest the postponement of consideration of clause 2. Otherwise, what would happen is this: Government have tabled various amendments seeking the omission of particular definitions; in the discussion on the omission or retention of particular definitions will arise a discussion or controversy as to the policy underlying the question of giving permanent tenancy or permanent occupancy right to kanamdars. This course obviously is inconvenient, to say the least of it. It is far better that we should face the question as to whether we are going to grant permanent tenancy and if so, what the definitions are which will carry out the intentions of the Legislature, should they so decide."

* The hon. the PRESIDENT :—" I do not suppose the hon. the Law Member has waived his right with regard to clause 2."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" It was only a suggestion that I made."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I accept the suggestion that clauses 3 to 5 may be taken up first. If that is done, it would be convenient."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I still believe that convenience lies in proceeding with the definitions coming under clause 2 leaving, of course, the preamble to be taken at the end."

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The motion that clauses 3, 4 and 5 be taken up first was put to the House and declared carried.

A poll was demanded and the House divided as follows:—

Ayes.

- | | |
|---|--|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 17. Mr. G. W. Chambers. |
| 2. " Mr. N. E. Marjoribanks. | 18. " C. E. Wood. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 19. Capt. E. G. Windle. |
| 4. " Mr. T. E. Moir. | 20. Mr. D. Manjappa Heggade. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 21. Sir Alexander MacDougall. |
| 6. " Sir A. P. Patro. | 22. Mr. N. Devendrao. |
| 7. " the Raja of Panagal. | 23. " V. Mathava Raja. |
| 8. Mr. T. R. Venkateswara Sastriyar. | 24. " T. Mallesappa. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 25. " F. Obalesappa. |
| 10. Mr. G. T. Boaz. | 26. " P. Sagaram. |
| 11. " V. Pandrang Row. | 27. " A. Ranganatha Mudaliyar. |
| 12. " J. F. Hall. | 28. " B. P. Sessa Reddi. |
| 13. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 29. The Raja of Ramnad. |
| 14. Mr. S. Arpudaswami Udayar. | 30. Mr. S. R. Y. Ankinedu Prasad Bahadur. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 31. Rao Sahib P. V. S. Sundaramurti. |
| 16. Mr. K. Prabhakaran Tampam. | 32. Rao Bahadur A. S. Krishna Rao Pantulu. |
| | 33. Rai Bahadur J. M. Narasimbachari. |
| | 34. Mr. Naganna Hegde. |

Noes.

- | | |
|--|--|
| 1. Mr. K. P. Raman Menon. | 11. Mr. P. T. Rajan. |
| 2. Diwan Bahadur O. Tanikachala Chettiyar. | 12. Rao Bahadur P. Raman. |
| 3. Rao Bahadur C. Natesa Mudaliyar. | 13. Mr. J. D. Samuel. |
| 4. Mr. A. Ramaswami Mudaliyar. | 14. " K. Saravayudu. |
| 5. Diwan Bahadur P. C. Pithajulu Nayudu. | 15. " R. Veerian. |
| 6. Mr. R. Madanagopal Nayudu. | 16. Khan Bahadur P. Khalifullah Sahib Bahadur. |
| 7. Rao Bahadur B. Muniswami Nayudu. | 17. T. M. Moidu Sahib Bahadur. |
| 8. Mr. J. A. Saldanha. | 18. K. Uppi Sahib Bahadur. |
| 9. " C. Gopala Menon. | |
| 10. Diwan Bahadur M. Krishnan Nayar. | |

Ayes 34; Noes 18.

The motion was carried.

Clause 3 was then taken up for consideration.

Clause 3.

* Mr. K. PRABHAKARAN TAMPAN :—“The motion that stands in my name is as follows:

“Insert the words “or unoccupied paramba” between the words “forest lands” and the word “leased”.”

“It is agreed that forest lands which are leased for felling timber or for raising fugitive crops should be excluded. Conditions in Malabar have very much changed recently and forests have been denuded. There are no trees on lands which were originally forests and are now called parambas in the survey and settlement register. Big forests are not surveyed and only minor forests are surveyed and they are classified as unoccupied dry.

“They are included in a demise more for the purpose of securing the janmi's title; for if the parambas are not included the neighbouring landlords might encroach upon them. The janmi does not get even a reasonable rent for such parambas. If forest lands demised for the purpose of felling timber or for raising fugitive crops should be excluded from the Act, it follows that extensive unoccupied dry lands should also be excluded. It is only with that object that I suggest this amendment.”

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* Mr. V. MADHAVA RAJA :—“I second the amendment.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“I oppose this amendment, Sir. I followed my hon. Friend closely and found that he adduced two reasons in support of his proposition. One is that practically there are now no forest lands in Malabar and all the forests have been denuded.”

* Mr. K. PRABHAKARAN TAMPAN :—“I did not say that there are no forest lands. The forest lands that are included in demises are now generally classified as unoccupied dry lands.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“The second reason was that the rights of the janmis would be protected only by so doing. If these parambas are included in the demises only for the purpose of settling the disputes between the janmis, I ask why should the tenants be dragged in for the purpose of serving as a buffer. This has nothing to do with the question whether occupancy right should or should not be granted to the tenant. As far as I could see, he has adduced no reason in support of his amendment.”

Mr. K. P. RAMAN MENON :—“Sir, I am sorry I have to oppose my hon. Friend Mr. Prabhakaran Tampam. It is not correct to say that all the forests in Malabar have been denuded. Even to-day most of the timber that is supplied to the other districts comes from Malabar. With reference to these unoccupied parambas it is only an instance of the saying ‘Give him an inch, he will take an ell.’ When Mr. Krishnan Nayar wanted to give occupancy rights to Malabar tenants he wanted to safeguard the rights of the janmis with regard to the forest lands. But my hon. Friend Mr. Prabhakaran Tampam wants that the rights of the janmis even with regard to the other lands, the unoccupied parambas, should be safeguarded. The janmis want their rights to be reserved not merely with regard to the forest parambas but also with regard to unoccupied parambas. Does my hon. Friend say that these unoccupied parambas which are now in the occupation of the tenants and which are included in the demises do not contain paddy lands and garden lands as well? If unoccupied paramba lands are leased together with other lands, does my hon. Friend say that the paramba lands alone are to be exempted and other lands should be treated differently? As a matter of fact, in North Malabar, I know that the unoccupied paramba lands are daily being converted into coconut gardens. Therefore, if occupancy right is to be granted at all to any class of tenants, it should first be granted to that class of tenants who clear the jungle and make it fit for cultivation. Under the circumstances, I have to oppose the amendment.”

* Mr. K. PRABHAKARAN TAMPAN :—“Sir, I know a few instances where half an acre of paddy land is leased with fifty acres of paramba. The hon. the expert Member spoke about the conditions existing in North Malabar. I have no intimate knowledge of North Malabar; but as regards South Malabar, especially the taluks of Walluvanad, Palghat and Ernad, I know that these unoccupied parambas are not converted into garden lands. Only occasionally, once in three years, they are used for the purpose of raising fugitive crops such as modan, gingelly and ginger. It has been conceded that forest lands used for fugitive cultivation should be excluded and if that principle is conceded it is only reasonable that these paramba lands also should be excluded. It is the mode of enjoyment, i.e., whether it is used for fugitive cultivation or for felling timber, and not the nature of the lands, i.e., whether they are fit for coconut plantation or not, that

[Mr. K. Prabhakaran Tampam] [10th July 1926]

should be taken into consideration. I believe an injustice would be done to the owners of the land if this amendment is not accepted. Mr. Krishnan Nayar asked why the poor tenants should be made to serve as buffers between the janmis. So long as the tenants want to enjoy the benefits of the lands of others, they should also safeguard the interests of the landlords under whom they hold. They cannot have the benefits alone without any responsibility. I strongly commend the amendment and request that this be put to vote."

The amendment was put to the House and lost.

* Mr. K. PRABHAKARAN TAMPAN:—Sir, I move—

"that in line 2, between the words "demised" and "for" the words "jointly with or without cultivation land" be inserted."

"The question here is whether ordinary forest lands demised together with more or less small areas of cultivated lands should not be excluded. The hon. Member Mr. Raman Menon perhaps knows that there is a janmi known as Kattuseri Kurup who owns extensive forest lands by the side of small cultivated lands. He has leased to his nephew the paddy land and all the forests belonging to his sthanam under one demise. Fifty acres of wet land are demised together with fifty square miles of forest lands. There are many other such instances also. The Raja of Walluvanad has also done like that. There are many other such instances. I request, Sir, that forest lands, about the nature of which there is no doubt, should be excluded whether they are demised with or without cultivation land"

Mr. V. MADHAVA RAJA:—"I second it."

* The hon. the PRESIDENT:—"Is 'cultivation land' a technical term? (Mr. K. Prabhakaran Tampam: 'No, Sir') Then I think we had better use the term 'cultivated land'."

Mr. K. P. RAMAN MENON:—"Again, Sir, I have the misfortune to differ from my hon. Friend. The clause as amended by him would read thus: '*Nothing in this Act shall affect forest lands leased or demised with or without cultivated land for felling timber or for fugitive cultivation or for both.*'"

"There are demises in which cultivated lands are included with uncultivated forest lands in one lease. If this House gives the option to the janmi to resume the forest lands and grants rights of occupancy to the tenant in the cultivated land, it would be of no use. Secondly, there are forest lands which are leased without any cultivated land attached to them whatsoever. If the House grants the right of the janmi to resume the forest lands, it would not be conducive to the welfare of the tenant. As a matter of fact, where forest lands are included with cultivated lands, the former forms as it were a great protection to the tenant. If the tenant is to be evicted, the landlord would have to pay compensation for the improvements."

* Mr. K. PRABHAKARAN TAMPAN:—"May I explain, Sir? When lands are leased as forest lands, the janmi has not to pay compensation for the timber that is grown there. There has been a decision to that effect in the Courts."

Mr. K. P. RAMAN MENON:—"I am not speaking of forest lands leased as forest lands; I am only speaking of forest lands and cultivated lands leased together. In such a case the inclusion of the forest lands is a great protection to the tenant. Again, Sir, there is another aspect of the question

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also. For the cultivation of the land, leaf manure is necessary. If forest lands are resumed by the janmis, then the tenants will have to pay to the janmis whatever they want to get the leaf manure; otherwise, cultivation would be handicapped. If you confer the right of occupancy for the cultivated lands alone it would be difficult to the tenant to cultivate the lands.

"Turning now to the other aspect of the question, let us take the case of forest lands leased as forest lands, for the purpose of removing timber. There is provision in the section as drafted by Mr. Krishnan Nayar affording protection to the janmi. But in the case of forest lands which are leased for the purpose of bringing them under cultivation it is difficult to see why occupancy rights should not be given to the tenants who have spent their capital and labour in reclaiming the lands and bringing them under cultivation. There is absolutely no reason why such forest lands should be excluded from the operation of the Act. I strongly oppose the amendment that has been brought forward by my hon. Friend."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I also oppose this motion. I do so for this additional reason. If the forest lands contain valuable timber, they are not given to the tenants for any other purpose than that of felling them."

"When the forests which contain timber are leased for felling timber, no occupancy right will accrue. On the other hand, there may be so-called forest lands, nominal forest lands, containing only scrub jungle and they may be leased or demised along with cultivable lands. Obviously, the object of leasing them together is to enable the tenants to get green manure from these scrub jungles. The result of this amendment, if it is accepted, will be to give occupancy rights in respect of cultivable lands only and the tenant will be deprived of the scrub jungles which are necessary for him to enable him to get green manure and which are given to him for this purpose."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, I have to make the attitude of the Government clear with regard to this amendment and others. I also oppose the amendment for the reason that the general attitude of the Government is against the conferment of occupancy rights on any class of tenants. From that point of view and as we considered that this question would arise only in case the conferment of occupancy right was settled, I oppose the amendment."

* Mr. K. PRABHAKARAN TAMPAN:—"Mr. President, Sir, my object is not to prevent the tenants from taking manure. Small jungles or waste parambas stand altogether on a different footing and do not come within the purview of my amendment. I am speaking of big forests. As I said, it is not probable that the number of leases of cultivated lands with big forests will be very great. If the Council think that 50 square miles of thick forest are required for providing manure to cultivate 50 acres of land, I do not stand in their way. Another reason that is urged against the amendment is that forest lands may be converted into cultivable lands. I cannot understand how my hon. Friend Mr. Raman Menon thinks that these forests could be reclaimed and made cultivable lands. Some of these forests are at least 3,000 feet above sea level; it would be difficult for human agency to convert them. I am speaking only of such forests. If the House thinks with him that these forests can be converted, I have no objection then."

The amendment was put to the House and lost.

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*Mr. K. PRABHAKARAN TAMPAN:—"Mr. President, Sir, the next amendment standing in my name with regard to this section is

'for the words "for both" substitute the words "for tea, coffee and rubber plantation".'

"My object is obvious. The main argument advanced for giving occupancy right to the tenants of Malabar is that they have been enjoying permanent occupancy right from before the advent of the British and that the Bill aims only at restoring them to their old position. The tea planters and coffee planters came only very recently. Their leases are based upon what you call the English system of conveyance. It is generally provided in the document itself that the lease would be in force for certain stipulated time say 99 years. There is no kind of justification in saying that the planters should be given more than what they are entitled to according to the terms of their contract. This class of leases comes under a different category altogether and should not be given any benefit under this Act."

Mr. V. MADHAVA RAJA:—"I second it".

*Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I have no objection to accept this amendment. But what my hon. Friend wants is to add at the end the words 'or for tea, coffee and rubber plantation.' The clause as amended by my hon. Friend may read as follows, retaining the words, 'for both'—

'Nothing in this Act shall affect forest lands leased or demised for felling timber or for fugitive cultivation or for both or for tea, coffee and rubber plantation.'

I therefore move—

'that the words "for both" may be retained'.

*Mr. K. PRABHAKARAN TAMPAN:—"I have no objection, Sir."

*Mr. J. A. SALLANHA:—"Mr. President, Sir, I am quite at a loss to understand why lands leased for coffee or tea plantations should be excluded from the operation of this Bill. We are not only concerned with European planters who may remain here for some years, say 100 years or so and then leave the place. We are concerned with Indian planters also who intend to remain permanently as I know from personal experience. Therefore in view of the fact that a large number of plantations have been taken up by Indians not for a short period of 90 years but permanently, I am at a loss to understand why we should exclude them from the operation of the Bill. The object of this Bill is to give occupancy and permanent tenure to holders of such lands. We began with kanam tenure which is primarily for 12 years and which is renewed from period to period. The leases given for coffee plantations may be for a longer period. But why should they not also be given permanency? If the planters want to remain and work these plantations for a period longer than that fixed in the demise, I think they should surely be given the option, the privilege and the right of permanent occupancy."

The amendment as amended was put to the House and carried.

Clause 3 as amended was put, passed and added to the Bill.

*The hon. Sir C. P. RAMASWAMI AYYAR:—"At this stage, Sir, may I suggest that inasmuch as clauses 4 and 5 are in the nature of exceptions to

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clauses 6 and 7, they may be taken up after the principles contained in clauses 6 and 7 are discussed. Clause 6 says that kanam tenants are entitled to certain rights of permanent occupancy. Clause 4 seeks to exempt North Malabar kanam tenants from the operation of that principle. It is therefore by way of a proviso—or rather to be more accurate—by way of exception to the principle sought to be enunciated in clause 6. Clause 5 also, though not so specifically an exception, seeks to make the provisions with regard to the right of occupancy and so forth sought to be enunciated in the succeeding section, inapplicable to small janmis. It may therefore conduce to convenience and I trust my hon. Friend the mover of the Bill will agree with me in this matter that we should discuss the principle in clauses 6 and 7 before we discuss clauses 4 and 5."

*Diwan Bahadur M. KRISHNAN NAYAR:—"I have no objection, Sir."

The motion, that clauses 6 and 7 be considered before clauses 4 and 5, was put to the House and carried.

Clause 6.

*The hon. Sir C. P. RAMASWAMI AYYAR:—"I move, Sir, that this clause be omitted.

"And in doing so, it is necessary for me to make clear the arguments with which I seek to support that contention. Clause 6, Mr President, is designed to give a certain occupancy right to a cultivating kanamdar or kuzhikanamdar or other tenant who is in possession under a demise made before or after the date of the passing of this Act. The first remark that I have to make with reference to this provision in the Bill is that clause 6 does not make any difference between what may be called ancient kanams and modern kanams and it purports to give a permanent right of occupancy to any cultivating kanamdar or kuzhikanamdar or other tenant who is in possession under a demise made before or after the date of the passing of the Act. It is an extensive right sought to be vested in the cultivating kanamdar or kuzhikanamdar irrespective of the origin, tenure and the length of enjoyment of that tenure. That is the first observation that I desire to make.

"The second remark that I shall permit myself to make is this, Mr. President, that having most carefully considered the arguments of the protagonists of this measure in respect of their contention which, I am free to confess, is a contention shared by a large number of persons of light and leading in the district of Malabar, we feel it practically impossible to accept the implications of that contention or the arguments on which I suppose, and on which alone that contention is supportable: What are those arguments? The first argument, I may say, the groundwork of the contention, is that originally the kanamdar and the janmi and the cultivating tenant were in the nature of co-owners or co-proprietors. In any case, it is asserted that the kanamdar and the janmi were co-owners entitled in certain proportion, to the produce of the land and that that was the original state of tenure in Malabar until the English courts or rather Judges trained in English systems of thought and of jurisprudence came on the scene; they misinterpreted, it is contended, the old system of tenure, have brought into operation their ideas derived from what is called the foreign notion of fee simple right and so forth, and have brought English ideas into force in a place where tenures were *sui generis*. I do not propose at this juncture to go into ancient history for I dare say that that

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task will be better and more skillfully done by hon. Members, with more knowledge of the ancient history of this institution than I have. But certainly this has been conceded and must necessarily be admitted, viz., that from the year 1852 or at all events, 1854, the courts and all constituted tribunals have uniformly and continuously recognized that the kanam is a terminable tenure. Those Judges and courts were not English Judges and English courts merely but those courts and tribunals were largely presided over by Indians who belonged to the middle class who, it is conceded, were the mainstay of the kanam tenure and it is those Judges who have laid down in an unbroken series of judicial decisions lasting for over 74 years that the kanam tenure is a terminable tenure redeemable in character. Now it is sought, Sir, by means of this provision to redeem the irredeemable, to destroy that terminability and to give permanency to a tenure which, for over 70 years, has not enjoyed permanency.

“And why are we asked to do so? What other reasons are urged in respect of that contention? We are asked to go back into the ages, before 1852, take a leaf out of the Travancore Proclamation, and come to the conclusion that notwithstanding 70 or 80 years of history or even let us say continuous mistakes by courts and tribunals it is open to this Council and to this Government to go back upon all those judicial decisions and to arrive at a result which is not only sought to be argued as equitable but is also said to have been the actual state of things before these 70 or 80 years. Now, Sir, there are not materials before the Government which will enable them to come to any such decision. On the other hand, I think it might be said that there are materials which tend to lead them to the opposite conclusion. But, Sir, I do not desire to rest my argument with regard to this branch of the case on this question of the presence or absence of materials. I prefer rather to rest my argument on this indubitable, unassailable fact, namely, that for over 70 years, judicial decisions, conveyances born of those judicial decisions, transfers of property, etc., were inexplicable excepting by advertence to a particular state of the law; and taking for granted that all these transactions have taken place, it is too much to say that after the lapse of 70 or 80 years, the Government and this Legislative Council may go back upon those conveyances, go back upon those documents and go back upon those decrees and work on the basis of a state of things antecedent to 1854.

“Then, Sir, the argument of analogy is sought to be applied. It is asserted and argued that the sister States of Cochin and Travancore have embarked upon similar legislation with good and beneficent results; and there is no particular reason why, if an indigenous Malabar administration should adopt that and should not suffer by reason of what they have done, the British Malabar people should not enjoy similar privileges and immunities. Now, Sir, I have taken some pains to go into the question. What are the facts? Permanent occupancy right was, in Cochin given to kanams of over 30 years' standing and I would invite hon. Members of this House, Mr. President, to pay some attention to the facts connected with Cochin which I shall place before the House. In Cochin over 51 per cent of the lands belong to the State or to temples owned by the State. Three per cent are inams. Private janmis therefore own 46 per cent. Of these, 31 per cent were verumpattam tenure and these are not affected by the Cochin Bill. The remaining 15 per cent of the lands held by the janmis are kanam. Less than

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two-thirds are old kanams. This Cochin legislation in effect applies to 10 per cent of the lands in the State. One-third of those janmams again are institutions like temples. The net result of the Cochin legislation, therefore, is that 6 to 7 per cent of the whole of the lands in the Cochin State come within its purview. Even this legislation according to persons who are entitled and qualified to speak on this matter, has produced many evils. The janmis find it difficult to collect their dues from the occupancy tenants, and I am told, Mr. President, that there is an idea even in Cochin that this feature should be remedied by legislation.

“Now, Sir, I turn to Travancore whose example is also invoked in this matter. In Travancore, what is the actual state of things? Occupancy rights are given to Brahman tenants, not janmis, who do not pay land tax and to other kanam tenants. So far as this is concerned, we find that even as early as 1884, Mr. Rama Ayyangar, the then Diwan of Travancore, contemplated legislation to remedy this state of things. A very distinguished predecessor of yours, Sir P. Rajagopala Achariyar who was also for some time Diwan of Travancore, has expressed in a document his view that he had seen the disastrous effects in Travancore, political as well as economic, of the Proclamation issued by the Darbar over a century ago, giving permanency rights. Let me go to the actual state of things. In Travancore, the private janmam lands constitute between a fifth and sixth of the total area of the lands in the State. Lands are very rarely held by a janmam owner without a kanamdar or verumpattamdar and the whole legislation there applies to one-sixth of the lands in the Travancore State; and a great deal of the lands in the Travancore State is held under what are known as Pandaravagai tenures. Let me then come to the history of this measure. As a matter of fact, it must be conceded that there are very many grades of tenants with regard to the same land. In 1922, Mr. Krishnan Nayar, the hon. Member from Malabar, brought in a resolution for granting permanent occupancy rights to kanams of 25 years' standing. The Bill which he then brought forward related to kanams and verumpattam tenants of six years. I have tried to summarize the arguments with which that Bill was introduced, the arguments which found utterance on the floor of this House. One of the main arguments was the one I have dealt with; that the janmi was not in ancient times the owner of the land, but that he only held an office or stamam receiving one-third of the produce. I have stated that the Government are not convinced, and I am not convinced, Mr. President, that that proposition is either true or can be supported. Then there is another very strong reason. If, as a matter of fact, there was a general kind of public consciousness in the people at large that the kanamdar and the janmi were co-proprietors and that the kanamdar was entitled to inalienable and non-terminable rights, one would have expected that in the case of a large number of proceedings purporting to deal with properties such as escheat proceedings, there would have been no difficulty in asserting such rights if Government began to deal with those lands and sold them. But we find no such assertion.

“There is another argument, and I think that to my mind at any rate it is a strong one. One matter is very often lost sight of, namely, that the janmi is in no sense assimilable to the zamindar of the East Coast. One half or even more of the confusion attendant upon this legislation is due to the fact that the zamindar and the janmi are sought to be assimilated the one to the other. Ideas, I submit, pertaining to the Estates Land Act or to

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the relations between the zamindar and the zamindari ryot are sought to be introduced—I submit with some confidence—wrongly into a state of things where the analogy does not hold good. In the first place, I do not desire to go back into the history of the Estates Land Act legislation; but it must be remembered that in the very well known speeches of Sir George Forbes and in the judgment of Sir Subrahmanya Ayyar, one of the authorities on that matter, it was taken for granted, or at all events it was asserted that the permanent occupancy of the zamindari tenant was not a modern creation but was an inherent incident of zamindari tenure or was one of the original items of the bundle of rights constituting the zamindari tenure. The other point that I seek to enforce is this: the janmi of the West Coast is not a zamindar vis-à-vis the Government. He is a ryotwari proprietor. In the Settlement Registers and throughout the records, he is dealt with as a ryotwari proprietor and my submission is that if the kanamdar or verumpattamdar holding under a janmi is to be given permanent occupancy, there is no reason why that principle should not apply as between the mirasidar and the cultivator in Tanjore or Trichinopoly. The one is no more and no less than a mirasidar in Tanjore or Trichinopoly and the other is no more and no less than a ryot on the East Coast. The janmi is frankly a ryotwari proprietor and it seems to me that neither this Council nor Government can face this problem or seek to solve it except as a part of the big problem of permanent occupancy throughout the country. The Government have no materials and do not think that a case is made out for facing this problem which is not confined, cannot be confined and ought not to be confined to Malabar, but which necessarily will pervade the whole of the land tenures of the East Coast. For these reasons, I feel that it is impossible to grant the underlying contentions which are involved in the proposition enunciated in clause 6 and I therefore propose the omission of that clause."

Mr. T. B. Venkatarama Sastriyar seconded the motion.

* Diwan Bahadur M. KRISHNAN NAYAR:—"This is one of the basic principles, Sir, of this Bill and I oppose this amendment. My friend throughout the whole of his more or less lengthy argument—I don't blame him for his argument being long because the subject is important and necessarily his argument had to be long—laid stress upon the fact of the kanamdars being granted occupancy rights. Apparently, my friend forgot when he was arguing that this clause seeks to grant occupancy rights, not only to kanam tenants but to all cultivating tenants as well, whether they are kanam tenants, kuzhikanam tenants or simply . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"My concluding remarks with reference to the tenant and ryotwari proprietors referred to them. I did not wish to be long."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do not for a moment mean to say that my friend did not utter a single syllable or a single word relating to these cultivating tenants. What I was stating was that substantially my friend's arguments were directed to show that the kanamdars were not entitled to occupancy right, and the whole of his argument was devoted to that subject and that alone. In this connexion, may I be permitted, Sir, to strike a personal note? My friend was appointed by your predecessor when this Council considered the motion relating to this Bill for the first time as the Chairman of the Select Committee. In accepting that post,

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my friend made a special condition, namely, that he should be at liberty to 'enlarge the provisions of the Bill'—I am using the very words used by my friend—to 'enlarge the provisions of the Bill' and to have power to give his views to the Members of this Council; and it was only on that undertaking . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Sir, a reference to the debates will show that it must not be taken by reason of the fact that I accepted the presidency, that I accepted any of the underlying ideas of the Bill."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do not for a moment suggest, Sir, that my friend accepted the main principles of the Bill. On the other hand, what he expressly stated was that with reference to the principles of the Bill he wanted permission to enlarge the provisions and that he would undertake the presidency of the Select Committee only on that special understanding. When he made that statement, I said that I would be very glad to welcome his assistance as Chairman of the Select Committee and I naturally thought that he would assist the Members of the Select Committee. But what was his attitude, Sir, when he was presiding over the Select Committee? The Select Committee lasted for days and days and for months and months. Throughout the whole of their sittings, did my friend assist the Committee with his little finger, with one expression of opinion, did he assist the Committee by saying that there were arguments—which he now says there are—for not granting occupancy rights to kanam tenants? I think, if I remember rightly, I requested my friend to say whether he had any opinion of his own. He said he had none. So, Sir, that was the attitude he assumed throughout the sittings of the Select Committee. Then again, after the Select Committee presented its report, my friend submitted not exactly a dissenting minute to the Select Committee, because it was put in after the time for the Members of the Select Committee to write their dissenting minutes was over—but he submitted a note. No doubt in that he raised the question of the kanam tenants, but with reference to other cultivating tenants, in the last paragraph of his note, he said they should be protected from eviction and so forth. What is the present attitude of the Law Member? What is the attitude of the Government? They expressly say in the memorandum that is attached to the various amendments, that they have no intention of granting occupancy rights to any class of tenants. That is, so far as the personal aspect of the question is concerned.

"Then, my friend went on to state that this section made no distinction between old and new kanams. Perfectly so. If my friend had come forward with the statement that ancient kanams should be treated differently from new kanams, that ancient kanams should be given fixity of tenure and not new kanams, that argument would have been appropriate to that contention, and probably I might have agreed with him. But the statement that he has made, namely, that the section makes no distinction between old and new kanams, I submit, has absolutely nothing to do with the point at issue now. As I said, there are subsequent amendments dealing with that question, and when we reach those amendments I shall state my views fully. So that if my friend came forward definitely with the position that a distinction should be made between ancient kanams and new kanams, and if the

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Government were in a position to say that the former should be given occupancy rights, I might have accepted my friend's argument, namely, that no occupancy rights should be given to the later kanamdars. Then my friend went on to say that, notwithstanding the ancient theory or theories—he referred to the ancient theory—they are not entitled to occupancy rights. Now what are those ancient theories? There are two theories which we see advanced. One is that in ancient times the land belonged jointly to the janmi, the kanam tenant and to the actual cultivators, and that the profits on the land were divided equally into three parts among these three classes of men. I do not want to rely upon it. Then my friend said that it was stated that the English Courts made a mistake in importing the law of fee simple into this Malabar tenure, and whatever the ancient practices might have been, the present practice had been in existence for the past 73 years and even repeated judicial decisions have laid down that the kanamdars had not enjoyed occupancy rights at any time. With reference to the ancient rights of kanamdars, those very authorities who say that in ancient times the kanamdars had not enjoyed any permanent rights of occupancy in lands held by them, those very authorities, the Revenue Board of 1818, the joint Commissioners who wrote a report in 1793 and many other eminent persons and authorities, even Sir Charles Turner himself—it is upon Sir Charles Turner's minute that the janmis rely as their Bible—, Mr. Logan, Sir William Robinson, and all these authorities who had anything to do with the present question say that, whatever might be the theory in ancient times, in practice these kanamdars and other tenants were not disturbed at all from their holdings. And Mr. Wigram and others who are authorities on the question of Malabar Law specifically say in their standard books on Malabar Law and Custom that the Government ought to have legislated and granted occupancy rights to these ancient kanamdars.

“Then my friend referred to the Travancore and Cochin regulations, and stated that arguments based upon them were no sound arguments at all in support of the position that I take up in this Council. Now what is the state, generally, of the laws that prevail in Travancore and Cochin? Does my friend know that the laws enacted by the Travancore and Cochin States are enacted only with the consent of the paramount power, only with the consent of this Government till recently and probably now, after Travancore and Cochin are attached to the Government of India, with the consent of the Government of India? The Cochin regulation and the Travancore regulation were passed only with the concurrence, with the positive assent of the Madras Government at that time. Then my friend stated: no doubt there are Travancore proclamations but those should not be brought up as analogies here. Now, does my friend know (as a matter of fact it is admitted by any person who knows anything of the matter) that the conditions in Travancore, Cochin and Malabar are identical? Does my friend know that so long ago as 1829, the then Maharaja of Travancore issued a proclamation stating that the kanam tenants should not be evicted and that the ancient practice was that kanamdars were enjoying fixity of tenure? And does my friend know . . .”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“I referred to that proclamation in my speech, Sir.”

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* Diwan Bahadur M. KRISHNAN NAYAR:—“My friend referred to the Proclamation, I believe, of 1867 and not to the Proclamation of 1829.”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“I said that it was a century ago, and 1867 is not a century ago.”

* Diwan Bahadur M. KRISHNAN NAYAR:—“All right, Sir, I shall admit that my friend referred to the Proclamation of 1829. The fact that my friend referred to it does not detract from its weight so far as my point is concerned.”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“It is only a question of fact.”

* Diwan Bahadur M. KRISHNAN NAYAR:—“That proclamation specifically says—that statement was made in 1829—that the ancient practice was not to disturb kanam tenants from their holdings. Cochin and Travancore are governed by indigenous rulers who know the conditions of the country and who have sympathy with the governed. That is not the case with Malabar under this Government. This is a foreign Government which is ignorant of the conditions of the country and which has no sympathy with the people of Malabar. That makes the whole difference between the attitude of the Cochin and Travancore Governments and the attitude of this Government. One is wanting in sympathy with and ignorant of the conditions of the people, whereas the other is not. Then, my friend said with reference to the Cochin regulation that it affected only a very small portion of the lands in that State, that it was only a matter of 6 per cent or a smaller portion, that only a small portion of the lands was owned by janmis, that the major portion of the lands in the State was owned by the State itself, and that this regulation passed by Cochin in 1914 did not apply to this latter portion of the lands. I am rather surprised that my friend is ignorant of the conditions existing in the Cochin State. Does my friend know that prior to the enactment of this Regulation of 1914 giving fixity of tenure to the kanam tenants of the Cochin State, about ten years before the enactment, the Maharaja of Cochin passed a Royal Proclamation to the effect that so far as the tenants of the Government lands are concerned, whether they are verumpattam or kanam tenants, both should have fixity of tenure? Does he know that the Government abolished the system of renewal altogether and the Government gave up the right of evicting both the kanam tenants and the cultivating tenants? My friend is either ignorant of it, or, knowing it, he has not referred to it. The fact is that he is ignorant of what has taken place. So that, it really comes to this, that so far as the lands in Cochin are concerned, whether they be Government lands or private lands, the tenants have got fixity of tenure. So far as Government lands are concerned there is the Proclamation of the year 1905 and so far as private lands are concerned they have the Regulation of 1914. I have got here a copy of the Royal Proclamation issued by the Raja of Cochin on 10th March 1905. It says in paragraph 13:

“At present holders of Pandaravaga verumpattam lands do not possess any property in the soil. As we are convinced that proprietorship in soil will induce the cultivator to improve his land and thereby add to the agricultural prosperity of the country, we hereby declare that our verumpattam holders of lands shall, after the new settlement has been introduced, acquire full rights to the soil of the lands they hold and that their rights shall remain undisturbed so long as they regularly pay the State revenue, provided that the rights to metals and minerals possessed by the State in all the lands under whatever tenures they are held, are reserved to the State.”

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"Then, with reference to kanam land, in paragraph 17, towards the end, the Proclamation says:

"We accordingly command that in the case of all lands falling under Pandaravaga kanam and ooga tenures, by whatever name known, the practice of subjecting the properties to renewal, once in 12 years, shall altogether be abandoned; the proprietorship to the soil shall hereafter vest in the kanamidar; and no amount shall be recognized as due to the kanamidar."

"So that with reference to the lands in Cochin State, on all the lands belonging to janmis, whether the janmis be the State or private owners, I submit, fixity of tenure is given.

"Then my friend has stated that so far as the Travancore lands are concerned, it is only a small portion of the lands that is governed by that Regulation of 1896, and that the other lands—major portion of the lands—are Pandaravaga lands. Does my friend again know that so far as the Pandaravaga lands are concerned, when once they are registered in the name of any tenant, that tenant becomes the full owner, and that he is not in any way liable to surrender the land at any time? It is just like the lands which are given on darkhast and registered in the names of the tenants who become full owners."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"That is my argument, Sir."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Well, Sir, that supports my position. My position is this. So far as those lands are concerned, I want to say this. I do not see what there is to excite the risibility of my friend in what I said."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I think even under the very rigid rules which govern us, we have a right to laugh, and certainly I was not alone."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I certainly did not object to his laughing. I wanted to know what it was that excited the risibility of my friend."

* The hon. the PRESIDENT:—"Order, order."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I admire the dexterity of my friend."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I believe I deserve the admiration. Well, Sir, to come to the relevant portion of the subject, what my friend was stating was that so far as the lands governed by the Travancore Regulation were concerned, only a small portion belonged to the janmis and that the rest belonged to the State. My point is that in respect of all the lands in the Travancore State, whether they be Pandaravaga or Government lands or other lands, the persons who are in occupation are the owners and really enjoy occupancy rights. And all that I want is that the British portion of Kerala that is the Malabar district, should be assimilated to the conditions prevailing in Travancore and Cochin.

"Then my friend says that escheat lands were sold in large quantities and there was no objection whatever raised to the sale of these lands. My friend evidently refers to the sale of escheat lands which belonged to Betath Raja whose family became extinct in 1793, one year after the British occupation of Malabar, and also to the lands of Chennat Nayar whose family became extinct some time prior to 1860. Does my friend know that both these lands

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were sold generally—there may be exceptions—in bulk to the persons in possession, namely, the kanamidars and verumpattamidars, and they were sold also with a stipulation to pay the prices in easy instalments? The money that was payable to the Government was spread over a series of years. Again, these lands were not sold in the open market, but by private sale. When they were sold by private sale to the persons in possession, who will be interested in opposing them? I cannot understand that argument of my Friend at all.

"Then, lastly my Friend stated that there is really no analogy between the zamindars of the East Coast and the janmis of Malabar. I perfectly agree. That is the only statement, sound statement, which my Friend has made."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"That statement is contested."

* Diwan Bahadur M. KRISHNAN NAYAR:—"So, my Friend Sir K. V. Reddi Nayudu is not prepared to admit even the soundness of that position. I thought that my Friend was sound at least in that position. I see that he is not.

"There is this essential difference between the zamindar and the janmi. Now my Friend stated that for all practical purposes the zamindar was a ryotwari tenant. That is only for purposes of revenue. The janmis in Malabar must correspond either to the Government or to the zamindar. If they correspond to the Government—we know as a matter of fact that the lands which are derived from the Government by the ryots are given to them on a permanent tenure—they are the sole proprietors and the tenants under them cannot be turned out. If they correspond to the zamindars, their tenants like zamindari tenants, ought to have occupancy right. As I submitted, the grounds urged by my Friend for the deletion of this particular clause are absolutely untenable, and so far as the cultivating tenants are concerned, it is a position assumed by the Government for the first time and against the attitude which the Government have been taking till very recently."

* Rao Bahadur C. V S NARASIMHA RAJU:—"Mr. President, the attitude which the Government have taken on this clause is very extraordinary. If we refer to the amendment tabled by Mr Prabhakaran Tampan, No 75, and by Mr. Madhava Raja, No 77, they do concede the rights of occupancy being conferred upon cultivating tenants. I am reading the amendments as they are. Now I am not able to understand why Government have taken this position. Even the janmi representative and the hon. Member here who holds large janmam interests do concede these rights, being fully acquainted with the existing state of things in Malabar. The only argument which was advanced by the hon. the Law Member was that if the janmis were in the position of registered pattadars in the East Coast and if we conceded occupancy rights in favour of the actual cultivating tenants in Malabar, we should have to concede similar rights in favour of cultivating tenants under registered pattadars. I am not able to understand the analogy between the two. If we examine the condition of the janmis, it is clear that none of them are cultivators; there is not a single instance where it can be seriously asserted that the janmis are cultivators as a class. On the other hand, if we examine the pattadars, we know that more than 80 or 90 per cent are cultivators; and if they lease out lands, they do so because they are absentee landlords or on other considerations. Therefore to base his arguments on this analogy is not at all sound.

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"Now, he further stated that the position of janmis is not analogous to that of the zamindars. Perhaps it is not entirely analogous to that of the zamindars in this Presidency in the sense that they do not pay a permanent assessment on their lands. But if we take the case of the zamindars of the north where they own extensive lands, and where the assessment is not permanently fixed but is subject to periodical revision once in 30 years—take for instance the Central Provinces, the United Provinces—the zamindars' position is just similar to that of the janmis in the sense that the assessment is subject to periodical revision. And the further advantage in the case of the janmi of the West Coast when compared with the zamindar of the north is that the waste land that is occupied by him or that is in his possession is not subject to assessment, whereas in the north it is subject to assessment. In this respect, perhaps, it resembles to a great extent the zamindars of this Presidency. There, when the permanent settlement assessment was fixed, the waste land was not taken into consideration, but the zamindars under the regulations do enjoy these lands and derive rent. That is the only difference between the zamindars of this Presidency and the janmis. Therefore, taking a broad view of the question, to say that extensive landholders like the janmis are the proprietors of the soil is beyond the ordinary notions of Indian tenures. As regards the kanam tenure there is much difference of opinion. There is a large unanimity of opinion that ancient kanams down to 1852 shall be conceded fixity of tenure. My submission is that the very fact that for a number of years these tenure-holders were not disturbed gives sufficient guarantee to presume that they have got fixity of tenure. Even when courts have declared their tenure as redeemable, if these persons are allowed to continue, it only shows that there is an unwritten law in the country, and neither the janmi nor the kanamdar wants to invoke the assistance of law declared by the courts but rather prefers to go under the old practice. Therefore there is nothing extraordinary in the legislature recognizing such a right. Of course there is a difference of opinion regarding some kanams. Subsequent to 1852 or 1853 when the courts recognized the redeemable nature of the kanam tenure, it was owing either to a misunderstanding or misinterpretation of the law of the country. But there is a large consensus of opinion that ancient kanams should be made unredeemable and they should be protected. Regarding this aspect of the question the Government have taken the attitude that all kanams should be continued as they are. I do not think many of the Members of this House would agree with the Government on that basis nor on the extraordinary position they have taken to negative the fixity of tenure in certain cases. Kanam tenures and occupancy rights of cultivating tenants cannot be separated from the economic and other interests of the country and I think it is right and reasonable that it is so. For these reasons, the House should reject the Government amendment."

*Mr. S. SATYAMURTI:—"Mr. President, Sir, the history of this Bill before the House is a supreme example of how public time can be wasted, if those who are in charge of the Bill will not be firm from beginning to end. When the motion to refer this Bill to a Select Committee was before this House, I was one of those who urged that the motion should be understood by the House as such motions are universally understood, namely, as committing this House to the main principles of the Bill, subject only to details being discussed in the Select Committee, and to a provision here and a provision there being altered in the light of experience or reconsideration of the

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Bill as a whole. But in a moment of weakness, anxious to secure a momentary triumph—I regret to have to say it—the Mover of the Bill agreed to the suggestion made by my hon. Friend the Law Member that in the case of this Bill the whole matter should be treated as *res integra*, that the Select Committee should be allowed to look into the whole Bill and re-enact a fresh Bill, if necessary."

*Diwan Bahadur M. KRISHNAN NAYAR:—"On a point of personal explanation, I am very sorry that my Friend is making a statement with reference to facts which took place in his absence. He was not one of those who were present at the Select Committee which was held in Ootacamund and when this question cropped up, viz., that the principles of the Bill themselves should be discussed, I rose to a point of order and submitted to the members of the Select Committee and to the Chairman that it was *ultra vires* of the Select Committee to go into the general principles of the Bill because the general principles had been accepted by the House and that the Select Committee was only the creature of the House and could not go behind the finding as recorded by 59 votes against 6 into the principles of this Bill. But my objection did not prevail, and then my hon. Friend Mr. Ramachandra Ayyar was called upon by the hon. the Law Member or the Advocate-General (sometimes the Advocate-General was presiding) to go into the question of the principle, and naturally when he went into all those questions I could not keep silent, as otherwise the case would go against me by default. I raised it as a special point of order that it could not be gone into in the Select Committee."

*Mr. S. SATYAMURTI:—"I am not satisfied with the reasons. I am not referring to the Select Committee at Ootacamund. I am referring to what took place at Madras. I repeat what I was saying. Anxious for the momentary triumph of having this motion passed somehow or other, he agreed to the extraordinary suggestion of the hon. the Law Member, made naively, viz., that the whole question should be treated *res integra*. After that, if I were in the Law Member's place, I would have overruled the Mover's objection. If my Friend will not forget or learn, I cannot help it; and if he continues to be so he will find himself and place others in a quandary. I must say however that I entirely agree with my hon. Friend the author of this Bill that in the Select Committee the hon. the Law Member did not give us that assistance, that guidance, that lead, to which the members of the Select Committee of which he is the chairman are entitled. I do not know what it was due to. But at a certain stage when he felt that his opinions were not going to be accepted by the Select Committee, he remained like an amused on-looker and was preparing to throw this bomb at us. I submit, as a member of this House and a member of the Select Committee, it was his duty to have placed these amendments before the Select Committee, have had them discussed by the Select Committee, and reported on them one way or the other. The hon. the Law Member was there, the Advocate-General was there, the Secretary of the department was there—if not as a member, at least as an expert secretary who gave his opinions freely—with these three gentlemen present, we were not given any idea of these amendments, which were held up their sleeves and thrown at our heads later."

"That is past history. But I must admire the coolness with which the hon. the Law Member says, 'You shall reject this Bill'. I want to suggest

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to the hon. the Law Member that he is no longer a lawyer and an advocate, but he belongs to the Government and it is the Government's duty, even the Madras Government's duty, to hold the scales even. I am sorry to say that nobody could have failed to see that in his admirable speech he was acting the part of a very able advocate on behalf of the janmis of Malabar, rather than of the Government whose duty it is to hold the scales even while anxious to recognize and protect the just rights of the janmis, and which should also recognise that the wheels of society are moving and that no Government, not even the Madras Government, can stop them. I regret that there was not one word said of sympathy for the cultivating tenant and the cultivating kanamdar who have suffered grievous wrongs. What are his reasons, a clever and able lawyer as he is? He began by saying that the decisions of the courts from 1852 to 1854 have been in favour of not recognizing the permanent character of the kanamdar. Now, Sir, will he kindly inform this House as to how old this agitation is? Almost from the time when the effect of these decisions began to be felt in Malabar, there has been consistent and persistent agitation in favour of conferring occupancy rights on these people, who according to the view prevailing in Malabar were wrongly deprived of such occupancy rights.

"Therefore, to say that the courts have decided so, is rendered null and void by the fact that almost from the time the courts began to say this, the Malabar tenants have been agitating for the repeal of the effect of these decisions. Moreover, I am not frightened by the series of decisions. For so far as this House is concerned, this is not the first time that a decision of a court, even of a series of years, is sought to be set aside. If rumour is right, it seems, anticipating a certain decision of the High Court, Government intend asking this House that a certain Act should be validated. Therefore, for a Member of the Madras Government who can afford to treat the decision of the Madras High Court with scant courtesy to raise this noise in holy horror and say that we are seeking to set aside decisions which we consider are not in the interests of the tenants is a theatrical posture which can deceive no one. Then, Sir, he referred to the analogy of Cochin and Travancore. I was anxious to interrupt and interrogate what about the lands of the Maharajas of Cochin and Travancore. I am obliged to the Mover of the Bill for giving us this information. In 1905 the Maharaja of Cochin conferred occupancy rights in respect of 51 per cent of his lands. They have done it in Cochin and Travancore. I do not see why we should not do it. The argument goes on in a vicious circle. In the Native States the Maharajas tell them that British India has not done this or that. Our rulers say the Maharajas have not done this or that. May I not suggest that we should emulate the progress in the Native States and not the reaction? If we ask our rulers to do something or do something more they ask, what have the Maharajas done? I do not want that Government should seek shelter behind the Native States governed by "native" princes who are not supposed to have imbibed the democratic culture of the civilized British Government. Then, Sir, my hon. Friend drew a distinction between the zamindars and the janmis. I submit, Mr. President, that zamindars are owners of permanently settled zamins. Their *peshkash* is not liable to be increased. The janmis are in the position of ryotwari landholders. If in the case of the zamindars the Estates Land Act was passed—I do not say conferred occupancy rights on their tenants—I do not see how the Madras

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Legislative Council can refuse to pass a Bill conferring occupancy rights on tenants under the janmis. The only argument of the hon. the Law Member is that the Estates Land Act proceeded on the *ipse dixit* of Sir S. Subrahmanya Ayyar that the occupancy right was an incident of the tenure of the zamindari lands. I do not know if my hon. Friends below the gangway representing the zamindars are going to take part in the debate. If they do, they will throw some light on the matter. Even to-day, they claim their rights which were ultimately expropriated by a piece of expropriatory legislation, that they had both the rights of *melvaram* and *kudivaram*. The zamindars have not hoisted the flag of rebellion, nor have they ceased to attend the dinner tables of or give dinners to the Governors and Governors-General. Similarly, let not Government be threatened by the shrieking cries of the janmis. They will quietly take it lying down, because they know when they give something they will get something. Democracy must proceed and social legislation must go forward. I therefore ask the Government to take courage in this matter. The hon. Member representing the janmis said: 'I have always said that in the interests of agriculture I have no objection to give to the actual cultivator a security of tenure in his holding by way of legislative protection. He has taken up land for purposes of cultivation which I agree is a paramount national service, and whatever is good for carrying out that purpose efficiently he must be granted, reserving to the janmi all the legitimate and reasonable benefits of the ownership of his land. It is the proposal to give occupancy right to the non-cultivators among whom there are the kanamdars, old and new, and the kuzhikanamdars that has met with universal objection and raised a storm of protest from the janmis.' Therefore what Mr. Prabhakaran Tampan, the redoubtable champion of the janmis, is willing to concede, the still more redoubtable Law Member failed to concede. I hope the House will not agree to this extraordinary amendment but stick to the original principle and vote down this amendment of the Government. My hon. Friend the Law Member advanced a threat and said 'Beware, you east coast mirasidars! If you vote for this Bill, your day is not far distant'. I am not a landlord of a very important kind. I own some lands. I have also some tenants. But I must state this that the hon. the Law Member is very much mistaken in the credulity of this House if he treats it with an appeal to the self-interest and the possibility of a future analogous legislation being effective. If it is right, we will vote and take the consequence. If it comes to the east coast, let it come. Let the tenants have the occupancy right here also. The analogy does not hold good for various reasons. But sufficient unto the day is the evil or the good thereof. I ask the House to remember that we are enacting a special piece of legislation conferring occupancy rights on the cultivating ryots or kanamdars—a very harmless legislation to the janmi and a very useful legislation from the point of view of the tenants. I have no illusion, Mr. President. Government have taken up an attitude. After the fate of the Irrigation Bill, I have no doubt in my mind, whatever the decision of the House may be, about the further stages of this Bill, that it will have to come back with a reservation or veto. I would ask Malabar not to lose heart. This bureaucratic Government must give place to Swaraj and when the Swaraj Government legislates (laughter)—notwithstanding the laughter of some friends—he laughs best who laughs last—the Swaraj Government will confer on the tenants of Malabar their occupancy rights.

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In the meantime, let them carry on this fight. I assure wholehearted support. I ask the representatives of the tenants not to accept any unsatisfactory compromise, but to fight like a man who feels for his cause."

* Mr. K. PRABHAKARAN TAMPAN:—"I am very much flattered by my friends quoting me. It is then up to them to give their best consideration to my views if they think that I have been fair."

* Mr. S. SATYAMURTI:—"Yes, you are quite fair."

* Mr. K. PRABHAKARAN TAMPAN:—"Then vote with me."

* The hon. the PRESIDENT:—"The hon. Member must address the Chair."

* Mr. J. A. SALDANHA:—"The amendment to clause 5 and other amendments of Government remind us of the proverb that the mountain laboured and there came out the little ridiculous mouse. There is nothing new in the ideas underlying the amendment or the arguments advanced by the hon. the Law Member in respect of that. When the consideration of the Bill was proposed to be adjourned to this month, at the time of the discussion in last January, I strongly opposed it, questioning the *bona fides* of Government without placing their cards on the table at once. I foreshadowed then that the tragedy or comedy of this Bill would end in a fiasco, or smoke. I do not think, Sir, the attitude of the Government has improved a bit. At the fag end of the tenure of this Council there is a threat implied in the Law Member's speech that Government will never consent to occupancy right being given to any class of tenants in Malabar."

* The hon. the PRESIDENT:—"Is the hon. Member reading out a speech?"

* Mr. J. A. SALDANHA:—"No, Sir, I am not reading. But is there any harm?"

* The hon. the PRESIDENT:—"If hon. Members can make speeches without writing them down—I am sure Mr. Saldanha is one of them—I do not see why they should read them out."

* Mr. J. A. SALDANHA:—"There are only notes. I think my speech will be much longer than the few notes I have got here. I regret, Sir, very much that the hon. Mover tamely yielded at that time. I hope the representatives of the tenants will not be carried away by the charms of Government officials. The hon. the Law Member relies upon the enlightened opinion of the leaders of the district and the country. I am at a loss to know who these great leaders are, whether they are leaders of the masses or the people. Agrarian legislation, as the hon. the Law Member and students of agrarian legislation in Europe and India know, is not always based on the decisions of courts. On the other hand, a large number of legislations go contrary to the very decisions of courts. If you are going to legislate, it is because, Sir, we are going back to the older order of the society, behind the decisions of courts. But what is the view of the people at large from the standard of justice, equity and humanity? What is the light of the leaders of enlightened popular opinion in Malabar?"

* The janmis do not form even one-tenth of the population of Malabar."

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* The hon. Sir O. P. RAMASWAMI AYYAR:—"At the risk of contradicting my hon. Friend and offending probably the janmis, may I say that I did not refer to them as enlightened?" (Laughter.)

* Mr. J. A. SALDANHA:—"So far as I know, they are very enlightened people. But there are other people there as enlightened as the janmis and the hon. the Law Member who does not belong to the aristocracy of Malabar."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Or any other landed aristocracy for that matter."

* Mr. J. A. SALDANHA:—"There are enlightened people among the masses in Malabar. I have come into close contact with them and I know that the enlightened public opinion in Malabar, the enlightened public opinion of by far the majority of the district, is very strongly in favour of this Bill. And if the Government are not aware of it so much the worse for them."

"The hon. Mover of this Bill mentioned the fact—and I am not exaggerating it—that the conditions in Malabar reminded him of the state of things that existed in France just before the French revolution. In my speech I added that they resembled the conditions which prevailed in Russia before the revolution. There is any amount of discontent among the masses on this matter. I find that even among the class of people who are very loyal and who according to the Christian precepts are very humble and would put up with troubles, there is a feeling of intense dissatisfaction and intense discontent in the matter of the precarious nature of the tenure of their holdings. Syrian Christians have been enjoying lands on kanam as kanamdars for over a century and more. They had been there before ever the janmis came in possession of the lands. (Mr. K. Prabhakaran Tampam: 'Hear hear.') I think this point has been brought up before the Select Committee as well as in this Council and I need not repeat it."

"But I may on this occasion refer to one fact which has been overlooked by the hon. the Law Member and others who assert that there is no analogy between zamindars and janmis. The fact is that the Government treated the kanamdars at the time of the original settlement as if they were the ryots just as it was done in Cochin and Travancore. In any case, there is a class of tenants among them who closely resemble the tenants to whom under section 45 of the Estates Land Act permanent occupancy rights are given under certain conditions. Now, as to the necessity of a tenure being ancient, I myself have given notice of an amendment to the effect that in the case of cultivating tenants under clause 6 they should have been in possession for an uninterrupted period of not less than 36 years to entitle them to occupancy rights and that in the case of non-cultivating tenants they should have been in possession for 60 years. In the first case, it is a multiple of 12 (3 times 12) and in the second case again it is a multiple of 12 (5 times 12)—12 years being the period fixed in the Bengal Tenancy Act."

"Sir, I again appeal to the House not to be carried away by the attitude of Government in this case. I am sure the attitude of the hon. the Law Member is one dictated by the ideas of Government. The British Government have always been generally at first on the side of the aristocracy of the land upholding their rights, real or imaginary, for maintaining their own

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ascendancy. That is what they did in Bengal by passing the Permanent Settlement Act in spite of the protests of some of the Council Members there. Their object was to have a large and powerful aristocracy behind them. It is only in 1859, sixty years after the Permanent Settlement Act was passed, that they came to the rescue of the old tenants. The same was the case in Bombay in the case of what are called the Kothi landlords of the district of Ratnagiri. It was only in 1881 that a legislative measure bettering their condition was passed. So, what I want to point out is that the attitude of the hon. the Law Member is only in keeping with the traditional policy which the British Government have been following from the olden times. They will never see that it is in the interests of the masses that permanent occupancy rights should be given to the tenants from the top to the bottom and from the bottom to the top provided, as I myself have urged, that they have been in possession for a very long time. Personally, I am in favour of giving occupancy rights to the kanamdars also if they had been in possession for a long time. So, I appeal to this House to oppose this amendment of Government which is prejudicial to the interests of the tenants. I hope the House will vote against this amendment *en bloc*."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, the motion brought forward by the hon. the Law Member at this stage has placed even those who are not in a position to vote for many of the provisions of the hon. Mover's Bill in a state of considerable difficulty. I believe, Sir, that the bringing forward of this motion at this stage cannot but be taken as an attempt not to face the issues arising in this Bill at the proper time, namely, when the motion for introduction was made in this House. This is undoubtedly one of the cardinal principles of the Bill. If this clause goes out, no one can for a moment suggest the conferring of rights of occupancy on either non-cultivating tenants or suggest other provisions. This is virtually an attempt to ask this House to drop the Bill altogether. I am not in a position to find any reason whatever for the Government having waited so long to make up their mind as to their attitude on this Bill. At the time when this Bill was introduced, I may frankly inform this House, myself and some others were hesitating as to whether this Bill ought to be introduced or not. If the various objections which have now been brought forward were considered at the proper place it would have been possible to suggest"

* The hon. Sir C. P. RAMASWAMI AYYAR:—"This morning I went over my speech when the Bill was introduced and I found that the main points have been specified in my speech."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am afraid the hon. the Law Member has not correctly understood my position. He merely stated that the question would be kept open for further consideration. That does not mean that the Government discharged the duty which lay on them of properly considering all aspects of a Bill before allowing it to be introduced. I quite concede as has been pointed out by the hon. the Law Member that this question has been left for further consideration. I am not now arguing that it is not open to him to bring forward his amendments. I am not raising any point of order. All that I am saying is that having once enabled this House to consider the provisions of this Bill and to give its assent to the introduction of it, I believe we are right in having proceeded upon the footing that the tenants in Malabar are entitled to some rights of

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occupancy. There is difference of opinion as to whether rights of occupancy ought to be conferred on non-cultivating tenants. I am myself against it. There is considerable doubt, again, as to whether right of occupancy ought to be conferred on kanamdars. But this clause refers not merely to cultivating kanamdars but also to other tenants. If we gave our assent to the introduction of this Bill we did so with our eyes wide open that the main principle of the Bill is that some rights of occupancy should be granted to the tenants in Malabar. There may be difference of opinion as to the details. I myself do not agree with the hon. Members from Malabar in this respect, but I still think that we cannot deviate from that position. If the hon. the Law Member instead of taking the course he has taken had moved alternative amendments suggesting in what respect clause 6 could be improved, I think it would be very different. Therefore I think it is our duty now to oppose this motion. When considering questions of detail there are various amendments and it will be time enough for us to say that having spent so much time in the consideration of this Bill and having given our assent to the main provisions of it, viz., granting rights of occupancy to certain classes of tenants in Malabar, we cannot justly be asked to go back and drop these provisions. For these reasons I oppose this motion."

The House then adjourned for lunch.

After Lunch (2 30 p.m.)

III—ADJOURNMENT MOTION REGARDING STOPPAGE OF INCREMENTS AND RECOVERIES FROM PAY OF UNPASSED CLERKS—*cont.*

* Mr. A. RANGANATHA MUDALIYAR:—"I beg to move

that the business of the House be adjourned to discuss a definite matter of urgent public importance, viz., G.O. No. 773, Law (Education), dated 3rd May 1926, regarding the pay to be drawn by and the recoveries to be made from unpassed clerks and the orders relating to their exemption from examination rules.

"Sir, I am aware that there is a good deal of confusion regarding the different orders issued from time to time about the pay and emoluments of these unpassed clerks. To make the Government Orders clear, with your permission, I shall start from the beginning. It was in the year 1921 that the Government issued orders to heads of departments that the pay of all clerks should be revised with reference to the time-scale of pay newly introduced. In 1922 an order was issued in modification of all previous orders on the subject. The directions were (i) that heads of departments may sanction the employment of unpassed clerks in appointments carrying a scale of salary of Rs. 35—60 and of Rs. 40 to Rs. 65 or Rs. 80 in Madras City, (ii) that exempted candidates should not be allowed to rise automatically up to the maximum of the scale, (iii) that while the grant of increments in all cases will only be given for approved service in the case of exempted persons, there will be an efficiency bar at Rs. 50, (iv) that the orders of the head of the department are necessary for passing this efficiency bar and (v) that heads of departments should submit every year before the end of April a statement showing the number of exemptions granted by them in the year ending 31st March previous together with a certificate signed by them to the effect that *bona fide* efforts were made without success to obtain passed candidates in the cases referred to. Subsequent to this Government Order,

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in December of the same year, the Government issued another G.O. No. 1525, Law (Education), dated 8th December 1922, in which they state:

'They are now pleased to direct that unpassed men who have already obtained general exemption from the provisions of that article and whose pay is Rs. 50 per mensem or less be allowed to rise to the maximum of the time-scale of pay attached to their posts subject to the conditions specified in paragraph 2 (iii) and 2 (iv) of G.O. No. 722, dated 13th June 1922. If however such exempted candidates are already drawing a pay of more than Rs. 50 per mensem, they will be allowed to rise to the maximum subject to the usual condition that increments will be granted only for approved service. In the case of candidates, who have been exempted from the provision of article 1 of the Public Service notification in order to enable them to hold posts up to certain specified limits of pay, such limits will no longer operate and the heads of departments may deal with such cases under the powers delegated to them in paragraph 2 of G.O. No. 722, dated 13th June 1922. Unpassed candidates who have been exempted to hold particular posts should not without further exemption by competent authority be transferred to other posts. If the pay of the post is not in excess of the lowest scale of pay for clerks in the offices in which they are employed, the grant of increment to them will be governed by the conditions laid down in G.O. No. 722, dated 13th June 1922; in other cases the grant of increment will be subject only to the condition of approved service.'

"In February 1925, the Government divided the clerks into two classes, i.e., those who were exempted from the examination rules and those who were not so exempted. The latter were confined to the minimum in the scale of pay, while the clerks falling under the first category were allowed to draw the time-scale of increments in the course of a certain number of years, because the mere fact of their having been appointed in a time-scale of pay entitled them to draw their increments fixed in the time-scale. In the orders issued in May next it was stated that the orders mentioned above did not take away the discretion given to heads of departments to exempt people and enable them to rise up to Rs. 50 in the mufassal and Rs. 65 or Rs. 80 in the metropolis. My contention is this: you gave certain powers to your departmental heads asking them to exercise their discretion subject to certain special safeguards; you asked them to send you year after year lists of people who were exempted—I take it that those lists were scrutinized—and if you have not objected to this course at any time, during this long lapse of three or four years, now if you suddenly issue orders that those people who had been drawing their increments should revert back to their old pay of Rs. 35, it seems to me to be quite unreasonable. I am aware that in some cases the heads of departments have not used the discretion vested in them wisely. I know that exemptions have been granted in cases where they should not have been. It is also a fact that sometimes no real efforts were made to obtain the best man possible for the money the Government were paying. But I want to know whether it is just on the part of the Government to punish the clerks as a body for the dereliction of duty of the officers in the case of a few clerks. I do wish to emphasise that whatever conditions you may like to impose upon the clerks in the orders you have issued, those orders should not be allowed to have retrospective effect in the case of people who have been, for long, drawing their increments. I know the difficulties of Government. I know that the discretion vested in the officers had been abused in certain instances, but all the same, I do think that the Government cannot take advantage of the indiscretion exercised in a few cases and lay down this drastic rule of compelling practically all the unpassed clerks to revert back to the lowest pay in their scale."

* The hon. Mr. N. E. MARJORIBANKS:—"Will the hon. Member kindly refer me to that order?"

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* Mr. A. RANGANATHA MUDALIYAR:—"You will see in paragraph 3 (ii) of the new Government Order vesting discretion in the heads of departments for the grant of exemptions to people, this is what the Government say:

'Time scale will be introduced with effect from 1st March 1921 under the scheme for the revision of pay of subordinate establishments. All heads of departments are authorised to fix the initial pay of the subordinates under their control in accordance with the rules and after due consideration of seniority of the several individuals in the general establishment list.'

"Sir, this has been in operation all these years. We do not exactly know in how many cases the heads of departments abused their discretion and unnecessarily gave sanction for exemption. The whole question should not be looked at as a personal matter. I think there should be a settled policy in regard to this matter. That is my contention. I shall be very glad to supply any more information which the hon. the Revenue Member may seek from me."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"Mr. President, I beg to associate myself with my hon. Friend Mr. Ranganatha Mudaliyar, in the statement of the hardships caused to these unpassed clerks who have been affected by this Government Order. Sir, as I have gathered, there are as many as 4,000 clerks in the Government service in this Presidency. There are others who put the figure very much higher but I am content to take it at 4,000. Each one of the clerks has a family, and putting it at a minimum strength of 6 per family, the hardship caused by this Government Order would affect $6 \times 4,000$ or 24,000 or 25,000 people. However much Government may now find fault with their own heads of departments they at one time worshipped them and made them as their apotheosis saying that they were men on the spot and that their discretion should not be lightly interfered with.

"Now, this Government Order proceeds on the assumption that the heads of departments are invested with the power of making exemptions. If they have not exercised their discretion honestly and *bona fide* and if they have committed a mistake, what is the remedy suggested? We are going to suspend the operation of the exemption and review these cases. The increment is Rs. 1-8-0 per mensem and for four thousand clerks it comes to Rs. 6,000 per mensem and to Rs. 72,000 or less than three quarters of a lakh per annum. It is all very well to say that the heads of departments have not exercised their discretion properly, and therefore all the cases are going to be reviewed and that in the meantime, the clerks should not be permitted to draw the increments. But what amount of hardship would be caused to these 25,000 people? Is there not sufficient discontent in the country for you to add to it by withholding the increments which are themselves a pittance of Rs. 1-8-0 a month? Have we not known of cases in the administration of this country where large sums of money have been written off on account of the blunders committed by the Government?"

"Let us go back to the history of this incremental scale. After the armistice, when high prices ruled, the Secretary of State introduced a time scale for the superior services. Immediately, there was a clamour in the country that subordinate establishments also should have time scales. Government issued a Government Order on the 11th June 1921 authorising the heads of departments to fix the initial pay of their subordinates in

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accordance with their rules paying due consideration to the seniority of the individuals in the general establishment list. In the rules that they sent, they dealt with nine or eleven classes of clerks; but no distinction was made between passed and unpassed clerks in fixing the initial pay in the time-scale. Instead of Rs. 20 and Rs. 25, clerks were started on Rs. 35 and Rs. 40 respectively and allowed to rise up to Rs. 50 and Rs. 60 respectively. When they dealt with several classes of cases they made no distinction between passed and unpassed clerks. In June 1922, Government found it necessary to deal with the question again. In G.O. No 772, dated 13th June 1922, they empowered the heads of departments to appoint unpassed men on a scale of Rs. 40—65—80 in the City and on a scale of Rs. 35—60 in the mufassal. When they invested the heads of departments with this power, did it not also imply that with reference to the unpassed men who were already in service, the same discretion to exempt them was vested in them? In December 1922, Government had to deal with requests made by the heads of departments as to how they should deal with men who had already been entertained in the service, when they were given discretion to grant increments to clerks up to Rs. 50 in the City and Rs. 60 in the mufassal. Now, when these various heads of departments—it may be for want of proper understanding of the various orders issued to them, or it may be on account of the want of clearness of wording in those orders—granted exemption to these clerks, can we not presume, as we do in the Law Courts, that they had exercised the power of discretion vested in them? The Government Order, dated June 1921 emanates from the Finance Department whereas other Government Orders issued subsequently emanate from the Law (Education) Department. Now, I put a simple question. You have appointed an agent, the head of the department and invested him with the discretion to grant exemption. He gives exemption to the clerks and as a result of that, month after month, the clerks have stretched out their hands and received the increments. Now, you turn round and say, "My agent has misconducted himself; and therefore I am going to withdraw the increments." Or, in other words, you say you are going to 'review' the exemptions. I do not think it is fair to those unfortunate clerks. It is now suggested that they were only entitled to the minimum pay and not to the increments. But the fact that the heads of the departments allowed the clerks to draw the increments also shows that the orders did not specifically contain that instruction. Again, as the hon. Member from Bellary pointed out, the very Order, Government Order of June 1922, asks the heads of the departments to submit to the Government a statement of the persons who have been exempted. Therefore we expect the Secretariat which has been scrutinising those statements furnished to them to see that the discretion was not exercised wrongly. Statements should have come in 1923, in 1924 and in 1925. What was the Government doing all this time when these statements came to them? Perhaps, I may not be right if I say that they have been sleeping at the post of duty for the past three years and did not discover the mistake and started to discover the mistake only in February 1925. As I said before, the mistake must have been due to bad draftsmanship. Sir, if it is suggested that the heads of departments might have had a partiality to their subordinates, there is another department, the Accountant-General's department, which as members of the Finance Committee know, has been strengthened at a cost

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of Rs. 2 lakhs in 1923. Are they not very rigorous in the matter of surcharging the various district boards and municipalities and other Local Self-Government institutions if they think they have neglected their duty? While they are so very keen on that, what has that department been doing all this time especially when a copy of each one of these Government Orders has gone to the Accountant-General? Did they not pass the salary bills of these clerks? Why did they not discover the mistake then? If the instructions of the Government were clear, the Accountant-General's office would have discovered the mistake. Only in 1925 the Government for the first time, said that the benefit of the increments was not intended to be given to unpassed clerks without special exemption. I want to know, from which document Government now say that the benefit was not intended to be conferred upon the unpassed clerks? Is there anything in the Government Order of June 1921 to show that the benefit of the initial pay alone was to be given to the unpassed clerks and not that of the incremental scale? It is doing just like the commentators of the Hindu Law, who change the interpretation according as it suits their whims and fancies. Even supposing that there has been a misapplication of the rule and a wrong exercise of the discretion, it is not the clerks that should be made to suffer for *ex hypothesi*, being unpassed clerks they have no brains to understand the orders and these Government Orders are not placed before the clerks. At the end of the month they have simply to go to the Chief Accountant and draw their salary. The salary bill is passed by the head of the department. Now, to ask the clerks to refund the excess drawn from the 1st April 1925 to the date of the Government Order, i.e., May 1926, for nearly 13 months, is causing a great hardship to them."

* The hon. Mr. N. E. MARJORIBANKS:—"May I ask the hon. Member to indicate to me the Government Order which asks the clerks to refund the excess drawn by them?"

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"Here is the Government Order with the heading, 'Recoveries, Increments' and stating that Government are pleased to sanction the waiver of the excess drawn by the unpassed clerks up to March 1925. That Government Order says only up to March 1925."

* The hon. Mr. N. E. MARJORIBANKS:—"That is in regard to clerks who were not exempted."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"It may not be said in so many words, that the clerks who were allowed to draw the increments are exempted. But when the head of the departments sanctions the increments of pay, it naturally follows that he has used his discretion and allowed them, though he may not be strictly acting legally without writing the word 'exempted'. I shall illustrate what I mean. When High Court Judges on the original side have to try suits which are partly within their jurisdiction and partly outside, section 12 of the Letters Patent enjoins on them to state in writing their reasons for the action. But the reasons appear only in the affidavit which is filed by the appellant and the Judge simply endorses on the affidavit that he agrees with the statement. Similarly, when the head of the department has permitted the clerks to draw the increment, we must take it that the clerks have been exempted. I do not

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want to refer to instances where our own Government have spent lots of money which they have given up as irrecoverable. Was there not a huge waste of money on account of the mistakes discovered in the Mettur project? Again with reference to the losses sustained in the Malabar rebellion, out of ten lakhs, only two lakhs went to help the ordinary owners of the soil, whereas eight lakhs went to start on their legs those planters and other tradesmen who suffered losses. That amount has been written off as irrecoverable. Under the circumstances, in order to secure the contentment of these 24 thousand people, a very much larger number, it is much better that any excess drawn by them should be written off and that they should not be asked to refund them, even though they are not permitted to draw them hereafter. For the past three or four years they have been getting a salary of Rs. 40-8-0 and their family expenses also would have been raised to the scale of Rs. 40. Is it not a great hardship for them if they are now asked to cut down their family expenditure to Rs. 35? It would only drive them to the money-lenders or to bankruptcy. The efficiency of the department would suffer. The clerks should not be made to lose the benefit of what they have already been allowed to draw by the head of the departments."

* The hon. Mr. N. E. MARJORIBANKS:—"Mr. President, Sir, it is rather difficult for me to decide how to attempt either to explain the orders of the Government or to meet the arguments that have been adduced by both hon. Members who have spoken as there is a wealth of extraneous matter which has been imported and as statements have been made on points which are not justified by the orders which speak for themselves. I find it difficult to believe that it is the case of these clerks alone that is rousing so much sympathy. However, I think it best on the whole not to attempt to follow either hon. Member in his arguments, but to state briefly as may be, what orders the Government have issued. There are practically two classes of these unpassed clerks, those who have not been exempted except to hold a post on the lower scale of pay and those who have been exempted by heads of departments by virtue of the orders delegated to them to allow the clerks to draw increments. As regards the first class who have not been exempted by heads of departments, the position in regard to them was clearly explained in March 1925 and the recent order was in their case intended to waive the recovery from them up to the date of issue of that order of March 1925 so that they would have in no way to suffer by the action of the heads of departments in allowing them to draw increments without exempting them. I do not understand that there is any objection to that part of the order. I cannot conceive how those men whom heads of departments did not propose to exempt could have drawn increments even after the issue of the order. If there are such cases, I think they ought to be brought to the notice of the Government and the Government will deal with them separately. I cannot gather that either hon. Member who has spoken, has stated that there are such cases. As regards people whom heads of departments have exempted either explicitly or impliedly, all this order says is that heads of departments should send up such lists to the Government which propose to examine the manner in which exemptions have been given. No order has been issued withdrawing the exemptions or cancelling them or putting the men back on lower pay or ordering refund of excess pay

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from these people. We have to keep the order in abeyance because exemption would go on until this list came in and it might take a very long time before we got the list. By keeping the order in abeyance, we can get the lists within the time fixed, viz., 1st August, and the Government will be able to see how heads of departments have actually exercised the powers, which were given to them to be exercised under certain specified conditions. I hardly think that this Council proposes to state that the Government should not exercise such a duty of supervision in this matter or that they wish to anticipate what the orders of the Government will be. I cannot really say what the Government will do till they get the lists and see what heads of departments have actually done. We have reason to suppose from certain cases that have come to notice that certain officers have given exemptions freely and it is proposed to give instructions to them about the matter. I think, hon. Members may be quite sure that the interests of the particular clerks will be protected by the Government in the final orders that they may issue.

"The other part of the order which, I am glad to see, has not been questioned is one which withdraws the powers to heads of departments to give exemptions in future. The very fact that there has been a variation of orders and so much misunderstanding on the subject shows that such an order was necessary. I do not think that that part of the order is questioned. The Government Order deals with three points. It waived recovery from men whom heads of departments have not exempted; it waived recovery of everything they had recently drawn up to the date when the order went out in March 1925. If anybody in that category continued to draw increments wrongly after that date, the Government will consider the matter when the case comes to their notice. The other thing is as regards the examination of the manner in which heads of departments have exercised their power of exemption; I claim it is the duty of the Government to do that and it is only right and proper that they should do it. In doing so, I can promise the House that no harsh treatment will be meted out to the clerks who may have been benefited by laxity on the part of the heads of departments; the third point is withdrawing the power of exemptions given to heads of departments in future. That, I understand, nobody objects to. I do not see any reason why the time of the House should be taken up over this matter and it could have been easily represented to the Government in the ordinary way."

* Mr. J. A. SALDANHA:—"Sir, after hearing the hon. the Revenue Member, I feel still unconvinced as to the justice or fairness of all the orders—there are a large number of orders—that have been passed recently. This subject, Sir, has been discussed several times in this Council. On 1st April a resolution was brought by an hon. Member of this Council for enquiring into the grievances of non-gazetted officers. I brought in an amendment that the grievances of unpassed men also should be considered. The Government have not taken any action at all on that resolution and have resolved, I believe, not to take any action. If the Government was unable to take action on account of financial reasons in the case of all non-gazetted officers, they could have appointed a committee to enquire into the grievances of unpassed men. The Government regards the just grievances of unpassed men from a point of view which is very difficult

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for us, laymen, to understand. Before I go into the question of the distinction, which the hon. the Revenue Member drew, between one class and another class of unpassed men, let me point out, Sir, that there are two classes of officers who were authorized to grant promotions under the order of 1922. It was passed in the Law (Education) Department. I do not know if the hon. the Law Member is responsible for it. (Laughter) If you will carefully read that order, you will find that a distinction is made between heads of offices and heads of departments. I will first trouble the House with the technicalities that underlie the order. But I shall explain what is meant by 'heads of offices.' The Collector, for instance, is the head of an office. So far as revenue matters are concerned, it is the Board of Revenue which is the 'Head of the Department'; though it is more a board without a head or heart. There are many heads put together. (Laughter.) This order was understood in a particular manner not by one Collector but by all the Collectors including my hon. Friend, Mr. Marjoribanks, when he was a Collector. It was understood that the Collector could give promotions in the incremental scale without the distinction which is now drawn by the Revenue Board and the hon. the Revenue Member. It only reflects the hard and fast technicalities which surpass those we see in our Courts. The Revenue Board has made a distinction which does not exist. I challenge whether the Accountant-General makes any distinction. I said and I assert that the Accountant-General was consulted by the High Court and if my hon. Friend Mr. Tanikachala Chettiyar enquires whether the High Court consulted the Accountant-General, he will find that the Accountant-General gave his opinion that heads of offices could give incremental scales without consulting the 'heads of departments.' Have the Madras High Court carried out the orders of the Government even to-day"

* The hon. the PRESIDENT:—"The Madras High Court?"

* Mr. J. A. SALDANHA:—"Yes, not the Bombay High Court (laughter) I want to know whether the District Judges have been carrying out this order." I stated once in discussing this point—I am making the third speech on the subject—that the District Judges did not carry out the order and Mr. Graham said in 1925 that they would have to pay out of their pockets if they did not carry out the orders. The High Court after consulting the Accountant-General found out that no distinction between the two sets of unpassed men existed, that Heads of Offices could give promotion and that District Judges could give incremental salary before the technical distinction which is now brought to our notice, was made. I want to know how the Collectors can see the distinction which is made now. The Revenue Board and the Government pounce upon them now and say that the distinction should be recognized. I assert that refund was ordered and refund was made; it was only after the subject was discussed in the Council, that the hon. the Revenue Member was pleased to order that the refund made should be waived in certain cases; that was a tardy measure. I may bring to the notice of the House that hundreds and thousands of people were asked to refund. There are about 30 Collectors and 30 District Judges, the Inspector-General of Registration and several heads of offices and departments who understand the Government Order of 1922 in one and the same sense. The Accountant-General supported the High Court; I have sent a copy of the opinion to the

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hon. Member to say whether that opinion was given or not. I say that 200 heads of offices have given promotion to the clerks; the clerks have enjoyed the incremental salary for three or four years. It is now said 'everything is right; you must refund.' I know that the Inspector-General of Registration has given orders that refund should be made for so many years. For the poor clerks who have been getting this salary and who have raised the standard of their living a little—we know very well that it is a poor standard—we can quite realize what this means, having to refund. As to refund, the Government have been of course very kind. After a couple of years and severe criticism in this House and after some demi-official correspondence which I carried on with the Government, pointing out the injustice of the Government, the Government have ordered that the excess pay drawn up to March 1925 need not be refunded. We believe the heads of departments have pointed out to the heads of offices that the recovery of increments drawn up to the date of the receipt of the orders may alone be waived.

"The Revenue Board saw through the absurdity of the Government Order; because the Government in passing that resolution was understood to mean in a particular way by all the Collectors and the Accountant-General. The Revenue Board said that all the Collectors were wrong and ordered a refund. At last this came to the notice of the Government in 1925 because the Revenue Board pointed out the error of the Government Order, not any error on the part of the heads of offices. The heads of offices acted fairly and rightly according to the Government Order, as pointed out by the Accountant-General. Because the Revenue Board pointed out that it was an error, the order was liberally and generously passed by the Government. As the Accountant-General said, I also say that the order was fairly understood and carried out rightly by the heads of offices. It was the Revenue Board that found in the year 1924 or 1925 that the order was wrong and there seems to have been an order for refund. Then there was an appeal to the Government, to this Council, and there were many petitions which were discussed in March, some time in the Budget debates of 1924 or 1925. There was a special resolution brought and I tacked on to it an amendment with the kind permission of the hon. the President which was rather not quite regular but irregular"

* The hon. the PRESIDENT:—"The hon. Member must not say that any decision of the Chair was irregular."

* Mr. J. A. SALDANHA:—"There was a question of the soundness of that order. (Laughter.) It was of course necessary for the hon. the President to rule that this tacking of the amendment was right or not right. Whatever it be, here is a resolution of this House. The opinion of this House was flouted by the Government. It is one of the cases in which the Government has flouted the opinion of this House. It is not a question of the decision of the hon. the President"

* The hon. the PRESIDENT:—"Order, order."

* Mr. J. A. SALDANHA:—"I am sorry, Sir, for the Government attitude. The opinion expressed here by a majority in this House, I think, should have been respected. The Government could have appointed a committee at least to enquire into the matter; because we understand things best, I think, by putting our heads together and explaining matters clearly and consulting

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some individuals without any expense of money, clearing up the atmosphere and suggesting to Government definite proposals. I think that Government have thrown the opinion of this House into the waste paper baskets—I am sorry I have to use a strong expression—and here comes a resolution of the Government which has astonished some of us, which seems fair to some others and there is a hubbub to make things as bad as ever (laughter), with all its ambiguities, etc. The order has to be carried out somehow. I think it is but fair that Government should recognize two points: firstly, that what has been given by an order which was clearly understood by heads of offices and departments of the High Court—and it is also the head of a big department—is not taken away. The Inspector-General of Registration is another head of the department and there are many other heads of departments except the Revenue Board. When that order had been understood in a particular sense in any department, any promotion given should be continued and no refund asked to be made, never mind when the Revenue Board communicated to anybody under them that that order was not to be carried out. Are these clerks to suffer because the Collectors are told that the Revenue Board thought that the order was wrong? Secondly, Sir . . .

* The hon. Mr. N. E. MARJORIBANKS:—"That is not in order, Sir."

* Mr. J. A. SALDANHA:—"I am speaking of the proviso. That is a very unfair proviso, I think. As to the other thing if it is a question of law of *estoppel*, the Government are estopped from stopping the promotion of these clerks. I have suggested to some of the clerks who came to me—they were not Christians, all of them who came to me belonged to a certain department and were Hindus—'You have got a clear case against the Government. Are you prepared to file a suit against the Government?' And one of them said 'Yes.' I gave them an assurance that I would support them to the best of my ability even if they went up to the High Court. That is the only way to teach Government in such cases. I think Government should face the loss that they might have to incur thereby. I strongly support the hon. Member who moved the resolution for adjournment."

Mr. R. MADANAGOPAL NAYUDU:—"Sir, after listening to the words that fell from the hon. the Revenue Member, I am not satisfied as regards the reason for not pressing this adjournment motion. I feel, Sir, that there are certain matters which are really important as regards these unpassed clerks. Three things there are certainly that ought to have terrified these clerks: They are (1) the suspension of all the previous orders regarding exemption so far as they are concerned, (2) the taking away from the heads of departments their powers to grant exemptions in future to the unpassed clerks, and (3) the question of the recovery of excess which has been paid by the Government to them."

"Sir, the Government Order of August 1925 at least stated that the question of waiver of recovery of such overpayments would be considered favourably by the Government; but this Government Order makes matters worse. It says that as regards the excess payments made prior to 1st March 1925 the Government would not insist upon payment. The Government Order does not say anything at all about the excesses received subsequent thereto, thereby leaving the question in a much worse form than the

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Government Order of 1925 did. Then as regards the investing of powers in the heads of the departments for granting exemption, I for one, Sir, feel that the man on the spot theory has certainly very great force in this matter. Heads of departments are persons who really know exactly how to apply the Government Order. I keenly feel, Sir, that the procedure that has been adopted in the passing of this Government Order is not quite what one would expect the Government to adopt. What one would expect is that a thorough enquiry should have been made and the matter fully gone into as regards the fact whether the previous Government Order on the subject had been given effect to or not and then to issue a Government Order for the purpose of infusing fear into the minds of these unpassed clerks who have been helpless; but I think the procedure which has been adopted by the Government is quite the reverse of that. Some one or two cases come up—as a matter of fact I find from the Government Order that the whole matter came up in this way. As regards the question of excess which has been paid to them, proposals are sent to the Government by the heads of departments as to the methods by which these excess payments can be recovered. Then the Government thinks there must be something wrong in the previous Government Order already given effect to and therefore want to do something without considering whether the previous Government Order has been properly acted upon or not. That is not the proper way of doing things. Therefore, Sir, I feel that very great force ought to be given to this resolution which requests the rescinding of that Government Order for the present, the holding of a thorough enquiry and then passing orders as regards exactly what ought to be done. The very fact that you say that you are going to suspend the exemptions which have been already granted by the heads of departments is really, very heartrending. The fact that these clerks got exemption must have given them high hopes and must have, as has been already pointed out, given them an idea of shaping their lives in a particular manner and in accordance with the salary which they have been actually getting. You now tell them that the question of exemption is an open question now. One Government Order says that the grant of these exemptions ought not to be considered as having been finally made. The present Government Order says: 'There is *prima facie* no justification for the grant of exemption to clerks who were employed in service prior to 1st March 1921,' so that people who have been employed prior to 1st March 1921 are evidently full of fear of being refused exemption, and their lot is indescribable. I feel, Sir, that all these hardships are such that it is not possible for us to go into them quietly and calmly unless this Government Order that is creating a disturbance among them is rescinded. I therefore suggest that this Government Order ought to be rescinded. I suggest also that the Government Order of 1922 seems to be the best Government Order that has been passed in this connexion. That Government Order states that the heads of departments have got permission to exempt the unqualified and unpassed clerks, provided they certify *bona fide* that they cannot get passed men. The Government presume, Sir, that these exemptions that have been granted are *mala fides* or without any *bona fide*. It only doubts, of course. But I feel that there are not sufficient grounds for the Government to doubt the *bona fides* of the heads of departments who have granted these exemptions. I feel therefore that this

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suspension of the orders is not proper. Further, the Government Order of 1922 says that these persons who have been exempted can automatically rise to Rs. 50 and at Rs. 50 there is the efficiency bar. The head of the department has again to recommend these men for passing the efficiency bar, and I feel that sufficient safeguards are provided in the Government Order of June 1922. My submission is, Sir, for strongly recommending to Government that effect should be given in such a manner that the provisions of the Government Order of June 1922 are as far as possible embodied in another Government Order that the Government may issue regarding this matter and that for allaying the apprehensions and fears of the unpassed clerks who have been very much troubled about this, the particular G.O. No. 773, Law (Education), dated 3rd May 1926, should be rescinded."

* The hon. the PRESIDENT:—"Before I ask other hon. Members to speak, may I ask them to refrain from repeating arguments which have been used already? I am afraid we are running the risk of embarking upon the tedious repetition which one of our Standing Orders guards us against."

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I hope I will not be guilty of the very provision concerning the repetition of the arguments which have already been advanced. There is a certain motion for adjournment of the business of the House with reference to the effect of these Government Orders, and since the hon. the Revenue Member has asked us to give a specific instance to illustrate our case, I should like to place before him a specific instance, the case of the only person belonging to the Registration department who has suffered under the Government Order. This clerk was exempted under the old rules up to a maximum of Rs. 25. That was before the revision of salaries came into effect. In 1921 this clerk was automatically promoted, perhaps after careful consideration, by the head of the department, to a salary of Rs. 35. And at that time also the head of the department passed an order exempting him so as to enable him to draw increments up to Rs. 50. From 1921 up to the 1st of June 1926, the clerk earned four increments of Rs. 1-8-0 each, so that on the 1st June 1926 he was getting a salary of Rs. 41. His exemption lasts till he rises to a maximum of Rs. 50. After the present Government Order was passed by the Government, two things happened to this poor clerk. The pay which he drew last month was not Rs. 41 but Rs. 35—depromoted, suddenly, absolutely, all increments from 1921 withdrawn; four increments which he had earned taken away from him and instead of Rs. 41 this clerk was given salary of Rs. 35. Not merely that, but in accordance with clause 5 of your Government Order, the clerk was asked to refund the increments that he was drawing from 1st March 1925, not one annual increment but all the increments that he was drawing since then, that is to say, the Rs. 6 that he was drawing month after month in excess of Rs. 35 since that date. He was asked to refund a sum of Rs. 72, the total of his monthly incremental salary, in eight monthly instalments. These are facts which I assure the hon. the Revenue Member are correct. Here is a case where a man has been put back in his salary, a man has been asked to refund all the increments he has earned after a valid exemption order in accordance with the clerk's deserts passed by the head of the department. I cannot conceive of a harsher case than that."

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* The hon. Mr. N. E. MARJORIBANKS:—"How, Sir, does that flow from the Government Order?"

Mr. A. RAMASWAMI MUDALIYAR:—"The head of the department has understood that all these consequences flow from the order. The clerk does not of his own accord and voluntarily refuse to draw the higher salary. The head of the department has ordered it according to the Government Order and that is how this Government Order is being understood by all heads of offices, that is, that all the increments from March 1921 shall be taken back, and that all increments drawn from 1st March 1925 shall be refunded. Here is a specific case where a clerk had been exempted and put on the time scale and was drawing Rs. 41, and an order has now been passed by the head of the department that he ought to refund Rs. 72 in eight instalments. Either the head of the department has misunderstood this explanatory Government Order or the Government Order is vague and capable of that interpretation. If I am assured by the hon. the Revenue Member that the head of the department has misunderstood the Government Order, I think all the hon. Members of this House will be thoroughly satisfied. If the hon. Member says that whatever has been done shall not be touched, if the doctrine of *jactum valet* shall be applied to this case and if exemptions granted, whether rightly or wrongly, shall not be again put into the hotch-potch, this grievance which is being much felt by the unpassed clerks will to a certain extent be alleviated. It seems to me most harsh on the facts I have given that the order should be understood and enforced in that way. Let us not touch whatever has been done so far. They are the poorest of all poor clerks, and they have put in service of 17 or 18 years. This particular clerk I have mentioned has put in a service of 17 years under Government and it seems most unfair that after he has put in such long service he should be asked to go back to a salary of Rs. 35. Wherever exemptions have been already granted under orders duly passed, let them be accepted, but for future guidance you may pass any number of Government Orders. If you do not want these heads of departments to exercise these powers of exemption, if you have not got sufficient faith in these heads of departments to exercise these powers properly, by all means pass an order which will have prospective effect, but certainly not an order which will have retrospective effect. I think, Sir, that that is the fundamental basis of all justice. Especially in the case of Government doing justice to its own servants, it seems to me that it is hardly the province of a Member of the Legislative Council to come and plead for justice as between the employer and employed, as between the Government and its own servants. It seems to me that it is taking up a task which is not rightly ours. Our only justification is that the hon. the Revenue Member thought that we ought not to bring this before the House. Our only justification is the essential harshness and unfairness of the case, if I may use that mild term. Now, what is the effect of this Government Order? Are you going to cancel the exemptions you have already granted? The Government Order says that if qualified candidates are obtainable, the heads of departments ought not to give exemptions to these unqualified candidates. Now the question before the heads of the departments would be this. A man has put in a service of say 10 or 12 years. He knows to discharge his duty well. It is no new appointment that is created. If the head of

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the department is recruiting for the first time an unpassed clerk, it may be objectionable and your censures may be well merited. But if the clerk has got 10 or 12 years of service to his credit, he is perhaps better able to discharge his duties than any new Secondary School-Leaving Certificate candidate that may be appointed now. It may be that this unpassed clerk is better qualified for the work than any raw recruit that may have passed the examination of the Staff Selection Board. That is exactly the attitude of mind that the heads of departments adopted when they granted these exemptions. It seems to me rather unfair both to the heads of departments and the clerks concerned that all these should be upset now by the new order. We are only pleading for this, that exemption orders already passed need not be reconsidered. They have been passed after some amount of consideration, and I do not know what basis there is for the Government to say that all these exemption orders should be once more brought to the melting pot to know whether all these exemptions were properly granted or not. In any case, people who have got the benefit of these exemption orders, who have drawn salaries according to those orders for years, who have lived on in the prospect that they are going to get these increments, ought not to be touched by any review of the old orders. By all means, if you have not got sufficient confidence in your heads of departments or heads of offices, you may pass any order that they should not have the power of granting exemptions, that the Government should centralize this institution so much that the Government alone shall have the power of exemption. But let not what has been done be undone. The analogy of the 'settled fact' is much more applicable in this case than in any other case I can conceive of. I would therefore appeal to the hon. the Revenue Member to reconsider the Government Order and see that orders regarding salaries once drawn should not be upset."

Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, the hon. the Revenue Member is under the mistaken impression that the whole Government Order is not objected to but only a portion of it. I take exception to every clause and every rider of the G.O. No. 773 of the 3rd May 1926. Sir, of course my friends appealed to the mercy of the Government to reconsider the Government Order. My hon. Friends Mr. Tanikachalam Chettiyar and Mr. Ramaswami Mudaliyar have made such an appeal. I would rather agree with Mr. Saldanha who said that it is better to have the rights of these clerks established in a court of law."

* The hon. the PRESIDENT:—"Then, why bring this matter up here?"

Rao Bahadur C. NATESA MUDALIYAR:—"Now, Sir, I would rather do that, but being in the Legislative Council, I am bringing forward this matter before this Council so that the opinion of this Council also may be taken. Sir, Mr. Tanikachalam Chettiyar said that there were about 4,000 unpassed clerks already employed in Government service. I have known double that number struggling for employment. Sir, I would rather suggest to the Staff Selection Board that instead of holding competitive examinations among those people that passed University examinations, they should hold it in the case of unpassed men. Let those who have the University mark be exempted from the competitive examination, and let competitive examination be held among these unpassed men. It will be democratising the public service."

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* The hon. the PRESIDENT:—"Order, order. I am afraid these remarks are not relevant to the motion before us. The motion is about the grievances of unpassed clerks, and the hon. Member wants to impose another grievance upon them by submitting them to a competitive examination."

Rao Bahadur C. NATESA MUDALIYAR:—"This is a suggestion by the way, Sir. (Laughter.) It is about the unpassed clerks that we are dealing here, and so I digressed a little. Those employed already are under a great hardship. When once they are exempted and made clerks, they are as good as passed clerks. They should be treated and should be given the same privileges as other clerks are enjoying in the various departments. In this Government Order, clause 3, rider 1 says that they are exempted only up to a specified limit. They are exempted for drawing a salary of Rs 50 in graded salary. But, Sir, when the pay of the clerk was transferred from the graded system to the scale system, I think each clerk as clerk had got the right to automatically go into the scale pay. (Hear, hear.) Sir, they have taken away the power of giving exemptions from the heads of departments. I do not want to repeat any argument, Sir, but I would say that the heads of the departments are on the spot and they can know the ability of the clerks. These appointments are not to be limited only to passed men. No doubt efficiency is required, but efficiency is found not only among passed men but also among unpassed men. (Hear, hear.) Sir, there are and there were geniuses existing among the unpassed men. The genius Ramanujam was a failed F.A. We have many among the rulers who are unpassed men. Sir Salar Jung of Hyderabad, an able Minister, was not a graduate of the Madras University. So, Sir, the heads of departments ought to be given the power to exempt candidates. The Government Order says that unpassed men might be taken where passed men are not available. We are to distribute appointments to various communities. We do not care whether passed men are available or not. If a candidate belonging to the depressed classes comes and asks for an appointment, we should give it to him, though he is less qualified. We have not come to that stage in our country when we can give appointments only to passed men. Well, Sir, the Government year after year under this Government Order is going to withhold exemptions unless under extraordinary circumstances. This, as I have said already, is not a very good step. I do not want to repeat what others have already said, and so I shall limit my remarks. I think that every item, every clause and every rider in this Government Order is objectionable, and so I request the hon. the Revenue Member to reconsider the question and withdraw the whole Government Order."

Rao Bahadur T. M. NARASIMHACHARLU:—"Sir, I have only a few words to add. As long as these unpassed clerks are working in the departments, in taking work from them, the same standard of efficiency is exacted from them. The Government do not set up one standard for passed men in the discharge of their duties and another standard for unpassed men. When they employ an unpassed man, it means that they find him fit for the job and they expect him to discharge the duty as efficiently as any other passed man can do. That being the case, I fail to see why the Government should draw any distinction in point of remuneration between the passed men and

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unpassed men employed by them. It was open to the Government not to employ unpassed men at all. The Government were obliged to employ unpassed men because in certain places passed men were not available. It was so and it is so even now in the Ceded districts where passed men are very few and therefore they have to employ unpassed men. They have employed these unpassed men and they have put in long service coming up, in some cases, to 27 years. Now my point therefore is that the Government are not fair or just in trying to make a distinction between passed men and unpassed men, after both of them had been employed by the Government. There should be no distinction in pay between a passed man and an unpassed man. I think the Government erred in trying to make such a distinction. This reminds me—the difficulty of the Government and the confusion their orders have created—of a saying that sometimes people complain of a very small dust in the eye but do not complain of the beam there. In this case, the Government have created some sensation, some flutter and discontent among their employees. I think it will not conduce to the proper discharge of their functions if they should create discontent among their employees especially among people who have put in long service and who cannot find any other employment elsewhere at this late stage in their life. It is also bad policy. I cannot perceive what difficulty the Government can have in abrogating these orders. Why should they retain these orders which give room to various interpretations and create discontent among the employees? The Government are all-powerful, and they can abrogate these orders and lay down simple rules in simple sentences so as to be understood by all. I think there is something wrong in the drafting department of the Government; otherwise, such confused orders would not have been issued. I wish, Sir, that the Government should employ clear heads in the matter of drafting. For, while we are making our own inferences, the hon. the Revenue Member gets up and asks, does that follow from the order? It does not follow from the order, I also say. But his own heads of departments have interpreted them otherwise, and the result is, the poor clerks suffer and not the heads of departments. I ask, why should the poor clerks be made to repay the amount drawn by them? My submission is that the heads of offices who have made a wrong interpretation of these orders must be made to pay. So, in this instance, instead of relying on some technicalities, Government should come forward and say 'No doubt these orders have given rise to confusion; we will abrogate them; we will see that the unpassed clerks are given the same privileges like the passed men.' I think that would be the proper and straightforward way of meeting the question. I therefore appeal to the Government to frame a new Government Order and give equal privileges to these unpassed men."

* Mr. Chavadi K. SUBRAHMANYA PILLAI:—"Mr. President, Sir, I support the motion (*Reading from a manuscript*) I associate myself with the previous speakers in all that they said."

* The hon. the PRESIDENT:—"The hon. Member must make his speech without the manuscript."

* Diwan Bahadur M. KRISHNAN NAYAR:—"On a point of order, Sir, even in the House of Lords written speeches are being delivered. Lord Birkenhead, I believe, made his famous speech on the 7th July from a written speech."

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* The hon. the PRESIDENT:—"It is no doubt a practice in the British Parliament for Ministers who have very important pronouncements to make, where the form of words is as important as the substance, to read out written speeches. But I am sure hon. Members will agree with me that no proper debate is possible if Members come and read out manuscript speeches. This assembly is not an essay society, but a deliberative assembly, where points made on the floor of the House must be met from time to time. Till now I have given exemption in favour of those Members who for obvious reasons cannot make *extempore* speeches; but Mr. Subramania Pillai has been long enough in this House and has made enough speeches to learn to make *extempore* speeches by this time."

* Mr. R. VEERIAN:—"Sir, I wish to make some brief remarks in connexion with this question. I will understand the meaning of this G.O. No. 773, Law (Education), dated 3rd May 1926. If the Government had already found out that all the unpassed clerks were not efficient in the discharge of their duties, I do not think, Sir, the Government have found out that the unpassed candidates are not possessing common sense. What we want to find out is whether the unpassed candidates are not able to discharge their duties in an efficient manner like the passed candidates. We cannot say that the unpassed candidates have no brains."

* The hon. the PRESIDENT:—"Order, order. That point has already been met by Mr. Narasimhachari. In point of efficiency the Government expect the same standard from passed and unpassed clerks. I would again appeal to the hon. Members not to repeat arguments made by their predecessors."

* Mr. R. VEERIAN:—"So far as the depressed classes are concerned, there are several unpassed candidates employed in the various Government offices, and certainly this Government Order would seriously affect the members of my community. I therefore appeal to the Government to consider this question very sympathetically and issue a fresh Government Order, so that it may be beneficial not only to the members of my community but also to members of other communities."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I shall be very brief in the few observations I wish to make. The hon. the Revenue Member seems to think that instances of the kind mentioned by my hon. Friend Mr. Ramaswami Mudaliyar are not contemplated, by the issue of this Government Order. I beg to differ from him. It is really in regard to unpassed clerks who have been long in service this hardship is most seriously felt. What does paragraph 3 say in regard to this class? It says 'There is *prima facie* no justification for the grant of exemption to clerks who were employed in service prior to 1st March 1921, the date on which the new time-scale of pay was introduced.' In my own district, there are a very large number of unpassed clerks who have been holding appointments many years prior to the introduction of the time-scale of pay, and I may tell for the information of the hon. the Revenue Member—really I do not think he needs it—that these unpassed clerks are certainly far more efficient than the products turned out by the Secondary School Leaving Certificate examination. The officers would prefer these tried old servants to the new men. They are doing good."

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work, and what is more many of them have been exempted from examination rules and permitted to appear for special tests. Very many have qualified themselves by passing the tests even to hold the post of revenue inspectors. Inasmuch as these people have been entertained prior to 1921, and no special mention was made of their case to Government, it would follow that they are not eligible for the incremental scale of pay. If I am wrong, I shall be very glad to be corrected by the hon. the Revenue Member. That is the point at issue.

"Then again as regards the time fixed for the recovery of the increments drawn by the unpassed clerks, I wish to invite the attention of the hon. the Revenue Member to the Government Order issued in August last. In clause 5 it says that all payments made subsequent to 1st March 1925 shall be recovered. Now, even in August last, the Government orders were not very clear as to from whom amounts were to be recovered and from whom not. What does the Government Order say?"

"With reference to the orders issued in G.O. No. 134, dated 4th February 1925, regarding grant of increments in the time-scale of pay to clerks who are not qualified, references have been received by Government on the following two points."

"That is to say, the officers to whom this Government Order was communicated did not feel quite clear as to what the Government Order meant; so they raised certain points and referred them to Government for final orders. Those two points were whether unpassed clerks who are not exempted should draw only the minimum in the scale of pay of clerks and whether the amounts drawn by them in excess should be recovered. These two points were submitted to the Government for consideration and for orders. Then they issued a new order. As regards the first question, the orders in paragraph 4 of the Government Order lay down that only the minimum pay should be allowed to such clerks until they are exempted from the examination rules. So, as late as August 1925, the fact was not at all clear whether recoveries were to be effected from those unpassed clerks who have been exempted. . . ."

* The hon. Mr. N. E. MARJORIBANKS:—"They have not been exempted."

* Mr. A. RANGANATHA MUDALIYAR:—"In regard to these cases, we are saying that recoveries have been directed to be made from 1st March."

* The hon. Mr. N. E. MARJORIBANKS:—"I do not think that follows."

* Mr. A. RANGANATHA MUDALIYAR:—"I really do not know what the hon. Member is at. I find in my district that the order is interpreted in that way and recoveries are being made, and the hon. the Revenue Member says it does not follow from it. Let him say that this is not contemplated by this Government Order. We shall be thankful to him. If there had been assurance to that effect, we should not be so unreasonable as to refer to it here. I believe this to be the last meeting of this Council and there was no other way than by an adjournment motion—at least, I thought so—to express our opinion. I request the hon. the Revenue Member to see his way to do justice to these low-paid and hardworked clerks, and issue a fresh Government Order in the light of the observations made on this subject."

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* The hon. Mr. N. E. MARJORIBANKS:—"I believe some of the hon. Members who spoke have not had the patience to read the order attentively because the statements made by them as to its effect are not in accordance with the correct interpretation of the order. I am quite willing to accept the statement made by my friends who have spoken before that these orders have been misinterpreted. I do not for a moment believe that this misinterpretation was due to want of clarity or precision in the order itself. It is due to other considerations which I will not go into in this Council. Government of course are slow to take unpassed men into service when passed men are available. I do not admit that the same standard of efficiency is required from unpassed men as from passed men. If it were so, there would be no necessity for any public service notification prescribing the qualifications for Government service. The reason for the misunderstanding must be sought elsewhere. I do not at present wish to pursue that branch of the subject. However I am quite willing, in view of what has been brought to my notice as to the actual way in which the order is being misapplied, to issue fresh instructions making it quite clear that no recovery is to be made from men who have been exempted until Government have passed any orders to that effect. I do not mean to imply that Government have any intention of passing such orders; but they are prepared to review all the circumstances and see what the heads of departments have been doing, and take action, if action is necessary, in cases where the conditions laid down by Government have been violated. But as I said before, in doing so, they do not intend that any innocent clerks should suffer for it. I cannot say more than that at present. We have not got the lists and we do not know what has actually happened. The order as it stands does not order any recovery from people who have been exempted either explicitly or impliedly, as Mr. Tanikachalam Chettiyar put it."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"In the case of clerks whose drawings have been compulsorily withheld, may I know whether the contemplated order would include an instruction to return the same? A good portion has already been recovered from them." 4 p.

* The hon. Mr. N. E. MARJORIBANKS:—"I do not know if the hon. Member suggests that since May any considerable sum has been collected in lump from anybody."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"From August 1925, there has been such an amount of stampeding by the officers that they have collected it from people who have not been in a position to resist the withholding."

* The hon. Mr. N. E. MARJORIBANKS:—"Sir, on referring to the order here, I cannot conceive how any recovery could have been made from August. Sir, this order which is suggested to have caused this trouble was issued in May 1926."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"From the fact that in August 1925, Government say they will consider applications of those who are recommended for exemptions, the officers have been under some misapprehension that they will be getting into trouble and therefore they have been compulsorily withholding. My Friend, Mr. Ramaswami Mudaliyar,

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referred to the hundreds of instances in Chingleput. Whether that course is justifiable or not is a different matter. These people have not had the courage to say: 'you are doing the wrong thing'."

*The hon. Mr. N. E. MARJORIBANKS:—"I suppose he is referring to people who had not been exempted."

*Mr. J. A. SALDANHA:—"My point is that heads of officers should be considered right and not only the heads of departments."

*The hon. Mr. N. E. MARJORIBANKS:—"Government cannot now say what has been done and whether it has been done in accordance with the orders and the conditions laid down in the orders. We have not ordered the recovery in cases of those who have been exempted. So we will be prepared to consider cases of those who have been allowed to draw after March though I find it difficult to believe that there can be any such case. The order now in question was issued with the object of seeing how the instructions of Government were being followed by the heads of departments. It was considered high time that the powers of exemption were withdrawn and cases were dealt with directly by Government in instances where it was thought inevitable to employ unpassed men. I admit there may be certain districts where there are not likely to be many passed men. In such cases, the Government wanted the heads of departments to bring the fact to their notice so that they can give a general exemption in such a locality."

*Mr. A. RANGANATHA MUDALIYAR:—"In such cases, will they be allowed to draw according to their present scale?"

*The hon. Mr. N. E. MARJORIBANKS:—"If they were exempted, of course, they would."

The motion was put and declared lost. A poll was demanded and the House divided as follows:—

Ayes.

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| 1. Mr. K. Prabhakaran Tampan. | 23. Mr. B. P. Sesha Reddi. |
| 2. " D. Manjappa Heggade. | 24. " P. Anjaneyulu. |
| 3. " H. B. Ari Gowder. | 25. " G. Rameswara Rao. |
| 4. Diwan Bahadur O. Tanikachala Chettiyar. | 26. Diwan Bahadur M. Krishnan Nayar. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 27. Rao Bahadur P. Raman. |
| 6. " M. C. Raja. | 28. Mr. J. D. Samuel. |
| 7. Mr. N. Devendrudu. | 29. " K. Sarabha Reddi. |
| 8. Rao Sahib S. Elleppa Chettiyar. | 30. " K. Saravayudu. |
| 9. Mr. A. Rameswami Mudaliyar. | 31. Rao Sahib R. Srinivasan. |
| 10. Rao Sahib P. V. Gopalan. | 32. Mr. K. Sitarama Reddi. |
| 11. Mr. L. C. Guruswami. | 33. " K. Chavadi Subrahmanya Pillai. |
| 12. Zamindar of Kalikote. | 34. " R. Veerian. |
| 13. Rao Bahadur K. Krishnaswami Nayudu. | 35. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 14. Mr. R. Madanagopal Nayudu. | 36. Mr. K. Venkatachala Padayachi. |
| 15. " T. Mallesappa. | 37. Rai Bahadur T. M. Narsimha Chari. |
| 16. Rao Bahadur B. Muniswami Nayudu. | 38. Mr. Sami Venkatachalam Chetti. |
| 17. Mr. C. Mattayya Mudaliyar. | 39. Khan Bahadur P. Khalif-ullah Sahib Bahadur. |
| 18. " B. Obaleappa. | 40. Mr. T. M. Moidu Sahib Bahadur. |
| 19. " G. Premayya. | 41. " L. K. Tulashiram. |
| 20. Diwan Bahadur P. Kesava Pillai. | 42. " K. Uppi Sahib Bahadur. |
| 21. Mr. J. A. Saldanha. | 43. " Naganna Hegdo. |
| 22. " A. Ranganatha Mudaliyar. | |

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Noes.

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| 1. The hon. Sir C. P. Rameswami Ayyar. | 7. The hon. the Raja of Panagal. |
| 2. " Mr. N. E. Marjoribanks. | 8. Mr. T. R. Venkatarama Sastri. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 9. Rao Bahadur V. T. Krishnama Achariyar. |
| 4. " Mr. T. E. Moir. | 10. Mr. G. T. Boag. |
| 5. " Diwan Bahadur Sir P. N. Sivag-nanam Pillai. | 11. " V. Pandrang Rao |
| 6. " Sir A. P. Patro. | 12. " J. F. Hall. |
| | 13. Capt. E. G. Windle. |

Ayes 43: Noes 13.

The motion was carried.

VIII.—THE MALABAR TENANCY BILL—cont.

Clause 6—cont.

*The hon. Mr. T. E. MOIR:—"In resuming the discussion, Mr. President, I feel I am under a double disadvantage. In the first place, it is rather difficult to switch back from a discussion on the janmi rights of the unpassed men to the discussion on the janmi rights of landholders in Malabar. In the second place, I had not the privilege of being present in this House when the Bill was originally introduced and discussed. It may be that in many places I have not followed the trend of opinion, it may be that I may have missed the import of discussions which took place then inasmuch as they covered many varied points and it may be that I have misunderstood the actual force or intention of the arguments which were then adduced. But to-day the scope of our discussion is somewhat narrower than on the last occasion because discussion has so far centered almost entirely on the intervention of the Government in respect of this Bill. As regards that intervention, the hon. Mover of the Bill raised certain objections. Well, after all, there are disadvantages attached to private legislation and of course of those disadvantages, the hon. Diwan Bahadur was perfectly aware when he introduced the Bill. His main complaint was that Government had unfairly treated the Bill in the course of its passage through this House and in the Select Committee. But the hon. Member had previously failed, I think I am right in saying, to convince the Government that a case for legislation on the lines he proposed existed. In spite of that he determined to take those risks which, as I have said, attach to private legislation. But I do not think he is entirely justified in throwing the blame on the constitution or on the Government. I have had an opportunity of looking at the remarks of the Leader of the House on the occasion when the Bill was introduced. He distinctly warned the Mover of the Bill that he could not expect the support of the Government and he distinctly stated while they would not oppose its further progress at that stage, it was in the hope that the various contending elements in the House might be able of their own initiative to arrive at a solution or a compromise which Government could accept on the very important questions with which the Bill dealt. The hon. Member referred to the hon. the Leader of the House as having taken part in the discussions in the Select Committee as nothing more than—I forget the actual term used—"a disinterested or amused spectator."

*Diwan Bahadur M. KRISHNAN NAYAR:—"I did not use either of them."

*The hon. Mr. T. E. MOIR:—"At any rate, a phrase similar to that was employed by one hon. Member. Now, I have no doubt that the Leader of the House was anxious to see whether the Select Committee could possibly

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arrive at a solution of this question. As a matter of fact, it failed to do so and I understand that at one period in its proceedings those who represented one section of opinion and one interest actually left the Select Committee and, so far as I know, did not return. Now, in pointing that out what I wish to say is that this Bill as it now stands confers privileges on one section far beyond anything which the Government can be expected to accept.

"The hon. the Leader of the House made reference to two points to which they did attach great importance and those points were: the vexed question of homesteads and also the position of the actual cultivator and he said that if they could find any practical proposals to put forward in respect of these two points the Government would attempt to do so. I think we can claim that the amendments which we have tabled to this Bill do fulfil that promise.

"The hon. Member, I think I am right in saying, quoted certain words used by the hon. the Leader of the House when the question of the Bill being referred to the Select Committee was moved in which he said that of course he would be prepared at the desire of the House to serve on the Select Committee but that he must reserve his right to attempt to expand the scope of the Bill so as to meet the points which had been raised in his preliminary speech. Now, as you, Sir, very pertinently remarked this afternoon, it is usual in the House of Commons when an important pronouncement is made on behalf of the Government for it to be in the form of a written statement. Unfortunately on this occasion the hon. the Leader of the House used a phrase which, I am perfectly certain, he would not have used, if that precaution had been taken. But I also feel sure being well aware how fair-minded the hon. Mover of the Bill is, that he was merely making a justifiable debating point against the hon. the Leader of the House and has no intention of claiming that the hon. the Leader of the House had, by those words, actually committed himself to anything beyond what was actually contained in his opening speech.

"The hon. Mover of the Bill also objected to the question of the arguments relating to old and new kanam tenures being brought forward. That however considering the whole history of the Bill is surely, clearly relevant and entirely justifiable. Because, the main objection which the hon. the Leader of the House on that occasion raised to the Bill was that the Bill proposed to take away rights from one section of the community and confer them on another section without compensation. I think, therefore, I am perfectly right in saying that any question of compensation has entirely disappeared from the Bill—until I used the word now, it has not occurred in our debates to-day—and that the question of compensation did arise directly from the argument as to old and new kanam tenures. If there had been no old kanam tenants the argument against compensation would have been neither fair nor justifiable, and I am perfectly certain that but for the historical argument neither the hon. Mover of the Bill nor any other Member of this House would have proposed to take away these rights from the janmis and confer them on other people and at the same time have proposed that no compensation should be given to those from whom those rights were taken away. But I venture to state that even if the hon. Mover of the Bill or those interested in the Bill had confined their proposals to refuse compensation to the case only of those who hold kanams under old kanam tenures, they would still have been wrong.

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[Mr. T. E. Moir]

I think, perhaps, one of the great misfortunes which have befallen Malabar in connexion with this issue is the report of Mr. Logan. Because if I may give my views on the matter, I would say that while the opinions of various authorities on this question of Malabar tenures were almost as numerous as the authorities themselves, on one point practically every one concerned in the controversy which took place in the eighties was unanimous, namely, that Mr. Logan's report was based on incorrect etymologies, on absolutely unsound views of history and that the deductions he drew from unverified facts were entirely incorrect. I think it is a great pity and a matter for great regret even at this time that the deserved respect which attaches to Mr. Logan's name as an officer who served long on the West Coast and had a great and genuine affection for Malabar and its people should have cast a halo round his report on Malabar tenures, a document which is full of fanciful and discarded arguments and of deductions which have absolutely no historical support whatsoever. I think, if I may say so, that it is a pity also that the Diwan Bahadur who introduced this Bill into this House should have attempted to base his Bill on practically the same worn-out historical argument. (Mr. Krishnan Nayar, No, no.) Because, after all what this House should take into consideration in dealing with this Bill now is not the condition of Malabar in 1880 or an ancient historical controversy, but the conditions which exist in the current year, 1926.

"The hon. Mover went on in his appeal for support on this occasion to point to the example of the neighbouring States of Travancore and Cochin. But he has omitted to mention that his Bill goes far beyond anything ever proposed in those States, that for one thing in those States there were a much smaller number of people and a much smaller quantity of property affected, that the economic conditions in those States were different from those which exist in Malabar at the present day and that the economic effects must necessarily be greater here than there. If it is the case that they also gave no compensation where they took away the rights of property from one section of the people and conferred them on another, is that an ethical argument that we too should follow their example? He also argued that in those States, the State gave occupancy right to its own tenants whether kanamdar or verumpattamdar. Well, why not? They still held the right to assess the land. Why should they continue the cumbersome system of kanam and verumpattam when they could obtain whatever share of the produce they claimed in the form of assessment? It seems to me only common sense for a State to reduce the method by which it derives its revenues to the simplest possible system. But it is surely a very different proposition when the State confers occupancy rights which it does not possess on tenants and on other people and that is what we are proposing to do under the Bill of the hon. Mover.

"Now, I can of course only deal with very few points which have been touched upon in this debate. If I were to deal with the long historical arguments raised in connexion with this Bill, I feel I would be taking up much more of the time of the House than I am entitled to. But there were points raised which seem to have arrived at a state of being chronically, inaccurately quoted. Reference was made to the famous proceedings of the Sadar Adalat in 1854. It has been stated again and again that what that Court did in that year was to take away the occupancy right of the kanamdars and to restrict it to twelve years. I have found that stated frequently as

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I read the voluminous papers which have grown round this question. But so far from it being the case, the Sadar Adalat was not then restricting but protecting the rights which were acknowledged to belong to the tenants. It was definitely intervening in order to secure to them what, as it stated, had been the old law of the country. It was not an attempt to reduce the occupancy right of the kanamdars to twelve years, but to resist attempts made on the part of some of the janmis who argued that the such occupancy right extended to three or four years only.

4-30
p.m.

"I may perhaps quote one or two sentences from the Sadar Adalat proceedings:

'The first point noticed by the Special Commissioner is the right vested in the tenant according to ancient usage in Malabar to retain the land for twelve years under certain reservations

"Again:

'The Collector of Malabar . . . expresses his concurrence generally in the observations of the Special Commissioner on the two principal points noticed by him and in order to prevent the frequent departure from the spirit and intention of the old laws which fix twelve years as the proper duration of a lease . . .

"This again is an extract from a judgment:

'It is not denied that it is the prevailing usage in the country . . . and of the parties to the suit that mortgages should run a period of twelve years before the expiration of which the mortgagee cannot be dispossessed.'

"There is no question of the Sadar Adalat taking away rights which had been acknowledged as existing. It was preserving them. Another point on which I must admit I could not follow the argument of the hon. Member was that a janmi must necessarily be either in the position of the Government or of zamindar on the East Coast. I did not quite follow the argument that he raised or the manner in which he supported it. It seems to me that there is another alternative to which attention has already been drawn that the rights of Government in relation to janmis and to ryotwari holders are exactly the same; the assessment is imposed on their holdings for a certain period of years and may then be altered but subject to the payment of that assessment their rights as against Government are definite. But as I said we are not dealing now with the year 1881 when Mr. Logan wrote his report, but we are dealing with the year 1926. Even if there was any force in 1881 in the historical arguments raised then, does that give the Government the right without compensation to take away from the janmis certain rights vested in them and hand them over to others? Nearly half a century has passed since those days, those rights have been confirmed by numerous decisions of the courts and on them have been based numerous contracts and transactions. In fact, it may be said that the whole social and economic life of Malabar since that date—I could myself add for generations before that—has been based on the assumption that certain rights do belong to the janmi and if we take them away now we can only equitably do so provided we give compensation for them. It is perfectly true that this House can, at its pleasure, pass Bills taking away established rights of many kinds. No one denies that. If it thought fit to do so, in the exercise of its discretion it could pass a Bill declaring that the peishkash of permanently settled zamindars should no longer be fixed and that Government has the power to increase it. The time will perhaps come when the power to do so will pass into the hands of this House in its entirety. I am not questioning the present or the future right of this House to pass legislations of this kind,

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if it sees fit to do so. But is that the spirit in which or the kind of legislation which hon. Members would like to pass in connexion with these questions?

"One hon. Member, Mr. Saldanha I think it was, raised the slogan 'we are many, they are few'. Is this House going to adopt in respect of its legislative measures that attitude and base rights to property on a counting of heads? After all, considerable property in any country is in the hands of minorities and will possibly always be so. Are we in a Bill of this kind to try to establish the principle that the rights of private individuals or the attitude of the State towards property is to be determined entirely by the question of how many heads can be counted on the one side and how many on the other? There is of course another argument that could be used and which it might be said would justify the overruling of any scruples under that head on the ground that conditions in Malabar are so desperate that the only thing that can preserve society is legislation on the lines proposed by the hon. Member. I can only say that in my consideration of the papers in connexion with this Bill, I have very carefully examined all the evidence I could possibly find as to the actual conditions of Malabar, and I can only say that as a result of such an examination, it seems to me that there are some other districts in this Presidency in which possibly the system of janmi, kanamdar and verumpattandar might be introduced to their advantage. I doubt if there is any district in the Presidency where population, wealth and the general standard of living have increased in the last century to the same extent as in the case of Malabar. I think therefore that the Government are perfectly justified in saying that they are unable to concur in the view of the hon. Mover of this Bill that the only way in which conditions can be improved is to enter upon confiscatory legislation of this kind. I do not pretend to say that there are no wrongs or evils in Malabar. But what we have attempted is to deal with them in our own modest way and to introduce legislation that seems to us to go as far as it is possible or advisable or wise to go in dealing with the present situation. I can only hope that the House will see fit to concur with the Government in the view that the Bill before us is neither called for nor advisable and I may add as far as my study of the situation goes that I am convinced that it will have injurious effects on many of those for whose benefit it is intended."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"The defence of the hon. the Leader of the House who has the best debating skill in this House cannot but call forth a reply from those that believe that the position of the Government taken in this Bill is untenable. The hon. the Finance Member told us that if only the Hon. the Law Member agreed to write down his statement which he made in this House, perhaps much trouble would not have arisen. Our complaint is not so much about what the hon. the Law Member has said in this House but that the treatment that he accorded to us during the passage of this Bill in the Select Committee was neither fair nor just. I know, Sir, that when the Bill was read for the first time or rather the second time, I should say the Hon. the Law Member reserved to himself the right to propose any amendments in the Select Committee stage. But what did happen actually? For days and days and for months and months, we sat both in Ootacamund and here with the hon. the Law Member in the chair.

[Sir K. Venkatarreddi Nayudu] [10th July 1926]

4-45 P.M. Reference has been made to the fact that during this period Government did not lay all their cards on the table. But that is not all; there is something more. In the proceedings of the Select Committee you will find many passages where the Government came forward, if not with proposals, at least with suggestions. Questions were framed by the Advocate-General, and the Chairman of the Select Committee stated that they represented his views. With your permission, Sir, let me read one passage from page 72 of the proceedings of the Select Committee which met from 11th to 16th May 1925."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I do not mind discussion on the point, Sir. But as a point of order, can proceedings of the Select Committee be referred to?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I submit that though ordinarily the proceedings of the Select Committee should not be referred to, the proceedings of this particular Select Committee may be referred to, for the obvious reason that the resolutions and the proceedings were available to the public, and press reporters; representatives of janmis and tenants were allowed to be present. It was just like a public meeting."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I ask whether copies of the proceedings of the Select Committee were made available to the Members of the House?"

* The hon. the PRESIDENT:—"The answer to that point would help me to decide the question. May I know whether this is a published document?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"The proceedings were printed from day to day and circulated to the members of the Select Committee."

* The hon. the PRESIDENT:—"Although the Select Committee formed a very large proportion of the House, the proceedings were not circulated to all the Members of the House. I think the Chair has ruled more than once that reference should not be made to proceedings or documents if they are not available to all the Members."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Can they not be made available at this moment?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"The Select Committee is only an agent of the House. Can agents keep away the secrets from those by whom they were appointed?"

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Proceedings like this were not allowed to be quoted by Government Members; but private members were at liberty to quote from any documents which were printed. Especially where, as in this case, the Select Committee allowed representatives of the janmis and tenants and the press to be present, I think there may be no objection to the reference."

* The hon. the PRESIDENT:—"It seems to me rather unfair to quote from a publication which is not open to all the Members of the House. Distinction must be made between the report of the Select Committee and the proceedings of the Select Committee. That is my point. Documents which are not available to all the Members of the House should not be quoted."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"As has already been pointed out and as will be found in May's Parliamentary Practice, it is only when Government refer to an unpublished document that objection might be taken. But if Government were prepared to place the document on the table of the House then no objection should be taken. A discussion arose on that point, I believe it was in connection with the Mappilla train tragedy. Certain papers were sought to be read out in the House; objection was taken to that course. Your predecessor permitted the reading of passages provided the Government were prepared to place the document on the table and make it available to all the Members in order that they might see that there has been no misquotation or that some important portion of it has not been kept back from them."

* The hon. the PRESIDENT:—"That is exactly my point. If Government undertake to place the proceedings of the Select Committee before the House then there will be no objection."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"In order to shorten the discussion and as the hon. the leader of the Opposition has pointed out, not to raise the further question of the circumstances under which the press was admitted to take down notes, I shall waive my objection. I only wished to raise this point of order as a general question."

* Mr. S. SATYAMURTI:—"On a point of order, Sir, it is not for the hon the Law Member to waive his objection."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"If I cannot waive my objection, I shall withdraw my point of order."

* Mr. S. SATYAMURTI:—"The hon. Member below the gangway showed so much enthusiasm this morning for strict obedience to your rulings; but I am surprised at the attitude which he now takes when the Chair does not uphold some of his points. All his enthusiasm melts away."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I apologise to you if I have exceeded my limits. I think it is up to an hon. Member of this House to acknowledge his faults and apologise to you."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"To prevent further argument, may I say that I waive the objection."

* The hon. the PRESIDENT:—"The objection still remains although it might have been waived."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"But, Sir, I think I may say this. Certain questions were drafted by the Advocate-General asking whether the Select Committee was prepared to give occupancy rights to actual cultivating tenants; and, whether the Select Committee was prepared to give fixity of tenure or occupancy rights in the case of a kanamdar with or without a verumpattamdar below him. When the Select Committee was asked to give their opinion on these matters we naturally thought that the Government were prepared to let the House have some idea of the views of Government. At a later stage the hon. the Law Member stated that he would give a dissenting minute embodying his views. But when the report of the Select Committee was received, he did not give his dissenting minute. He put his signature without any indication of the fact that he would give his dissenting minute."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"That was a mistake."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU: "I submit, Sir, that on the date when the report was printed and-circulated, the hon. the Law Member was not ready with his dissenting minute. I have been searching in vain for a precedent in the House of Commons where amendments were introduced by the Government at this stage of the Bill. The amendments go to the very root of the Bill; they are a very negation of the main principles of the Bill, namely, to give some occupancy rights, if not to all the tenants, at least to the cultivating tenants. If I were the Mover of the Bill and if the Government should carry through their amendments, I will say 'Be done with the Bill'; there is no meaning in proceeding with it when the original purpose is lost; when bread is asked, stone is sought to be given; when raiment is asked rags are sought to be given. Throughout the proceedings of the Select Committee can they point out one single instance when the Government showed that they were not in agreement with the principles of the Bill? My complaint is not that the Government have no right to introduce the amendments but I say they have not fairly treated the House. These amendments should have been placed before the Select Committee consisting of 30 picked men of the House, who wasted so much of their time for days together in considering the Bill, and had to undergo so much of inconvenience though they travelled at the cost of the Government. It is not fair to thrust these amendments at this eleventh hour and ask us to do something which will undo the work of the Select Committee. We had hoped that some fixity of tenure and occupancy rights would be given to the actual cultivating tenant and the kanamdar. Reference was made to Cochin and Travancore regulations for kanamdars of 35 years' standing. Reference was made to other questions also. But the hon. the Law Member has turned down all these considerations lock, stock and barrel. He has made it a simple nothing. If I may use that expression, let me say he has plunged a dagger in the heart of the Bill, so that it will go on bleeding for years and years. The hon. the Finance Member stated that 1926 is not 1890. Certainly not; it is worse. You did not have the rebellion of 1921 in 1890. There were only small disturbances, a murder here and a murder there. What happened in 1890 which can at all be compared to the large scale burning of railway stations and public offices, murders and looting that took place in 1921? Am I to understand that we are in a better position now than in 1890? I need not trouble the House with an account of the various agrarian troubles. At one stage, the hon. the Finance Member was pleased to say that the Mover of the Bill had not made out a case; we all thought that that stage was passed when the Bill was referred to the Select Committee. In the Select Committee, proposition after proposition was placed before the Members, long discussions ensued and vote after vote was taken."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"As more than one hon. Member has referred to this question, let me say that the propositions nearly represented the embodiments of the conflicting views put forward by the representatives of the janmis, the kanamdars and the verumpattamdars. They did not represent the conclusions of the Government and were not put forward as the conclusions of the Government."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I distinctly remember the statement made by the hon. the Law Member that those propositions were prepared by the Advocate-General and that they represented his views."

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* The hon. Sir C. P. RAMASWAMI AYYAR:—"I adhere to that. The representatives of the janmis stated that such and such things should be done. Questions arose as to whether compensation should be paid, whether fixity of tenure should be given, and so on. The Advocate-General and the Law Member agreed in drafting questions tending to elucidate the points in controversy between the parties, so that they might put them fairly and squarely to the Committee."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I am precluded from quoting the exact page. If Government were obsessed by the ideas communicated to us in their memorandum, where was the necessity for enumerating such questions and asking us to give our opinions?"

* The hon. Sir C. P. RAMASWAMI AYYAR:—"On a matter of personal explanation, let me merely mention this. During my very first speech I stated that Government were not convinced that kanamdars were entitled to permanent occupancy."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Verumpattamdars?"

* The hon. Sir C. P. RAMASWAMI AYYAR:—"As regards verumpattamdars, subject to certain conditions and compensation being paid, a possibility might ensue. I also stated this much. Government would not like to act by themselves. These are two divergent views of conflicting interests. Government would wait for a harmonious settlement between the two parties. Unless and until that spirit was forthcoming, it was not Government's part to do more than to hold to the position they originally did. I never, during the deliberations, waived the arguments I originally put forward, and I still adhere to the position that a case has not been made out on the lines of the Bill."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"When A and B differ, Government are prepared to chuck out A and B together. That is the point of view which the Government put forward. They tell us that they do not feel the necessity for such a legislation even though the whole of the Select Committee, not merely the majority, have thought that there is a necessity. Government would still stick to that view. Then where was the necessity to proceed with the measure at all?"

* The hon. the PRESIDENT:—"Will the hon. Member finish his speech soon? He has already taken more than 20 minutes."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Mr. President, this is a very important question and therefore please let it not be judged by minutes and seconds. If you can kindly allow me some time more, I think you will be doing a national service."

* The hon. the PRESIDENT:—"I can do national service only under the rules and standing orders." (Laughter.)

* Diwan Bahadur M. KRISHNAN NAYAR:—"Is there any rule that the discussion on an amendment should be restricted to a particular time?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"The objection that I have raised goes to the very root of the amendments put forward by the Government. When this question is decided one way or the other, other things will be disposed of easily."

The House adjourned to meet at 11 o'clock on Monday the 12th July 1926.

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

[10th July 1926]

APPENDIX I.

[Vide answer to question No. 1936 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 10th July 1926, page 17 supra.]

Statement showing the towns (within the area covered by the Madras Towns Nuisances Act) with a population of over 10,000 in the Malabar and South Kanara districts.

District.	Town.	Population as per census of 1921.
Malabar ...	(1) Calicut ...	82,334
	(2) Palghat ...	45,487
	(3) Cannanore ...	27,705
	(4) Tellicherry ...	27,576
	(5) Cochin ...	20,637
South Kanara ...	(6) Ponnani ...	13,345
	(7) Mangalore ...	53,877
	(8) Udupi ...	11,882

Towns (1) to (5) and (7) are municipalities, (6) is a union, while (8) is neither a union nor a municipality.

APPENDIX II.

[Vide answer to question No. 1937 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 10th July 1926, page 18 supra.]

List of Members of the Tinnevely Taluk Board.

Serial number and names of members.	Community to which the member belongs.	Whether elected or nominated.
1. M.R.Ry. S. Palaniandi Mudaliyar	Senkunthar ...	Nominated.
2. " P. Ramalinga Mudaliyar	Thondamandalam / Mudaliyar.	Do.
3. " B. Subbarayalu Nayudu	Kavarai ...	Do.
4. " S. Kuppuswami Konar	Yadava ...	Do.
5. " A. Pitchan Kudumban	Adi-Dravida ...	Do.
6. " P. Kandaswami Tevar	Marava ...	Do.
7. " V. M. Kalyanasundaram	Vellala ...	Elected.
8. " T. S. Kanthimathinatha	Karkathar ...	Do.
9. " T. S. Duraiswami Pillai	Vellala ...	Do.

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List of Members of the Tinnevely Taluk Board—cont.

Serial number and names of members.	Community to which the member belongs.	Whether elected or nominated.
10. M.R.Ry. N. Avudainayagam Pillai	Karkathar ...	Elected.
11. " V. Sivagnanam Pillai	Vellala ...	Do.
12. " T. K. Kanthimathinatha	Karkathar ...	Do.
13. " R. M. S. Sankaranarayana	Brahman ...	Do.
14. Amutti Sahib Hamid Taraganar	Muhammadan (Taraganar).	Do.
15. M.R.Ry. S. Alwar Reddiyar	Kapu ...	Do.
16. " K. N. Kalyanasundaram	Vellala ...	Do.
17. N. Hasan Ghani Sahib Bahadur ...	Muhammadan (Ravuttar).	Do.
18. M.R.Ry. I. S. Shenbagam Pillai	Vellala ...	Do.
19. " I. C. Iswaram Pillai	Do.	Do.
20. " Kanugo M. Namasivayam	Do. ...	Do.
21. Muhammad Mustapha Ravuttar	Muhammadan (Ravuttar).	Do.
22. M.R.Ry. Alankulam Velayudham	Vellala ...	Do.
23. " Agaram Harihara Ayyar	Brahman ...	Do.
24. " Pavur Chidambaram	Vellala ...	Do.

APPENDIX III.

[Vide answer to question No. 1940 asked by Mr. K. Raghuchandra Ballal at the meeting of the Legislative Council held on the 10th July 1926, page 19 supra.]

List of Temples and Maths for which schemes have been framed and sanctioned by the Board up to date.

Ganjam district.

1. Jagannadhaswami temple, Kullada, Ganjam.
2. Narayanaswami temple, Narayanapatna, Ganjam.
3. Gopinathaswami temple, Benipalle, Ganjam.
4. Lakshminarayanawami temple, Ichchapuram, Ganjam.

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List of Temples and Maths for which schemes have been framed and sanctioned by the Board up to date—cont.

Ganjam district—cont.

5. Panchananaswami and Brudalingeswaraswami temples, Snrada, Ganjam.
6. Raghunathaswami temple, Nettanga, Goomsur taluk, Ganjam.
7. Bodo math, Surada, Ganjam.
8. Sri Lakshminarayanaswami and Sri Vallabhanarayanawami temples Vadada village, Chicacole taluk, Ganjam.
9. Sri Vasudevaswami temple, Pnra Goomsur, Ganjam.
10. Pedda Jagannadhaswami temple, Bellapuda, Ichchapuram taluk, Ganjam.
11. Sri Kodandaramaswami temple, Chicacole, Ganjam.

Vizagapatam district.

12. Sri Anjaneyaswami temple, Vizagapatam.

West Godavari district.

13. Sri Chowdeswaraswami temple, Kovur, West Godavari.

Kistna district.

14. Sri Thirupatham temple, Vissampetah, Tiruvur taluk, Kistna.
15. Do. Penuganchiprolu, Nandigama taluk, Kistna.

Guntur district.

16. Chandramowleswaraswami temple, Tenali, Guntur.
17. Chennakeswaraswami temple, Duggirala, Tenali, Guntur.
18. Someswaraswami temple, Banatla, Guntur.

Nellore district.

19. Chennakeswaraswami and Agasteswaraswami temples, Madiraju Gudur, Nellore.
20. Kailasanadaswami temple, Brahmadevam, Nellore.
21. Chandramowleswaraswami temple, Chersmana, Nellore.
22. Narasimhaswami temple, Indukurpet, Nellore.
23. Maleswaraswami temple, Indukurpet, Nellore.
24. Veerabhadraswami temple, Indukurpet, Nellore.
25. Sangameswaraswami temple, Sangam, Kovur taluk, Nellore.
26. Narasimhaswami temple, Kovur taluk, Nellore.
27. Malleswaraswami temple, Nawabpet, Nellore.
28. Sri Visveswaraswami temple, Mudivarathipalem, Nellore.
29. Sri Chennakeswaraswami and Nagalingeswaraswami Varu temples, Duggavolu agharam, Gudur taluk, Nellore.
30. Sri Visveswaraswami temple, Virur, Atmakur taluk, Nellore.
31. Chennakeswaraswami and Neelakanteswaraswami temples, Chejerla village, Nellore.

Kurnool district.

32. Madhavaswami and Anjaneraswami temples, Narnoor, Kurnool.
33. Nageswaraswami and Veerabhadraswami temples, Narnoor, Kurnool.

Chittoor district.

34. Sri Venugopalaswami and Ramaswami temples, Kangundi village, Chittoor.

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List of temples and maths for which schemes have been framed and sanctioned by the Board up to date—cont.

Bellary district.

35. Sri Veerabhadraswami temple, Hollalu, Hadagalli, Bellary

Tanjore district.

36. Nageswaraswami temple, Kumbakonam, Tanjore.
37. Chandrasekara Pillayar temple, Ayyampet, Tanjore.

Chingleput district.

38. Thatha Guruswami mutt, Periyapalaiyam, Tiruvallur, Chingleput.

North Malabar district.

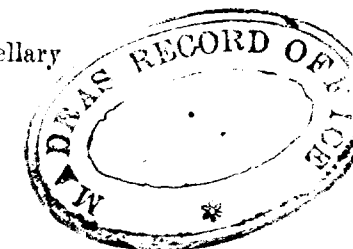
39. Adikunnu Kavu, Koram amsam, Chirakkal taluk, North Malabar.
40. Sri Krishnathilakam and Adhikunnu Kavu temples, Koram amsam, Chirakkal taluk.
41. Pillayar koil, Cannanore, North Malabar.

Ramnad district.

42. Poisollameyainar and Karuppayyaswami temples, Kollankudi, Sivaganga taluk.

Coimbatore district.

43. Dathathreyaswami and Kasiviswanathaswami temples, Komaralingam, Udumalpet taluk, Coimbatore.



APPENDIX IV.

[Vide answer to question No. 1941 asked by Mr. K. Raghuchandra Ballal at the meeting of the Legislative Council held on the 10th July 1926, page 20 supra.]

Serial number and Court number.	By whom filed.
1. O.S. No. 560/25 ...	The Mahant of Tirumalai, Tirupathi Devasthanams.
2. O.S. No. 574/25 ...	The Pandarasannadhi of Thirvaduthurai math, Tanjore district.
3. O.S. No. 598/25 ...	The Matadhipati of Tirukkurangudi math, Tinnevely district.
4. O.S. No. 624/25 ...	The Matadhipati of Dharmapuram math, Tanjore district.
5. O.S. No. 735/25 ...	The Matadhipati of Ahobilam math, Kumbakonam.
6. O.S. No. 90/26 ...	Archaka of Sri Koteswaraswami temple, Kotappa-konda, Guntur district.
7. O.S. No. 125/26 ...	The Matadhipati of Thiruvannamalai Adhinam math, Kannakudi, Ramnad district.

[10th July 1926]

APPENDIX V.

[Vide answer to question No. 1942 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 10th July 1926, page 20 supra.]

Statement showing the amount of contribution received from temples and maths up to the end of 31st March 1926.

(a)

District.	Amount received.			District.	Amount received.		
	RS.	A.	P.		RS.	A.	P.
1. Ganjam ...	1,077	11	0	16. Salem ...	369	7	10
2. Vizagapatam ...	1,784	10	3	17. Nilgiris ...	22	0	0
3. West Godavari...	117	13	0	18. Coimbatore ...	1,472	5	11
4. East Godavari ...	252	8	6	19. Tanjore ...	4,953	9	4
5. Kistna ...	72	7	0	20. Trichinopoly ...	2,081	8	4
6. Guntur ...	604	4	11	21. Madura ...	2,751	12	7
7. Nellore ...	942	7	3	22. Ramnad ...	7,765	14	7
8. Bellary ...	435	3	6	23. Tinnevely ...	6,835	0	3
9. Kurnool ...	37	2	0	24. Malabar ...	152	8	9
10. Cuddapah ...	34	0	0	25. South Kanara ...	2,375	12	3
11. Chittoor ...	590	0	0				
12. Anantapur ...	15	9	9	Total ...	37,021	9	0
13. Chingleput ...	290	13	4				
14. South Arcot ...	1,238	8	7	Or roundly	37,000	0	0
15. North Arcot ...	748	6	1				

(b)

Statement showing the expenditure incurred by the Board in the mufassal districts to the end of March 1926.

Serial number and name of the districts.	Amount.	Serial number and name of the districts.	Amount.
	RS.		RS.
1. Ganjam ...	2,003	15. North Arcot ...	1,438
2-5. Vizagapatam, East and West Godavari and Kistla ...	4,686	16. Tanjore ...	2,383
6. Guntur ...	300	17. Trichinopoly ...	1,036
7. Nellore ...	2,729	18. Madura ...	955
8 & 9. Bellary and Cuddapah ...	3,193	19. Ramnad ...	851
10 & 11. Anantapur and Chittoor ...	4,130	20. Tinnevely ...	2,360
12. Kurnool ...	812	21-23. Salem and Coimbatore and the Nilgiris.	2,808
13. Chingleput ...	525	24 & 25. Malabar and South Kanara ...	8,026
14. South Arcot ...	2,886		
		Total ...	41,121

Note.—Combined figures have been furnished for the districts of Vizagapatam, Godavari and Kistna, Bellary and Cuddapah, Anantapur and Chittoor, Coimbatore, Salem and the Nilgiris and Malabar and South Kanara, because a common supervising staff is in actual charge of each of these groups and it is not possible to allocate the expenditure on that account separately among the several districts in each group.

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(c)

List of suits pending in the High Court.

Serial number and Court number.	By whom filed.
1. O.S. No. 560/25	... The Mahanth of Tirumalai Tirupati devasthanams.
2. O.S. No. 574/25	... The Pandarasannadhi of Thiruvaduturai math, Tanjore district.
3. O.S. No. 598/25	... The Matadhipati of Thirukaragudi math, Tinnevely district.
4. O.S. No. 624/25	... The Matadhipati of Dbarmapuram math, Tanjore district.
5. O.S. No. 735/25	... The Matadhipati of Ahobilam math, Kumbakonam.
6. O.S. No. 90/26	... Archaka of Sri Koteswaraswami temple, Kotapakkonda, Guntur district.
7. O.S. No. 125/26	... The Matadhipati of Tiruvannamalai Adhinam math, Kunnakudi, Ramnad district.
8. C.S. No. 168/26	... K. P. S. A. R. Aranachalam Chettiyar and N. P. L. N. P. Palaniappa Chettiyar, Kankars of Sri Alakondanandaswami temple and Sri Perumal Pidari Kovil, Sri Ayanar and Sri Amman temple at Iraniyur, Tirupattur taluk, Ramnad district.
9. C.S. No. 169/26	... M. E. R. M. Nachiappa Chettiyar and C. T. M. N. R. Nachiappa Chettiyar, Kariakars of Pillayarpatti Kovil, Ramnad district.
10. C.S. No. 170/26	... A. R. M. A. L. Alagappa Chettiyar and R. M. K. Raman Chettiyar, Kariakars of the Nemam Kovil, Ramnad district.
11. C.S. No. 229/26	... Tharakkal Unikanda Menon, Trustee, Ramapuram Devaswom, Palghat taluk, South Malabar.
12. C.S. No. ...	... The Trustee of Sri Kalahasteswaraswami temple, Kalahasti, Chittoor district.
13. C.S. No. 248/26	... The Trustee of Paramanthali temple, Ponnani taluk, South Malabar.

[10th July 1926]

APPENDIX VI.

[Vide answer to question No. 1944 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 10th July 1926, page 21 supra.]

Statement showing the number of Adi-Dravida and other depressed class pupils reading in the several classes of the various Colleges in the City and who are paying full fees, half fees and no fees at all.

Name of College.	Number of Adi-Dravida and other depressed class pupils.						Number of pupils paying full fees.						Number of pupils paying half fees.						Number of pupils exempted from payment of fees.					
	Classes.						Classes.						Classes.						Classes.					
	Inter-mediate.		B.A.		Total.		Inter-mediate.		B.A.		Total.		Inter-mediate.		B.A.		Total.		Inter-mediate.		B.A.		Total.	
	1	2	3	4	Honours.	Total.	1	2	3	4	Honours.	Total.	1	2	3	4	Honours.	Total.	1	2	3	4	Honours.	Total.
Presidency College, Madras.	..	1	2	2	1	6	..	1	2	2	..	5	..	..	..	..	..	5	..	..	..	..	1	1
Christian College, Madras..	..	1	4	..	..	6	..	..	1	..	..	1	..	1	3	..	..	5	..	..	..	..	..	..
Loyola College, Madras ..	..	..	3	..	..	3	..	..	..	..	..	..	..	..	3	..	..	3	..	..	..	..	..	..
Total ..	1	2	9	2	1	15	..	1	3	2	..	6	1	1	6	..	..	8	..	..	..	1	1	1
Women's Christian College, Madras.	4	..	3	..	..	7	..	..	..	..	..	..	4	..	3	..	..	7	..	..	..	..	..	..
Grand total ..	5	2	12	2	1	22	..	1	3	2	..	6	5	1	9	..	..	15	..	..	..	1	1	1

[10th July 1926]

Statement showing the number of Adi-Dravida and other depressed class pupils, reading in the various classes and forms of the several colleges, secondary and middle schools in the Madras City who are paying full fees, half fees and no fees at all.

Names of institutions.	Number of Adi-Dravida and other depressed class pupils.												Number of pupils in column (2) paying full school fees.											
	Form or classes.												Form or classes.											
	VI				V				IV				VI				V				IV			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Boys' Schools.	4	6	7	10	18	25	10	2	..	2	6	2	..	90	1	1	1	1	1	1	1	1	1	1
Government - Nil.	..	..	2	..	..	7	..	1	..	..	3	2	..	15	..	..	..	..	..	..	..	..	..	..
Mission schools.	4	1	1	2	4	3	1	..	..	..	..	..	..	16	4	1	..	..	2	1	..	..	..	..
Wesley College, Madras ..	..	..	..	..	..	..	..	..	..	..	..	..	..	68	1	..	3	2	2	1	6	..	..	..
Christian College, High School, Madras.	1	1	7	6	7	6	9	9	8	1	1	..	..	11	2	..	1	1	2	1	..	..	..	..
Kellett High School, Madras.	3	..	1	1	3	2	..	..	1	..	..	..	..	102	3	3	9	8	10	6	9	5	..	..
San Thome High School, Myslapore, Madras.	..	..	..	..	..	..	..	..	..	..	..	..	..	91	..	..	..	1	1	1	4	11	9	11
St. Paul's High School, Vepery, Madras.	..	..	..	..	..	..	..	..	..	..	..	..	..	88	..	..	..	..	..	..	..	..	..	..
St. Gabriel's High School, Georgetown, Madras.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
E.L.M. Fabricus Secondary School, Purasawakam.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
M.F.M. Secondary School, Kilpauk.	19	17	31	43	59	89	62	62	46	40	23	481	11	5	16	14	18	19	20	19	23	18	11	174
Total ..	2	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..
Non-mission.	2	1	6	3	3	3	1	1	..	..	..	..	..	20	..	..	..	..	..	..	..	..	..	..
Muslim High School, Triplicane.	..	..	..	..	..	..	..	..	..	..	..	..	..	14	..	..	..	..	..	..	..	..	..	..
Mathialpet High School, Madras.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
C.C.C. High School, Perambur.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

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Statement showing the number of Adi-Dravida and other depressed class pupils reading in the various classes and forms of the several colleges, secondary and middle schools in the Madras City who are paying full fees, half fees and no fees at all—*cont.*

Names of institutions.	(4) Number of pupils in column (2) paying half the school fees.											(5) Number of pupils in column (2) exempted altogether from payment of school fees.												
	Forms or classes.											Forms or classes.												
	VI	V	IV	III	II	I	5	4	3	2	1	Total.	VI	V	IV	III	II	I	5	4	3	2	1	Total.
Boys' Schools.																								
<i>Government—Nil.</i>																								
<i>Mission schools.</i>																								
Wesley College, Madras ..	3	5	6	8	15	21	10	2	..	2	..	72	..	..	..	..	..	1	..	..	..	..	..	1
Christian College, High School, Madras.	..	..	1	..	..	2	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..
Kellett High School, Madras.	..	..	..	2	4	1	..	..	..	..	..	7	..	..	..	..	..	..	..	2	..	..	..	..
San Thome High School, Madras.	..	1	4	3	3	3	..	1	..	..	..	19	..	..	..	..	1	..	..	2	..	..	..	..
Mylapore, Madras.	1	..	..	..	1	1	..	..	1	..	..	4	..	..	..	..	..	..	..	..	..	..	..	..
St. Paul's High School, Vepery, Madras.	2	4	4	3	3	11	8	7	..	..	..	42	..	..	..	..	1	1	..	..	..	..	..	2
St. Gabriel's High School, Georgetown, Madras.	..	..	..	1	3	1	1	2	5	..	..	13	..	..	..	..	1	1	1	..	..	1	..	4
E.L.M. Fabrics Secondary School, Purasawakum.	..	..	..	..	..	6	..	3	..	2	..	11	..	..	..	6	5	11	13	8	13	11	..	67
M.E.M. Secondary School, Kilpauk.	6	10	15	37	29	46	19	15	6	8	..	171	..	..	..	6	8	14	14	10	13	14	..	79
Total ..																								
<i>Non-mission.</i>																								
Muslim High School, Triplicane.	2	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..
Muthialpet High School, Madras.	2	1	6	3	3	3	1	1	..	..	..	20	..	..	..	..	..	..	..	..	..	..	..	..
C.C.C. High School, Perambur.	..	1	..	1	1	4	5	1	..	..	..	13	..	..	..	..	..	..	..	..	..	..	..	..

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Statement showing the number of Adi-Dravida and other depressed class pupils reading in the various classes and forms of the several colleges, secondary and middle schools in the Madras City who are paying full fees, half fees and no fees at all—*cont.*

Names of institutions.	(2) Number of Adi-Dravida and other depressed class pupils.												(3) Number of pupils in column (2) paying full school fees.													
	Forms or classes.												Total.	Forms or classes.												Total.
	VI	V	IV	III	II	I	5	4	3	2	1	VI		V	IV	III	II	I	5	4	3	2	1			
Boys' Schools— <i>cont.</i>																										
<i>Non-mission—cont.</i>																										
Secondary School, Chintadripet.	2	2	15	7	2	1	1	..	..	..	..	30	..	..	..	1	..	..	..	..	..	..	..	1		
C.R.C. Secondary School, Georgetown, Madras.	..	..	..	1	..	2	1	..	..	1	..	5	..	..	..	..	..	..	..	..	..	..	..	..		
Govindappa Naicker's Secondary School, Georgetown, Madras.	..	..	..	3	..	..	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..		
Total ..	6	4	21	15	6	11	8	2	..	1	..	74	..	..	..	1	..	1	..	..	..	..	..	2		
GIRLS' SCHOOLS.																										
<i>Government.</i>																										
Lady Willington Training College, Triplicane.	..	..	1	..	..	5	3	..	..	..	..	9	..	..	..	..	..	1	..	..	..	..	..	1		
<i>Mission schools.</i>																										
C.S.M. Girls' High School, Kilpauk.	..	..	..	..	..	..	2	1	7	1	5	16	..	..	..	..	..	..	..	..	..	..	..	..		
U.F.C.M. Girls' Day High School, Georgetown, Madras.	..	..	..	..	..	..	4	..	7	5	10	26	..	..	..	..	..	..	3	..	5	2	5	15		
Wesleyan Mission Girls' High School, Royapetta.	..	1	2	1	3	4	3	..	3	2	4	23	..	..	..	..	..	..	..	..	..	..	..	..		

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Statement showing the number of Adi-Dravida and other depressed class pupils reading in the various classes and forms of the several colleges, secondary and middle schools in the Madras City who are paying full fees, half fees and no fees at all—*cont.*

Names of institutions.	(4) Number of pupils in column (2) paying half the school fees.												(5) Number of pupils in column (2) exempted altogether from payment of school fees.											
	Forms or classes.												Forms or classes.											
	VI	V	IV	III	II	I	5	4	3	2	1	Total.	VI	V	IV	III	II	I	5	4	3	2	1	Total.
Boys' Schools—<i>cont.</i>																								
<i>Non-mission—cont.</i>																								
Secondary School, Chintadri- pet.	2	2	15	6	1	1	1	1	..	..	..	28	..	..	..	..	1	..	..	..	..	..	..	1
C.R.C. Secondary School, Georgetown, Madras.	..	..	..	1	..	2	1	..	..	1	..	5	..	..	..	..	..	..	..	..	..	..	..	..
Govindappa Naicker's Secondary School, George- town, Madras.	..	..	..	3	..	..	..	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	6	4	21	14	5	10	8	2	..	1	..	71	..	..	..	..	1	..	..	..	..	..	..	1
GIRLS' SCHOOLS.																								
<i>Government.</i>																								
Lady Willington Training College, Triplicane.	..	..	1	..	..	4	3	..	..	..	..	8	..	..	..	..	..	..	..	..	..	..	..	..
<i>Mission schools.</i>																								
C.S.M. Girls' High School, Kilpauk.	..	..	..	..	..	..	..	1	4	1	2	8	..	..	..	..	..	..	2	..	3	..	..	8
U.F.C.M. Girls' Day High School, Georgetown, Madras.	..	..	..	..	..	..	1	..	2	3	5	11	..	..	..	..	..	..	..	..	..	..	..	..
Wesleyan Mission Girls' High School, Royapetta.	..	1	1	1	2	3	3	..	3	2	4	20	..	..	1	..	1	1	..	..	..	..	..	3

Statement showing the number of Adi-Dravida and other depressed class pupils reading in the various classes and forms of the several colleges, secondary and middle schools in the Madras City who are paying full fees, half fees and no fees at all—*cont.*

Names of institutions.	(2) Number of Adi-Dravida and other depressed class pupils.												(3) Number of pupils in column (2) paying full school fees.													
	Forms or classes.												Forms or classes.													
	VI	V	IV	III	II	I	5	4	3	2	1	Total.	VI	V	IV	III	II	I	5	4	3	2	1	Total.		
GIRLS' SCHOOLS—cont.																										
<i>Mission schools—cont.</i>																										
L.M. Bentinck Girls' High School, Vepery.	1	1	1	..	1	1	1	2	1	3	..	12	1	1	..	..	1	1	..	1	1	1	..	7		
U.F.C.M. Girls' High School, Rayapuram.	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	1	1		
M.E.M. Middle School for Girls, Vepery.	..	..	..	12	8	14	23	11	29	16	25	138	..	..	..	..	..	..	..	..	..	..	..	..		
Total ..	1	2	3	13	12	19	33	14	47	27	45	216	1	1	..	..	1	1	3	1	6	3	6	23		
Non-mission—Nil.																										
Total, Boys (Mission and Non-mission).	25	21	52	58	65	100	70	54	45	41	22	555	11	5	16	15	18	20	20	19	23	18	11	176		
Total, Girls (Government and Mission).	1	2	4	13	12	24	36	14	47	27	45	225	1	1	..	..	1	2	3	1	6	3	6	24		
Grand total ..	26	23	56	71	77	124	106	68	93	68	68	780	12	6	16	15	19	22	23	20	29	21	17	200		
*	2	2	..	6	4	10	9	8	4	4	12	..	..	..	..	..	..	..	..	..	..	..	..	..		
	= These pupils are reported to pay above half the fees but less than full fees.																									

= These pupils are reported to pay above half the fees but less than full fees.

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Statement showing the number of Adi-Dravida and other depressed class pupils reading in the various classes and forms of the several colleges, secondary and middle schools in the Madras City who are paying full fees, half fees and no fees at all—cont.

Names of institutions.	(4) Number of pupils in column (2) paying half the school fees.												(5) Number of pupils in column (2) exempted altogether from payment of school fees.											
	Forms or classes.												Forms or classes.											
	VI	V	IV	III	II	I	6	4	3	2	1	Total.	VI	V	IV	III	II	I	6	4	3	2	1	Total.
<i>Girls' Schools—cont.</i>																								
<i>Mission schools—cont.</i>																								
L.M. Beninck Girls' High School, Vepery.	..	..	1	..	..	1	1	..	..	1	..	4	..	..	..	..	..	..	..	..	..	1	..	1
U.F.C.M. Girls' High School, Rayapuram.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
M.E.M. Middle School for Girls, Vepery.	..	..	..	12	8	14	23	11	29	16	25	138	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	..	1	2	13	10	17	28	13	38	23	33	181	..	..	1	..	1	1	2	..	3	1	5	12
<i>Non-mission—Nil.</i>																								
Total, Boys (Mission and Non-mission).	12	14	36	31	34	56	27	17	6	9	..	242	..	..	..	6	9	14	14	10	13	14	..	80
Total, Girls (Government and Mission).	..	1	3	13	10	21	31	13	38	23	35	189	..	..	1	..	1	1	2	..	3	1	3	12
Grand total ..	12	15	39	44	44	77	58	30	44	32	36	431	..	..	1	6	10	15	16	10	16	15	3	92

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APPENDIX VII.

[Vide answer to question No. 1946 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 10th July 1926, page 22 supra.]

Copy of letter R.C. No. 2513-B/25, dated the 15th December 1925, from the Director of Public Instruction to the Secretary to the Government, of Madras, Law (Education) Department.

With reference to the Government endorsement No. 4559 A-1, dated the 1st December 1925, I have the honour to submit herewith a copy of the report R.O.C. No. 713/25, dated the 8th December 1925, of the Deputy Inspector of Schools, Vanur Range.

Enclosure.

With reference to your endorsement R.C. No. 1895 of 1925, dated the 14th November 1925, 19th November 1925, 23rd November 1925 and 7th December 1925, regarding admission of Adi-Dravida boys in the Board Elementary Boys' school, Vikravandi, I have the honour to report as follows:—

(2) I inspected the Board Elementary Boys' school, Vikravandi, on 27th November 1925 and also conducted an inquiry into the complaint made by Mr. Veerian, M.L.C., against the headmaster of the school.

(3) I had already forwarded a copy of the hon. Member's letter, dated 11th November 1925, addressed to the District Educational Officer, South Arcot, to the headmaster for his explanation. The headmaster had also sent in his explanation to me on the 23rd ultimo.

(4) In Vikravandi there are three schools for boys, viz., (i) Board Elementary Boys' school managed by the Tindivanam Taluk Board, (ii) Swedish Mission Adi-Dravida Day Elementary school, Vikravandi Cheri, and (iii) Nandanar Adi-Dravida Aided Night school, Vikravandi Cheri. The first two, it appears, have been conducted during the past 40 years or so and the last is being held since the past two years.

(5) The Board Elementary Boys' school is held in the heart of the village in a pucca building built at a cost of about Rs. 3,000 by one Pavadai Chettiyar of the place and handed over in 1916 to the Taluk Board, Tindivanam, as a gift for the use of the Board Boys' school. He has also instituted an endowment of nearly Rs. 3,000, out of which religious and moral instruction is imparted to the boys of the Board Boys' school. Pictures of Hindu deities are also hung up in the school to which puja is said to be offered every Friday, the cost being met out of the said endowment funds.

(6) It appears that never during the last 40 years did any Adi-Dravida boy seek admission into the Board school as the boys of the Cheri have been receiving instruction hitherto in the Cheri Day and Night schools. The strength of the former school is 24 and that of the latter 27. It was only on the 10th November last (forenoon) that an Adi-Dravida boy was admitted for the first time, at the instance of Mr. Veerian, M.L.C., into the Boys' school, Vikravandi, when the gentleman paid a visit to the school. The headmaster, who is an Intermediate and a trained teacher is a Brahman aged about 22. He was appointed to the school only in April last. When the Adi-Dravida boy was admitted on the 10th, the headmaster, it appears,

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admitted the boy saying, at the same time, that it would be better to get the consent of some of the villagers. He meant especially Mr. Pavadai Chettiyar, the donor of the school building and the Taluk Board Member who is residing in the village. The headmaster seems to have hesitated a little although he says he did not hesitate at all.

(7) On the morning of the 10th November, when the Adi-Dravida boy was admitted, there were 155 boys on the rolls in the Board school, out of whom 116 were present. The hon. Member reports that the headmaster whispered to the other boys to boycott the Adi-Dravida boy. From my inquiry I understood that when Mr. Veerian visited the school on the 10th (forenoon) he delivered a lecture to the pupils on the evils of untouchability; when he was thus lecturing, the headmaster, it appears, whispered to a boy to go and get the Local Taluk Board member to the school. It is a fact that word was sent to the Taluk Board member as I came to know of it from the Taluk Board member himself. It is rather unfortunate that this whisper of the headmaster was construed by Mr. Veerian as one with a mischievous intent to induce the other boys to boycott the Adi-Dravida boy. When the bell was rung as usual at the end of the morning session the pupils dispersed, including the Adi-Dravida boy.

(8) In the afternoon (10th) the old boys stayed away not at the instance of the headmaster but at the instance of their parents and also of their own accord. So, it appears to me rather unfair to lay the blame on the headmaster. The school was kept open as usual in the afternoon when only one caste Hindu boy was present. The Adi-Dravida boy who was admitted in the morning, did not attend the school in the afternoon but stayed away in order to herd his cattle. It is not therefore correct to say that the Adi-Dravida boy stayed away owing to the ill-treatment of the headmaster. I was not convinced that 'the headmaster himself was responsible for the boycott' as stated by the hon. Member. The villagers, it appeared to me, were solely responsible as they were quite unwilling to send their children to mix with Adi-Dravida children in the school. It did not also appear to me that the headmaster, who is young and who has been in the school only for a few months, infused the idea of untouchability and caste pollution into the young minds of the pupils of the non-depressed classes. The non-depressed classes themselves in the village are very conservative in their outlook and make much fuss of pollution. They could therefore be held solely responsible for the 'boycott'.

(9) At the time of my inspection of the Board Boys' school, Vikravandi, I had a talk with about 20 respectable members of the Hindu community and also with 7 members of the Muhammadan community. I induced them to send their children to the school as usual, but they flatly refused to do so as it was not the practice hitherto for the past 40 years in the village for the Adi-Dravida children to read along with children of other communities in that school and also because their religious feelings were thereby very much wounded. They would never allow their boys to mix and rub shoulders with the pupils of the depressed classes.

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APPENDIX VIII.

[Vide answer to question No. 1956 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 10th July 1926, page 28 supra.]

G.O. No. 329, Development, dated 25th February 1921.

The Government sanction the creation of eleven posts of supernumerary rangers on Rs. 50 each per mensem to provide for the six students with higher standard certificates and the five students with lower standard certificates who have passed out of the Forest College, Coimbatore, during the year 1920 and for whom no vacancies are now available. These supernumerary rangers should be absorbed in the regular cadre as vacancies occur.

The Chief Conservator of Forests is requested to report to Government year by year for sanction the number of supernumerary appointments required. He is further requested to ensure that the necessity for the creation of supernumerary appointments is kept down as much as possible by regulating the number of men deputed to the Forest College for training in accordance with the probable number of vacancies in the ranger class.

(By order of the Governor in Council)

J. M. TURING,
Temporary Additional Secretary to Government.

To the Chief Conservator of Forests.
" Accountant-General.
Copy to the Publicity Officer.

G.O. No. 842, Development, dated 30th April 1924.

The pay of probationary and supernumerary rangers will be fixed at Rs. 65 per mensem with effect from 1st June 1922.

(By order of the Governor in Council)

F. NOYCE,
Secretary to Government.

To the Chief Conservator of Forests.
" Accountant-General (through Finance Department).

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APPENDIX IX.

[Vide answer to question No. 1957 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 10th July 1926, page 28 supra.]

Name.	Date of leaving the college.	Date of appointment to Ranger's cadre.	Grade.	Pay.
1. T. P. Palanikumar Pillai.	July 1921 ..	1st July 1923.	VI (permanent)..	RS. 100
2. K. Raghuraman ..	Do. ..	Do. ..	Do. ..	100
3. D. Krishnaswami Ayyar ..	Do. ..	23rd November 1924.	Do. ..	100
4. V. N. Subramania Ayyar ..	Do. ..	15th December 1924.	Do. ..	100
5. C. S. Ganapathi ..	Do. ..	18th February 1925.	Do. ..	100
6. A. Sitaramayya ..	Do. ..	7th March 1925.	Do. ..	100
7. P. Sankunni Nayer ..	Do. ..	30th July 1925.	Do. ..	100
8. A. R. Manual ..	Do. ..	9th October 1925.	Do. ..	100
9. K. Venkatesan ..	Do. ..	Do. ..	Do. ..	100
10. M. P. Phillip ..	Do. ..	Do. ..	VI (sub. pro tem.)	100
11. K. Raghavan ..	Do. ..	Do. ..	Do. ..	100
12. T. Perumal Kavandan ..	Do. ..	3rd February 1926.	VII (permanent).	80
13. B. Krishna Rao ..	Do. ..	9th October 1925.	VII (sub. pro tem.)	80
14. B. Kotilingam ..	July 1922 ..	..	Supernumerary Ranger.	65
15. M. S. Krishnaswami Ayyar.	Do. ..	..	Do. ..	65
16. M. M. Mandanna ..	Do. ..	..	Do. ..	65
17. M. V. Ganesan ..	Do. ..	..	Do. ..	65
18. P. A. Madhavan ..	Do. ..	..	Do. ..	65
19. M. S. Ayyanna ..	July 1923 ..	..	Do. ..	65
20. J. S. Vedanayagam ..	Do. ..	..	Do. ..	65
21. P. Madhavan Nayar ..	Do. ..	..	Do. ..	65
22. A. Subrahmanyam ..	July 1925 ..	..	Do. ..	65

APPENDIX X.

[Vide answer to question No. 1961 asked by Rao Bahadur Cruz Fernandez at the meeting of the Legislative Council held on the 10th July 1926, page 31 supra.]

From the President, District Board, Ramnad, Dis. No. 207, dated the 8th February 1926.

I have the honour to state that the Roman Catholic population in this district is generally very poor. It is only in Tirupattur Union it is reported to be somewhat large and a member of that community was nominated to represent it. But he lost his seat on the Board on 8th June 1925 owing to his failure to attend the meetings of the Board for three consecutive months. In his place a Protestant Christian was appointed to represent the Christian community as a whole. In nominating members to the Board no distinction was hitherto made whether one is a Roman Catholic or Protestant.

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APPENDIX XI.

[Vide answer to question No. 1962 asked by Mr. K. Chavadi Subrahmanya Pillai at the meeting of the Legislative Council held on the 10th July 1926, page 31 supra.]

(a) District Boards which have been given the privilege of electing their Presidents—

- | | |
|------------------|------------------|
| 1. Anantapur. | 9. Kurnool. |
| 2. North Arcot. | 10. Madura. |
| 3. South Arcot. | 11. Nellore. |
| 4. Bellary. | 12. Salem. |
| 5. Chingleput. | 13. Tanjore. |
| 6. Ganjam. | 14. Tinnevely. |
| 7. South Kanara. | 15. Vizagapatam. |
| 8. Kistna. | |

(b) District Boards which have not been given the privilege of electing their Presidents—

District Board.	Reasons.
Cuddapah	Vide notification No. 713, published in Part I-A of the Fort St. George Gazette, dated the 22nd July 1924.
Guntur	Vide notification No. 687, published in Part I-A of the Fort St. George Gazette, dated the 15th July 1924.
Malabar	Vide notification No. 277, published in Part I-A of the Fort St. George Gazette, dated the 30th March 1926.
The Nilgiris	The circumstances of the District Board are peculiar.
Chittoor, Coimbatore and Ramnad.	The question of granting to the district boards the privilege of electing their presidents will be considered with reference to the Resolution passed by the Legislative Council on 13th December 1923, when the term of the presidents now in office expires.
Godavari and Trichinopoly ...	The question of throwing the Presidentship open to election is under consideration.

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APPENDIX XII.

[Vide answer to question No. 1966 asked by Mr. K. Chavadi Subrahmanya Pillai at the meeting of the Legislative Council held on the 10th July 1926, page 33 supra.]

Copy of Memorandum No. 509 S.R.-1, dated the 24th March 1924.

[*Subject.*—Road from the Tuticorin Municipal toll-gate to the Rolland's Bridge—Retransfer from the control of the Tuticorin Taluk Board to the Salt department.]

The Government desire to explain in detail for the information of the President, District Board, the reasons which induced them first to hand over the road to the Taluk Board and now to take it over from the control of the Taluk Board, Tuticorin.

2. The District Board is doubtless aware that originally there was a road from Tuticorin to Attur running along the west of the Tuticorin factories. To facilitate the transport of salt from the factories to the Railway, the Salt department constructed between 1872 and 1877 a metal road from a point on the eastern side of the factory to the Tuticorin town. On this road the Municipality later on put up a toll-gate. The road to Attur was a sandy cart-track and the Taluk Board wished to take advantage of this short length of metalled road constructed by the Salt department for the purpose of short-circuiting the old Attur road by continuing the metalled road along the east of the factory till it joined the old road further south. At that time there was no objection to this from the point of view of the Salt department as the road ran right outside the factories and the only pans to the east of it were those of the small Karapad factory on the sea front which was a self-contained and self-protected factory. The Salt department, therefore, agreed to hand over the road on payment of the amount spent upon it up to that date and road was accordingly handed over to the Local Fund Board in 1883 on receipt of the capital cost of construction, viz., Rs. 3,708. The Local Board, however, failed entirely to carry out their scheme of continuing this road to join the old Attur road. From 1916 onwards the Salt department have been opening extensions to the factories on the east side of this road. They then erected a small bridge for their own purposes a little beyond the end of the original piece of metalled road and have subsequently made a further piece of metalled road from the bridge southwards. The Taluk Board now wish to secure the use of the two lengths of metalled road and of the bridge for the public.

3. From the Salt department's point of view it is undesirable for this road to be used as a thoroughfare because the road runs right through the factory and persons using it have easy access to the pans, and the bridge itself which was built by the department is not strong enough to bear any heavy traffic, though adequate for the present requirements of the department. The second strip of metalled road terminates half way across the salt pans in a morass. A little distance further on, there is a stop bund across the upper

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odai. Beyond this the upper odai forms a sort of tank. It is not practicable to use this route as a road from Tuticorin to Attur. In these circumstances the Government considered that the proper solution was for the Salt department to take over again the control of the small portion of the road which was transferred to the Local Fund Board on repayment to that Board of the sum of Rs. 3,708 which was originally paid and to close the road for public traffic. They, accordingly, addressed the Government of India and obtained their sanction to this proposal.

APPENDIX XIII.

[Vide item VI (a) Communications to the Council on page 39 supra.]

LOCAL SELF-GOVERNMENT DEPARTMENT.

With reference to the answer given to question No. 1489-A at the meeting of the Legislative Council held on the 2nd March 1926, a copy of the Proceedings of the Surgeon-General No. P. 51, Establishment, dated 10th March 1926, is laid on the table.

*Proceedings of the Surgeon-General with the Government of Madras,
No. P. 51, Establishment, dated 10th March 1926.*

Copy of letter R. No. 451 G., dated 25th February 1926, from the Surgeon-General to the Secretary to Government, Local Self-Government (Public Health) Department, regarding the case of the late student of the Law College, Mr. Gopalasundaram, is communicated to the Superintendent, Government General Hospital, Madras, for information.

2. The Superintendent is informed that the conduct of Civil Assistant Surgeon Mr. K. I. John in connexion with the enquiry held by the Surgeon-General was very unsatisfactory. Mr. John in his evidence before the Surgeon-General at first denied all remembrance of the case and also the fact that there was a letter from Dr. Krishna Rao, which the companions of the late student brought with them. The Surgeon-General views with displeasure the conduct of the Civil Assistant Surgeon and directs that his increment be stopped for a period of one year with effect from the date of its falling due (viz., 1st November 1926) during this year. This order will not however have the effect of postponing the future increments of the Assistant Surgeon. Orders have already been issued transferring this Assistant Surgeon to a less important charge.

FORT ST. GEORGE,
8th April 1926.

F. NOYCE,
Secretary to Government.

[10th July 1926]

APPENDIX XIV.

[Vide item VI (b) Communications to the Council on page 39 supra.]

(1)

Proceedings of the nineteenth meeting of the Finance Committee for 1925-26 held on Tuesday the 16th March 1926 at 1-30 p.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

The Hon. Mr. T. E. MOIR, C.S.I., C.I.E., I.C.S. (*Chairman*).
 M.R.Ry. C. RAMALINGA REDDI GARU, M.L.C.
 „ P. N. MARTHANDAM PILLAI AVARGAL, M.L.C.
 „ K. PRABHAKARAN TAMPAN AVARGAL, M.L.C.
 G. T. BOAG, Esq., M.L.C.

I. SCHEMES.

(1) Permanent retention of the temporary clerk in the District Munsif's Court, Arni.

Abstract of the proposal.—The clerical staff of the District Munsif's Court, Arni, consists of eight permanent clerks and one temporary clerk. The temporary clerk was first sanctioned in February 1923 and the appointment has been continued from time to time and the present sanction extends up to the 7th March 1926. The statistics of institutions, both original suits and small causes, in the District Munsifs' Courts in the North Arcot district justify the permanent retention of the temporary clerk. The proposal is also recommended by the Hon'ble the Judges of the High Court. The cost involved can be met from the appropriation under "24. e. ii. Administration of Justice—Mufassal Civil and Sessions Courts—Pay of establishments—Voted."

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance.

(2) Permanent retention of the temporary teacher in the day school for fishermen at Blangad in the Malabar district.

Abstract of the proposal.—The Blangad school was opened in 1921 with an establishment of a headmaster and an assistant teacher. The strength of the school rose to 95 and an additional teacher was appointed in 1922. In 1923 the school with its staff was made permanent. In January 1924, there was a further increase in strength to 126 pupils and an additional temporary teacher was employed for one year. The post is being continued on a temporary basis. The strength of the school has since risen to 142 and is still increasing, and it is proposed to make the additional teacher permanent. Necessary provision has been included in the budget estimate for 1926-27 for the pay of the teacher.

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance.

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(3) Additional grant to the Madras Health Council.

Abstract of the proposal.—In connexion with the budget proposals for 1926-27 the Director of Public Health recommended that the Government should for four years commencing from 1926-27 make an additional recurring grant of Rs. 5,000 to the Health Council to enable it to purchase cinema projectors and films for propaganda work. The Finance Committee however placed the scheme in class IV and accordingly no grant has been included in the budget for 1926-27. The Health Council, however, in order to ensure the success of the Health Week Celebrations this year, has gone on complying with the requisitions made to it for propaganda materials and it now owes Rs. 5,510 mainly for printing and lantern slides and has only a balance of Rs. 987 in hand. There is thus a deficit of Rs. 4,500 and an additional expenditure of Rs. 1,500 is anticipated in order to carry on propaganda work in the seven districts in which the Health work had been postponed owing to the prevalence of cholera. An additional grant of Rs. 5,000 is in the circumstances recommended and this can be met from the savings in the current year's appropriation under "33. Public Health". As it is considered very undesirable to close down the greater part of the activities of the Council which would be the case if the Government grant were denied, it is proposed to sanction an additional grant of Rs. 5,000 for the current year as a special case.

Recommendation of the Committee.—The Committee recommended the proposal for acceptance.

II. TO BE MET BY SUPPLEMENTARY DEMANDS.

(1) Additional appropriation for travelling allowances to Members of the Legislative Council.

Abstract of the proposal.—In the current year's budget there is an appropriation of Rs. 1,00,000 on account of travelling allowances of Members of the Legislative Council. To this was added a supplementary grant of Rs. 10,000 to meet the charges on account of the daily allowance of members resident in the Madras City. As against the total appropriation of 1.10 lakhs, a sum of 1.07 lakhs has already been spent and the balance of Rs. 3,000 is not sufficient to cover the expenditure during the remainder of the year. It is anticipated that in respect of the meetings for February and March 1926 an additional appropriation of Rs. 25,000 will be necessary. Of this amount Rs. 7,000 can be made available from savings in the current year's budget appropriation for elections and election courts, and for the balance, it is proposed to move a supplementary demand under Grant IX.—General Administration. The demand will be met from the anticipated savings in the revenue account for 1925-26.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 18,000 in the current year was recommended by the Committee.

(2) Additional appropriation for stationery articles and stores required for Transferred Departments.

Abstract of the proposal.—It has been the practice hitherto for the Stationery Office to value the supplies to Transferred Departments only at the close of the official year and not at the time of issue. This system often

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resulted in the adjustment of a larger amount of expenditure under the head "Stationery supplied to Transferred Departments" than that provided in the budget. In order to avoid similar irregularity in the current year the Superintendent of Stationery has valued the supplies now with the result that the value of supplies hitherto made and of those to be made before the close of the year will exceed by Rs. 51,700 the budget allotment which was fixed on the usual basis. The increase in expenditure is also partly due to the larger supply of Titan Ledger paper to the Inspector-General of Registration in connexion with the scheme of Registration of Holdings. A supplementary grant for Rs. 51,700 is therefore necessary under Grant XXXI.—Stationery and Printing—Transferred. As the value of stationery supplied to Transferred Departments is shown as a deduct entry under the Reserved minor head "Purchase of Stationery Stores", there will be a corresponding saving in the Reserved grant.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 51,700 in the current year was recommended by the Committee.

III. FURTHER DEMANDS FOR 1926-27.

Appropriation for the acquisition of land required for a paddy-breeding station in Malabar.

Abstract of the proposal.—A sum of Rs. 79,500 was sanctioned by the Legislative Council in August 1925 for the acquisition of land required for a paddy-breeding station in Malabar. The site originally selected had to be given up and an alternative site was settled in October 1925. A special Revenue Inspector was also sanctioned to survey and subdivide the lands to be acquired. But the Collector of Malabar reported that the sketches and valuation statements connected with the lands were not yet ready and doubted whether it would be possible to pay the compensation before the 31st March. The provision referred to above was accordingly surrendered. As it is certain that the acquisition will be completed soon, it is necessary that funds should be provided therefor in next year's budget. It is therefore proposed to move a further demand for 1926-27 for the amount.

Recommendation of the Committee.—The Committee desired to know why this further change in the selection of the site was found necessary and also desired that a representative of the department should explain the proposals fully. The item was postponed for consideration to the 17th March 1926.

IV. SCHEMES TO BE INTRODUCED IN 1926-27.

(1) Revision of the maxima limits of house-rent allowances for Inspectors and Sub-Inspectors in the Madras City Police.

Abstract of the proposal.—The Commissioner of Police, Madras, was called upon to submit proposals to replace the time-scale of pay of Sub-Inspectors in the City of Madras by a graded scale on the same lines as the graded scale recently sanctioned for Sub-Inspectors of Police in the mufassal. The Commissioner proposed that comparatively high rates of pay should be given

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to the Sub-Inspectors in the City in the two lower grades and gave as his reason that the house-rent allowances paid to Sub-Inspectors in the City are inadequate. The question of revising these allowances has, therefore, been considered and the Government propose to sanction the revised scale of pay for the Sub-Inspectors (which it is estimated, will ultimately result in an average annual saving to Government of Rs. 8,740) and to grant adequate house-rent allowances. On a consideration of the existing maxima limits and the average rent paid by Inspectors, Sub-Inspectors and Sergeants, it is proposed to lay down the following maxima rates for these officers:—

Officers.	Existing limits.	Average rent paid.	Proposed maxima rates.
	RS.	RS.	RS.
Inspectors	40	57½	50
Sergeants	40	44	40
Sub-Inspectors—			
(a) Indians		33	
(b) Europeans and Anglo-Indians	25	39	40

The maximum extra cost involved by the proposal is an additional recurring charge of Rs. 11,100 for 4 Inspectors and 59 Sub-Inspectors. The whole of this extra cost is not likely to be incurred as in many cases there will be no actual increase in the house-rent paid and in several cases the house-rent paid will be less than the maximum allowed. The new scales of pay and house-rent allowances will be sanctioned with effect from 1st March 1926. The extra cost involved in 1926-27 cannot be estimated at present, and if necessary a demand for a supplementary grant will be moved in due course in the Legislative Council during 1926-27.

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance. The Committee desired to know the scale of house-rent allowances in places other than the Madras City.

(2) Revision of the scale of pay of the Subordinate Educational Service of the Men's Branch (Collegiate Branch).

Abstract of the proposal.—The Director of Public Instruction has for a long time been urging on the Government the necessity for revising the scale of pay sanctioned for the Collegiate Branch. The Non-gazetted Educational Officers' Association has also been agitating and there have been interpellations in the Legislative Council on the subject. The Director of Public Instruction also states that the prospects of promotion are limited for the reasons, namely:—

- (1) that recruitment to the Madras Educational Service is not entirely from the Collegiate Branch but from the cadres of Deputy Inspectors and School Assistants as well; and
- (2) that direct recruitments are also occasionally made.

It is accordingly proposed to sanction a revised scale of Rs. 120—10—250 in lieu of the existing scale of Rs. 125—5—175—7½—250. The ultimate annual extra cost will be Rs. 7,033 on account of the Men's Branch and,

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though it is not at present proposed to revise the scale of the Women's Branch, it may be necessary to revise it similarly later on, and the ultimate cost on this account will be Rs. 457. The total ultimate cost is thus Rs. 7,490 and the extra cost in 1926-27 on account of the Men's Branch will be Rs. 1,045, which will be found from the sanctioned appropriation.

Recommendation of the Committee.—The Committee would like to know whether the cadre as it now stands includes recruits who are not regarded as adequately qualified and to whom therefore the proposed scale should not be applied; if this is not the case, what justification is there for the assertion that it is not possible to recruit fully qualified candidates; if there are such cases, is it proposed on the introduction of the higher scale to replace men not fully qualified by men with better qualifications?

(3) Additional establishment for the Chief Engineer's offices in connexion with the scheme for the control of Public Works expenditure.

Abstract of the proposal.—The scheme for the control of expenditure has recently been sanctioned for the Public Works Department and this necessitates the maintenance of an up-to-date account of expenditure and liabilities incurred by the controlling officer and the officers subordinate to him. Both the Chief Engineers, Public Works Department, have stated that it will not be possible to maintain efficient control over expenditure without an additional staff. It is considered sufficient for inaugurating the new scheme to sanction an accountant and a clerk for each of the offices for a period of six months in the first instance which might be continued for a year if necessary, by which time there would be sufficient materials to judge what staff is essential. The expenditure involved on account of the appointment of an accountant and a clerk with duty and Presidency allowances amounts to Rs. 2,400 for both the offices for a period of six months. This sum will be met from the appropriation in the budget for 1926-27 under 41. e. Civil Works—Transferred—Establishment—Voted.

Recommendation of the Committee.—The proposal was recommended for acceptance.

FORT ST. GEORGE,
19th March 1926.

T. E. MOIR.

(2)

Proceedings of the twentieth meeting of the Finance Committee for 1925-26 held on Tuesday the 23rd March 1926 at 1-30 p.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

The Hon. Mr. T. E. MOIR, C.S.I., C.I.E., I.C.S. (Chairman).
M.R.Ry. P. N. MARTHANDAM PILLAI AVARGAL, M.L.C.
" K. PRABHAKARAN TAMPAN AVARGAL, M.L.C.
" Diwan Bahadur K. SURYANABAYANAMURTI NAYUDU Garu, M.L.C.
MUHAMMAD GHOUSE MIAN SAHIB Bahadur, M.L.C.
Khan Bahadur P. KHALIFULLA SAHIB Bahadur, M.L.C.
G. T. BOAG, Esq., I.C.S., M.L.C.

[10th July 1926]

I.—SCHEMES.

(1) Permanent retention of the establishment of the Public Works Secretariat.

Abstract of the proposal.—Pending sanction of the Secretary of State to the creation of an additional appointment of Secretary to Government for the work of the Madras Public Works Department, a new Secretariat was formed with effect from the 21st May 1925 for a period of six months in the first instance. The sanction of the Secretary of State for the permanent retention of the Secretary to Government, Public Works Department, has now been received. It is now proposed to make permanent the establishment sanctioned on account of the formation of the new Public Works Secretariat with effect from the dates of appointment.

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance.

(2) Reappropriation of funds to meet the cost of defending suits against the validity of the Madras Hindu Religious Endowments Act.

Suits have been filed in the Madras High Court by the Mahant of Tirupati and the Pandarasannadhis of the Thiruvaduthurai and the Dharmapuram Maths against the Board of Commissioners for Hindu Religious Endowments in which the validity of the Madras Hindu Religious Endowments Act is questioned. As the suits raised constitutional issues of grave importance the Government considered it very desirable that they should be impleaded as a party in these suits. An application was accordingly made to the High Court to include the Government as a party. The application was however dismissed with 'taxed costs'. The question of preferring an appeal against the High Court's decision is under the consideration of Government.

The total cost in the current year is estimated at Rs. 750 of which Rs. 675 representing pleaders' fees will be met from the existing allotment in the budget under "24. b—Administration of Justice—Law Officers—Honoraria—Voted—Fees to pleaders" and the balance of Rs. 75 representing other charges is debitable to the head "22. C. a—General Administration—Civil Secretariats—Local Self-Government Department."

If an appeal is not preferred against the decision of the High Court, taxed costs will have to be paid in 1926-27. The expenditure of Rs. 75 in the current year can be met by reappropriation. But the proposal is placed before the Finance Committee as it involves new expenditure.

Recommendation of the Committee.—The Committee recommended the proposal for acceptance.

(3) Permanent retention of the temporary assistant employed in the Kindergarten department of the Teachers' College, Saidapet.

Abstract of the proposal.—With a view to relieve the Superintendent of the Kindergarten department of the Teachers' College, Saidapet, of some portion of her important work so that she could find more time to devote to the supervision of the school work, an additional assistant was employed for a period of two years from the 1st March 1921. The post was continued

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from time to time and the present sanction expires on 28th February 1927. The post, which has now been in existence for over five years, has justified the purpose for which it has been created, as the strength of the Kindergarten department has increased from 253 in 1921 to 297 in January 1926. This strength will be maintained in view of the occupation of the quarters in Todhunter Nagar by Government servants who desire to give secondary education for their children. It is accordingly proposed to retain the post permanently and include it in the cadre of Licentiate School Assistants with effect from 1st April 1926. The proposal involves an extra cost of Rs. 347 per annum.

Recommendation of the Committee.—The Committee recommended the proposal for acceptance.

II.—SUPPLEMENTARY DEMANDS.

(1) Additional appropriation to meet the pay of acting Provincial Civil Service District and Sessions Judges.

Abstract of the proposal.—In the budget for the current year, provision has been made for the permanent District and Sessions Judges under '24. Administration of Justice—Mufassal Civil and Sessions Courts—Pay of Officers (voted).' No provision was included for the acting District and Sessions Judges belonging to the Provincial Civil Service or the bar as the number of those who would act could not be foreseen with accuracy at the time when the estimates were framed. An additional expenditure of Rs. 35,000 is expected to be incurred during the current year on account of these Judges who have been acting for Indian Civil Service Officers on leave. Out of this a sum of Rs. 3,000 has been found by savings within the grant and a sum of Rs. 32,000 has to be voted by the Council. It may be mentioned that there is a saving of about one lakh under Pay of Officers (non-voted) under the same head.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 32,000 in the current year was recommended by the Committee.

(2) Additional appropriation to meet extra expenditure under "Revenue—Survey and Settlement".

Abstract of the proposal.—The original allotment of Rs. 22,81,900 under 'Survey and Settlement' for 1925-1926 was reduced by Rs. 1,000 consequent on motion No. 16 of Mr. Ghouse Mian Sahib having been carried in the Legislative Council on 17th March 1925. The voted appropriation under '5-b. Land Revenue—Survey and Settlement' for 1925-26 is therefore Rs. 22,80,900.

The Board of Revenue has applied for a net additional appropriation of Rs. 1,09,163 under this minor head as shown below:—

	Rs.
i. Central Survey Office	15,600
ii. Professional Survey Parties—Government villages	1,77,950
v. Board of Revenue—Settlement	4,050
	1,97,600

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	Rs.
partly set off by savings under	
iv. Surveys—Municipal Towns and Unions	— 9,500
vi. Settlement Parties	— 78,937
	— 88,437
Net additional appropriation	1,09,163

The main item of increase is under 'ii. Professional Survey Parties—Government villages' due to the introduction of the new system of recoupment of demarcation charges every month according to the rules under the new Survey Act published in May 1925, in respect of the survey of taluks in progress instead of the recoupment of demarcation charges after the survey of the taluk is completed. This has necessitated the payment of charges for the surveys in the current year as well as those in respect of the survey of the taluks already completed. Expenditure on the canal irrigated non-Government villages in the Kistna district and on the experimental surveys in Malabar and South Kanara have also been debited to this head. The principal item of saving is under 'vi. Settlement Parties' owing to the postponement of the resettlement of the Wynads and to the retrenchments in the department consequent on the introduction of a simplified system of survey and settlement. It is proposed to move a supplementary demand for Rs. 1,09,163 under Grant I. Land Revenue Department.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 1,09,163 in the current year was recommended by the Committee.

III.—FURTHER DEMANDS FOR 1926-1927.

(1) Establishment of a University Research Institute for the advanced study of Dravidian Languages.

Abstract of the proposal.—The Vice-Chancellor of the Madras University submits a scheme for the establishment of a Research Institute for the advanced study of the Dravidian languages estimated to cost Rs. 31,000 a year.

The University proposes to contribute Rs. 10,000 from its funds and requests that the balance of Rs. 21,000 may be met from Provincial funds and that for 1926-1927 a grant of Rs. 14,000 for eight months may be sanctioned.

2. As no provision has been made for the scheme in the budget estimate for 1926-27, it is proposed to move a demand for an additional grant of Rs. 14,000 in the Legislative Council.

Recommendation of the Committee.—The proposal to move a further demand for Rs. 14,000 was recommended by the Committee.

(2) Grants for rural water-supply and village roads.

Abstract of the proposal.—Of the 12½ lakhs allotted to local bodies for grants for water-supply and village roads, the local boards have been able to spend up to 15th March 1926 only Rs. 33,872 on the improvement of village

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roads and Rs. 18,399 on the village water-supply. It is possible that they may be able to spend a further sum of Rs. 25,000 under each head before the close of the year.

It is now proposed to make provision in the budget for 1926-1927 for the unspent balances of these grants and to move further demands not exceeding Rs. 11,48,000 in the Legislative Council at the end of the budget session—Rs. 5,66,000 under '41. g. Civil Works--Grants-in-aid--Non-recurring--Grants to local bodies for roads and bridges' and Rs. 5,82,000 under '33 b. Public Health--Grants for Public Health purposes--ii. Grants and Contributions--Water-supply and Drainage.'

Recommendation of the Committee.—The proposal to move a further demand for 11.48 lakhs was recommended by the Committee.

(3) Transfer of appropriation from non-voted to voted in the budget estimate for 1926-1927 on account of the salaries of Provincial Service officers holding listed appointments.

Abstract of the proposal.—Clause (d) of section 72-D (3) (iv) of the Government of India Act, as amended by section 1 (2) of the Government of India (Civil Services) Act, 1925, lays down that expenditure on salaries and pensions payable to, or to the dependants of, persons appointed before the 1st day of April 1921, by the Governor-General in Council or by a Local Government to services or posts classified by rules under this Act as superior services or posts shall not be subject to the vote of the Council. With reference to this clause, provision was mistakenly included in the budget estimate for 1926-1927 under 'Non-voted' on account of Provincial Civil Service officers holding listed posts.

Until rules are made classifying services or posts as superior it cannot be known what service or posts will be so classified, and as payments have to be made to these officers who have been wrongly shown as non-voted at the beginning of 1926-1927, it is necessary to transfer the provision in the budget estimate for 1926-1927 from 'Non-voted' to 'Voted'.

The amount to be transferred from non-voted to voted in the budget estimate for 1926-1927 is Rs. 2,73,100 as under:—

		RS.
Grant	I Land Revenue Department (for four Collectors)	1,06,400
"	X General Administration—Secretariat (for the Law Secretary)	24,300
"	XII General Administration—Ministers and Civil Secretariate—Transferred (for the Registrar-General of Panchayats and Inspector of Municipal Councils)	22,400
"	XIII Administration of Justice (for five District and Sessions Judges) ..	1,20,000
Total ..		2,73,100

10th July 1926]

It is proposed to move a further demand for the amount required at the conclusion of the voting of demands for grants, on the 29th March 1926, corresponding reductions being made in the provision made under 'Non-voted'.

Recommendation of the Committee.—The proposal to move a further demand for Rs. 2,73,100 was recommended by the Committee.

IV.—SCHEMES FOR INTRODUCTION IN 1926-1927.

Revision of pay of Electrical Inspector's and Electrical Engineer's staff.

Abstract of the proposal.—The Electrical Inspector to Government proposed the appointment of an additional Sub-Inspector and a head clerk for his office. In view of the fact that the work in the Electrical Division is increasing and will further increase as the use of electrical energy extends, it is considered desirable to review the whole question of the organization and pay of the technical establishments and to bring their scale of pay into conformity as far as possible with that of the regular Public Works Department establishments which have been organized on a Presidency basis. Sub-Inspectors and Electricians will be brought into line with Supervisors and their pay will be fixed at Rs. 80-7½-125-5-130 for Electricians, II grade, and Testing Assistants and at Rs. 130-10-250 for Electricians, I grade, and Sub-Inspectors. The pay of the Draughtsman will be fixed at Rs. 50-2½-100 which is the scale allowed to Overseers in the regular establishment. It is also proposed to sanction Presidency allowances to all these officers on the usual scales. In bringing the existing men on to the new scales of pay, their total emoluments, including Presidency allowances, will be fixed at the point nearest to their existing emoluments so that the extra cost will be reduced to a minimum.

Two out of the four temporary posts of Electricians and the temporary Draughtsman employed in the Electrical Engineer's Division will be made permanent. As regards the Electrical Inspector's office, the Government propose to disallow the head clerk but to sanction the additional Sub-Inspector to be on a temporary basis at present.

The ultimate cost of the proposal is Rs. 535 per mensem or Rs. 6,420 per annum. The extra cost in 1926-1927 on account of the Electrical Inspector's staff which is debitable to "37—R c. Miscellaneous Departments—Electrical Inspector—Reserved—Voted" will be roughly Rs. 2,220 and that of the Electrical Engineer debitable to "41. e. Civil Works—Transferred—Voted—iii. Electrical Engineer" will be Rs. 300. The extra cost can be found from the provision made in the budget estimate for 1926-27 under the heads concerned.

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance.

V.—PAPERS PLACED ON THE TABLE.

Note furnishing further information desired by the Finance Committee at its nineteenth meeting held on 11th March 1926 regarding the revision of the maximum limit of house-rent allowances for Inspectors and Sub-Inspectors in the Madras City Police.

FORT ST. GEORGE,
30th March 1926.

T. E. MOIR.

[10th July 1926]

(5)

Proceedings of the twenty-first meeting of the Finance Committee for 1925-26 held on Friday the 26th March 1926 at 5 p.m. in the Cabinet Chamber, Fort St. George.

PRESENT:

The Hon. Mr. T. E. MOIR, C.S.I., C.I.E., I.C.S. (*Chairman*).
 M.R.Ry. Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU
 Garu, M.L.C.
 M.R.Ry. K. PRABHAKARAN TAMPAN AVARGAL, M.L.C.
 MCHAMNAD GHOUSE MIAN SAHIB Bahadur, M.L.C.
 Khan Bahadur P. KHALIF-UL-LA SAHIB Bahadur, M.L.C.
 G. T. BOAG, Esq., I.C.S., M.L.C.

TO BE MET BY SUPPLEMENTARY DEMANDS.

(i) Appropriation to meet the expenditure on account of the Ceded Districts Irrigation Committee.

Abstract of the proposal.—In pursuance of a resolution passed by the Legislative Council on 5th February 1925 a Committee was appointed in June 1925 to inquire into the irrigation facilities of the Ceded districts for a period of two months from the date of its formation. The expenditure for the two months was estimated at Rs. 6,100 including provision for the President's salary at Rs. 2,100 per mensem; and an expenditure of Rs. 6,100 was accordingly authorized by His Excellency the Governor.

2. The Committee started work in July 1925 and submitted a 'Preliminary' report in the following month. The Government thereupon asked the Committee to make further inquiries as might be deemed necessary at once and to submit a final report focussing its recommendations. For this purpose it was reconstituted for one month from 1st December 1925.

3. A total expenditure of Rs. 7,356 has been incurred in connexion with the Committee involving an excess of Rs. 1,256 over the amount authorized by His Excellency the Governor. To meet this excess it is proposed to move a supplementary demand of Rs. 1,256 at the current session of the Legislative Council under Grant VII—Irrigation—Reserved—47 R. (f) Miscellaneous—Special commissions of inquiry—Ceded Districts Irrigation Committee.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 1,256 in the current year was recommended by the Committee.

(2) Additional teaching grant for the Madras Christian College during 1925-26.

Abstract of the proposal.—The Director of Public Instruction has forwarded to Government an application from the authorities of the Madras Christian College in which they ask for a special grant of Rs. 20,000 during the year 1925-26 in addition to the grant given under the Grant-in-Aid Code towards the cost of maintenance of the college. The authorities of the College have represented that there is a large deficit in the working of the College and that all possibilities of economical working of the institution have been considered. There is an equitable case, considering the services rendered by the Christian College to the cause of education, for a special grant. The College is in need of special help at this juncture. It is there-

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fore recommended that a special grant of Rs. 20,000 may be made to the College in the current year. This amount will be found from the savings anticipated under the following heads:—

	RS.
(1) 32 d.—Medical—Medical Colleges and schools—Additional recovery from the Army Department and the Mysore Darbar on account of pupils studying in the medical schools in this Presidency ..	12,000
(2) 31.—Education—Amount surrendered by the Director of Public Instruction under the voted grants in excess of the savings taken into account in the revised estimate	8,000
Total ..	20,000

Recommendation of the Committee.—The Finance Committee recommended that a supplementary demand be moved for a special grant of Rs. 20,000 in view of the special circumstances of this case which should not be taken as a precedent.

FURTHER DEMAND FOR 1926-27.

Appropriation to meet the cost of special staff to be employed in the Law Secretariat for work in connexion with the General Elections to the Legislative Council and the Legislative Assembly.

Abstract of the proposal.—As at present arranged, the elections to the Legislative Assembly and the Legislative Council will take place towards the end of September. Additional staff will be necessary to carry on this work till the end of October since even after the polling there will be sufficient work for the staff such as the publication of the names of members elected, obtaining orders as to the members to be nominated to the new Council and arrangements for the trial of election petitions, if any, that may be received. The following staff is considered necessary:—

One Assistant Secretary on Rs. 500—50—800 a month.
 One Superintendent on Rs. 200—20—400 a month.
 One Upper Division clerk on Rs. 70—175 a month.
 One Steno-typist on Rs. 35 a month plus Rs. 25 shorthand allowance and Rs. 10 type-writing allowance.
 One peon on Rs. 15 a month.

It is expected that the cost of the staff that will be actually employed will be Rs. 6,400, against which there is a budget appropriation of Rs. 2,900. The balance of Rs. 3,500 has to be found by moving a further demand for the amount at the meeting of the Legislative Council on the 29th March 1926.

Recommendation of the Committee.—The proposal to move a further demand for 1926-27 for Rs. 3,500 was recommended by the Committee.

FORT ST. GEORGE,
 29th March 1926.

T. E. MOIR.

[10th July 1926]

APPENDIX XV.

[Vide item VI (a) Communications to the Council on page 39 supra.]

FINANCE DEPARTMENT.

FINANCE COMMITTEE'S RECOMMENDATION.

Further Demand for 1926-1927.

APPROPRIATION FOR THE ACQUISITION OF LAND FOR A
PADDY-BREEDING STATION IN MALABAR.

This item was brought forward at the Nineteenth meeting of the Committee held on the 16th March 1926, but was postponed to the 17th March 1926 as the Committee desired to have further information. The Secretary, Development Department, attended on March 17th and explained to the three members of the Committee who were present the necessity for the change of site.

The members of the Committee who were * present were in favour of moving a further Demand for 1926-1927 for Rs. 79,500, and their opinion was circulated to other members of the Committee who were requested to state whether they agreed with it. Two members replied expressing their concurrence in the recommendation.

FORT ST. GEORGE,
29th March 1926.

T. E. MOIR.

APPENDIX XVI.

[Vide item VI (d) (3) Communications to the Council on page 40 supra.]

G.O. No. 546, Development, dated 8th April 1926.

READ—the following papers :—

I

Letter from the Director of Industries, Madras, to the Secretary to Government, Development Department (through the Accountant-General), dated the 18th November 1925, No. 403-L/25.

I have the honour to forward herewith a copy of the audit report and the balance sheet of the Government Industrial Institute, Madras, for the half year ending 30th September 1925 together with the relative production and profit and loss accounts received

[10th July 1926]

from Messrs Fraser & Ross with their letter, dated the 7th November 1925, from which it will be observed that the Institute has sustained a loss of Rs. 879-0-11 during the half year. My remarks on the accounts will be forwarded to Government separately.

ENCLOSURES.

THE GOVERNMENT INDUSTRIAL INSTITUTE
(INK FACTORY), MADRAS.

(1)

Report on the accounts for the half year ending 30th September 1925.

1. *Stores and Stock-in-trade.*—Book balances have been accepted; there is no necessity for a complete stock-taking other than at the end of the financial year. Stores have been valued at cost; stock-in-trade has been valued at the rates adopted for purposes of the balance sheet as at 31st March 1925 the cost of production being higher than those rates.

2. *Europe Stores purchases.*—We have seen the Accountant-General's authority for this entry but relative invoices have not been produced for our inspection.

3. The cost of production for fluid ink works out at Rs. 7 per gallon as against Rs. 3-15-4 for the previous year; the output was only 500 gallons for the half year as against 3,350 gallons for the previous year.

4. The details of the sales during the half year are as under :—

	RS.	A.	P.
Sales to the Superintendent of Stationery ..	5,299	1	0
Sales through the Sole Agents	2,409	2	10
Sales by the Institute	2,929	7	5
Total ..	10,547	11	3

Subject to the foregoing we certify that we have obtained all the information and explanations we have required and that the balance sheet signed by us as relative hereto, in our opinion, exhibits a true and correct view of the state of the Institute's affairs according to the best of our information and the explanations given to us and as shown by the books of the Institute.

MADRAS,
7th November 1925.

FRASER & ROSS,
Chartered Accountants,
Commercial Accountants and Auditors
to the Govt of Madras.

(2)

Balance Sheet as at 30th September 1925.

CAPITAL AND LIABILITIES		RS.	A. P.	RS.	A. P.	RS.	A. P.
Capital—							
Government of Madras—							
Balance as per last balance sheet ..	..	17,096	9 11			1,918	12 11
Add Profit as per last balance sheet	..	6,106	8 9			436	14 9
		23,203	2 8			150	0 0
Add Working Capital	..	10,000	0 0			586	14 9
Europe Stores purchased	..	813	0 0				
		34,016	2 8				
		341	12 0				
Liabilities—							
For Expenses ..							
				382	0 3	2281	4 0
				100	0 0	482	0 3
						1,799	3 9
						3,131	1 11
PROPERTY AND ASSETS.							
Fixed Capital expenditure—							
Plant—							
As per last balance sheet.							
Less Depreciation to 31st March 1925.							
Depreciation for the half year.							
Furniture and fittings—							
As per last balance sheet..							
Less Depreciation to 31st March 1925.							
Depreciation for the half year.							
Stores and Spare Gear—							
Raw materials ..						2,866	15 11
Chemicals ..						176	1 4
Containers ..						8,100	2 8
Labels, corks, etc. ..						1,204	2 1
Packing materials ..						311	3 5
Fuel ..						6	12 0
Laboratory equipments ..							
Work in progress—							
100 Gallons at Rs. 2 per gallon.							
Stock-in-trade—							
Blue-black ink—1,625 gallons at Rs. 3 per gallon.						4,875	0 0
Bottled inks, powders, etc. ..						2,546	1 9
Book debts—							
Considered good ..							
						12,665	5 5
						761	4 8
						200	0 0
						7,421	1 9
						3,493	13 0

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Advances—							
Unexpired advertisement, etc.	..			..			202 10 9
Cash and other balances—							
Personal Ledger No. 1 Account.	..			2,094	3 10		
Personal Ledger No. 2 Account	..			3,324	6 8		
Cash on hand ..	..			32	12 9		
Service labels ..	..			52	1 0		
Profit and loss account—							
Loss for the half year ..	..					5,503	8 3
						879	0 11
						34,357	14 8

Examined and found correct subject to our report of even date.

Chartered Accountants,
FRASER & ROSS,MADRAS,
7th November 1925.

Commercial Accountants and Auditors to the Govt. of Madras.

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II

*Endorsement of the Accountant-General, No. H.A. Comml. 15-1230,
dated 15th December 1925.*

Forwarded.

2. Necessary adjustments have been made in the accounts for December 1925 in respect of Audit fee, Direction charges and Leave and pensionary contribution, to the debit of the Personal Ledger Account No. I of the concern by transfer credit to "XXV. Industries—Industries—Recoveries of indirect charges from Government Commercial Undertakings—Government Ink Factory."

3. *Paragraph 3 of the Audit report—Cost of production.*—The output of fluid ink and the cost of production in the half year under report compare with those in the two preceding years as shown below :—

					Output gallons.	Cost per gallon.		
						RS.	A.	P.
1923-24	..	..	..	..	3,518	3	4	3
1924-25	..	..	..	..	3,350	3	15	4
Half year ending	30th	September						
1925	..	..	..	..	500	7	0	0

The output during the half year under report amounted to only 500 gallons. The cost of production per gallon during the period is nearly double that of the preceding two years. The reasons for the large fall in the output require to be examined.

4. *Paragraph 2 of the Audit Report (Europe stores purchased).*—Please see copy of my letter (not printed) to Messrs. Fraser and Ross regarding the item of Rs. 813 Europe Stores.

J. C. NIXON,
Accountant-General.

To the Secretary to Government, Development Department.

III

Letter from E. F. THOMAS, Esq., C.I.E., I.C.S., Director of Industries, to the Secretary to Government, Development Department (through the Accountant-General), dated Madras, the 23rd January 1926, No. 408-E/25.

In continuation of my letter No. 408-F/25, dated the 18th November 1925, I have the honour to forward herewith my remarks on the audit report of the Government Industrial Institute, Madras, for the half year ending 30th September 1925.

To Materials consumed—		ES. A. P.	ES. A. P.
Raw materials	2,781 12 11	2,781 12 11	
Fuel	5 14 4	5 14 4	
Wages	..	2,787 11 3	
Overhead charges—	..	475 7 (	
Establishment	3,450 0 0		
Rents, rates and taxes	1,132 2 0		
Postage and telegrams	46 12 6		
Miscellaneous expenses.	78 10 0		
Direction charges	125 0 0		
Contribution for leave and pension.	116 14 0		
Audit fee	100 0 0		5,049 4 6
Depreciation on—			
Plant	150 0 0		
Furniture	100 0 0		250 0 0
	600 gallons.		8,562 6 9
Profit and Loss Account for the half year ending 30th September 1925.			
To Opening stock	2,238½ gallons.	7,958 10 8	
Production during the half year.	500 "	8,362 6 9	
Containers used	..	1,137 8 6	
Labels, coras, etc.	..	198 2 2	
Advertisement and printing.	..	393 2 9	
Packing materials	..	143 15 10	
Charges outward	..	98 15 3	
Commission and discount.	..	526 4 0	
Fire insurance	..	18 12 0	
	2,738½ gallons.	18,847 13 11	
By Work in progress	.. 100 gallons at Rs. 2 per gallon.	200 0 0	
Cost of ink transferred to profit and loss account—	500 gallons.	3,493 8 2	
Fluid ink	..	4,863 14 7	
Ink powders, etc.	..	8,362 6 9	
Closing stock—			
Fluid inks	.. 823 gallons.	6,188 5 3	
Ink powders	..	4,559 6 0	
Closing stock—			
Blue-black ink	.. 1,625 gallons.	4,875 0 0	
Bottled inks, powders, etc.	284 "	2,546 1 9	
Net loss	..	7,421 1 9	
Samples	.. 6½ gallons	879 0 11	
	2,738½ gallons	18,847 13 11	

N.V.B.—Interest has not been charged in the Accounts.
Interest on Capital calculated on quarterly balances at 5 per cent per annum is Rs. 715.

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Output and cost of production of fluid inks—Paragraph 3 of the Auditor's report.—The falling off in the output is due to the fact that there was on hand a heavy stock of Record ink prepared during the previous year to meet the anticipated requirements of the Superintendent of Stationery. The order for the supply of this variety of ink from the Stationery Office, however, was not received until very much later than usual, as a consequence of which it was not possible to empty the storage containers and to manufacture fresh ink in quantity. The appreciable decrease in output was naturally reflected in the increased cost of production per gallon of fluid ink. Per contra, the output of ink powders and ink tablets increased considerably and over the whole year is likely to offset any reduction in that of fluid inks.

Sales—Paragraph 4 of the Auditor's report.—The loss sustained during the half year under review is attributable mainly the reduction in the quantity of fluid ink manufactured and to the fact that the volume of the orders received from the Superintendent of Stationery was very considerably less than in previous years owing presumably to accumulated stocks on hand. There is reason to believe that the Superintendent of Stationery's demands for next year will be much greater.

IV

Endorsement of the Accountant-General, dated 15th February 1926, No. H.A. Comml 15-1426.

Forwarded to the Secretary to the Government of Madras, Development Department, in continuation of this office Endorsement H.A. Comml. 15-1230, dated the 15th December 1925.

2. The Superintendent of Stationery as the largest customer of the Institute, may perhaps be directed to give a more accurate and timely forecast of his requirements, so that the Institute may adjust its manufacturing operations accordingly.

3. The adjustment of the cost of stores received from Europe after 1st April 1925 when this Institute was fully commercialised, is explained in this office letter H.A. Comml. 15-1427, dated 15th February 1926, to the officer in charge of the Institute, a copy of which is enclosed for the information of Government.

J. C. NIXON,
Accountant-General.

To the Secretary to Government, Development Department.

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ENCLOSURE.

Letter from the Accountant-General, Madras, to the Officer in charge, Government Industrial Institute, Madras, dated 15th February 1926, No. H.A. Comml. 15-1427.

In the balance sheet of this Institute as at 30th September 1925, a sum of Rs. 813 has been credited to Government capital account by debit to various property accounts. This presumably represents the cost of articles, received by the Institute after 1st April 1925 from England on invoices Nos. 10, 83 and 485, the correct value of which at the rates of exchange then prevalent are shown below *. You should therefore now credit the sum of Rs. 863-12-0 to your drawing account, by debiting Rs. 813 to Government capital account and the balance of Rs. 50-12-0 to the concerned property accounts.

2. In the accounts of this office for January 1926, the amount of Rs. 863-12-0 has been debited to Personal Ledger Account No. I, and the Secretary and Treasurer, Imperial Bank of India, Madras, has been advised to reduce the balance in that account accordingly.

* Invoice No. 10, dated 2nd April 1925.

Phials, acid, scales and thermometer—

	£	s.	d.	RS.	A.	P.
Price	54	4	10			
3 per cent extra	1	12	7	at 13	5	0 per £
Freight	4	2	1			
Total	59	19	6	=	798	7 0

Invoice No. 83, dated 4th May 1925.

toneware bottles—

	£	s.	d.	RS.	A.	P.
Price	3	17	0			
3 per cent extra	0	2	4	at 13	6	0 per £
Freight	0	9	9			
Total	4	9	1	=	59	9 0

Invoice No. 485, dated 28th October 1925.

Double convex Magnifier—

	£	s.	d.	RS.	A.	P.
Price	0	8	6			
3 per cent extra	0	0	3	at 13	3	0 per £
Freight			Nil.			
Total	0	8	9	=	5	12 0
Total	64	17	4	=	863	12 0

Balance sheet as at 30th September 1925—cont.

CAPITAL AND LIABILITIES—		PROPERTY AND ASSETS—cont.	
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Brought forward ..	3,91,202 15 9	Brought forward ..	1,46,465 0 0
		Furniture and Fittings—	
		Rs. per balance sheet as at 31st March 1925.	2,880 0 0
		Less Depreciation—	
		Up to 30th June 1925.	335 0 0
		For the quarter.	67 0 0
			402 0 0
		Roads, less Depreciation.	1,48,743 0 0
		Laboratory Apparatus, less Depreciation.	1,895 0 0
		Library Books, as per valuation.	5,066 5 0
		Loose tools, at valuation.	100 0 0
		Stores and raw materials—	392 0 0
		Soda Ash at Rs. 5 per cwt.	8,083 9 6
		Perfumes, essential oils and colours.	2,799 1 7
		Other raw materials.	37,395 6 8
		Packing materials.	7,849 15 9
			56,128 1 6
Carried forward ..	3,91,202 15 9	Carried forward ..	2,12,314 1 6

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CAPITAL AND LIABILITIES—		PROPERTY AND ASSETS—cont.	
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Brought forward ..	3,91,202 15 9	Brought forward ..	2,12,314 1 6
		Soap Basis—	
		Washwell ..	16,198 12 5
		Toilet ..	928 3 4
		Yellow Bar ..	12,687 2 10
		Experimental Bar ..	639 6 10
		Soft Soap ..	304 0 0
		Shaving Soap ..	42 8 0
		Glycerine ..	2,109 2 0
			32,809 3 5
		Stock in trade—	
		Washwell ..	6,643 14 11
		Vegrol ..	1,639 0 10
		Toilet ..	494 0 5
		Yellow Bar ..	26 10 2
		Shaving Soap ..	24 1 6
		Deepa Brand ..	0 8 0
		Experimental Bar Soap ..	472 4 3
		Soft Soap ..	762 11 4
		Fish Oil Rosin Soap ..	358 11 0
		Cheep Soap ..	0 10 8
			10,423 9 1
		Book Debts—	
		Considered Good ..	55,950 11 8
		Considered Doubtful ..	10,653 5 6
			66,604 1 2
		Deposits and advances—	
		Fixed Deposit Receipts held as Security—	
		Deposits of Employees, etc., as per contra—	
		With the Imperial Bank of India.	2,200 0 0
		With the Nedungadi Bank, Ltd.	1,000 0 0
			3,200 0 0
Carried forward ..	3,91,202 15 9	Carried forward ..	8,22,150 15 2

[10th July 1926]

Balance sheet as at 30th September 1925—cont.

CAPITAL AND LIABILITIES—cont.		PROPERTY AND ASSETS—cont.	
	RS. A. P.		RS. A. P.
Brought forward ..	3,91,202 15 9	Brought forward ..	3,22,150 15 2
		Advance for advertisements.	468 6 6
		Fire Insurance prepaid.	493 7 6
		Advances to Coolies ..	111 10 0
		Cash and other balances—	4,273 8 0
		No. 1 Personal Ledger Account.	10,617 0 11
		No. 2 Personal Ledger Account.	53,967 5 9
		Cash and Cheques on hand.	194 1 11
	3,91,202 15 9		64,778 8 7
			3,91,202 15 9

Examined and found correct.

MADRAS,
11th January 1926.FRASER AND ROSS, Chartered Accountants,
Commercial Accountants and Auditors to the Govt. of Madras.

10th July 1926]

(2)

Manufacturing Account for the quarter ending 30th September 1925.

(1)	Vegitol soap. (2)	Washwell soap. (3)	Toilet soap. (4)	Yellow bar soap. (5)	Shaving soap. (6)	Deepa brand soap. (7)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
To Stock in process of manufacture.	..	24,563 15 3	2,164 4 6	5,341 8 0	..	..
„ Raw Materials, Scraps of other Soaps and Firewood.	3,055 10 8	14,446 13 9	89 3 7	17,043 0 10	43 4 1	6 9 6
„ Wages ..	61 10 6	751 6 6	89 4 6	133 2 0	2 0 0	..
„ Factory Overheads ..	726 7 3	3,126 6 11	23 14 0	1,417 1 9	2 11 8	2 6 9
Total ..	3,843 12 5	42,888 10 5	2,366 10 7	23,934 12 7	47 15 9	9 0 3
By Scraps, etc., used for other soaps.	444 14 4	10,769 6 0	..	..	..	..
„ Finished Soaps sent to stores.	3,398 14 1	15,920 8 0	1,438 7 3	11,347 9 9	5 7 9	9 0 3
„ Stock in process of manufacture.	..	16,198 12 5	928 3 4	12,587 2 10	42 8 0	..
Total ..	3,843 12 5	42,888 10 5	2,366 10 7	23,934 12 7	47 15 9	9 0 3

	Experimental bar soap. (8)	Fish oil soft soap. (9)	Fish oil rosin soap (10)	Glycerine. (11)	Total. (12)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
To Stock in process of manufacture.	1,795 5 7	..	..	2,068 4 3	35,933 5 7
„ Raw Materials, Scraps of other Soaps and Firewood.	104 4 11	1,810 12 7	575 13 6	369 0 0	37,544 9 11
„ Wages ..	0 14 0	33 12 5	10 11 7	71 11 9	1,154 9 3
„ Factory Overheads ..	11 7 3	1,064 9 6	222 14 4	..	6,597 15 5
Total ..	1,911 15 9	2,909 2 6	8 9 7 5	2,709 0 6	81,230 8 2
By Scraps, etc., used for other soaps.	132 13 0	..	..	..	11,347 1 4
„ Finished Soaps sent to stores.	1,139 11 11	2,605 2 6	809 7 5	399 14 6	37,074 3 5
„ Stock in process of manufacture.	639 6 10	304 0 0	..	2,169 2 0	32,809 3 5
Total ..	1,911 15 9	2,909 2 6	809 7 5	2,509 0 6	81,230 8 2

[10th July 1926]

(3)

Trading account for the quarter ending 30th September 1925.

(1)	Vegetol soap. (2)	Washwell soap. (3)	Toilet soap (4)	Yellow bar soap. (5)	Shaving soap (6)	Deepa brand soap. (7)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
To Stock on hand ..	2,489 12 7	8,665 6 0	649 13 7	91 7 0	35 11 6	1 3 0
„ Cost of soaps received from factory.	3,338 14 1	15,920 8 0	1,438 7 3	11,347 9 9	6 7 9	9 0 3
„ Packing charges, etc.	165 3 5	1,011 13 10	910 10 4	695 14 9	27 15 1	..
„ Perfumes and essential oils.	..	..	1,162 14 10	..	..	..
„ Gross profit carried to Profit and Loss account.	1,072 5 3	3,783 9 4	1,504 0 2	2,190 0 8	1 2 2	3 9 9
Total ..	7,126 3 4	29,381 5 2	5,665 14 2	14,325 0 2	70 7 6	13 13 0
By Sales less returns ..	5,480 15 4	22,712 12 0	5,052 2 9	14,298 6 0	41 9 4	13 5 0
„ Free samples ..	6 3 2	24 10 3	116 5 6	..	4 12 8	..
„ Soaps issued for reboiling.	..	..	3 5 6	..	..	..
„ Stock on hand ..	1,639 0 10	6,643 14 11	494 0 5	26 10 2	24 1 6	0 8 0
Total ..	7,126 3 4	29,381 5 2	5,665 14 2	14,325 0 2	70 7 6	13 13 0

	Experimental bar soap. (8)	Fish oil soft soap. (9)	Fish oil rosin soap. (10)	Cheap bar soap. (11)	Glycerine. (12)	Total. (13)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
To Stock on hand ..	488 14 11	2,413 8 1	283 14 2	3 10 9	..	15,123 8 7
„ Cost of soaps received from factory.	1,139 11 11	2,605 2 6	809 7 5	..	399 14 6	37,074 3 6
„ Packing charges, etc.	11 7 2	593 13 0	27 3 0	..	14 1 6	3,368 2 1
„ Perfumes and essential oils.	..	..	..	..	..	1,162 14 10
„ Gross profit carried to Profit and Loss account.	366 5 3	1,783 7 1	245 12 1	4 13 11	104 11 0	11,059 12 8
Total ..	2,006 7 3	7,305 14 8	1,366 4 8	8 8 8	518 11 0	67,788 9 7
By Sales less returns ..	1,532 2 3	6,479 14 0	1,005 12 11	7 14 0	518 5 0	57,143 2 7
„ Free samples ..	2 0 9	0 13 9	1 12 9	..	0 6 0	157 0 10
„ Soaps issued for reboiling.	..	61 7 7	..	..	..	64 13 1
„ Stock on hand ..	472 4 3	763 11 4	358 11 0	0 10 8	..	10,423 9 1
Total ..	2,006 7 3	7,305 14 8	1,366 4 8	8 8 8	518 11 0	67,788 9 7

10th July 1926]

(4)
Profit and Loss Account for the quarter ending 30th September 1925.

	RS. A. P.	RS. A. P.
To Expenses—		
Establishment charges ..	2,768 13 0	
Rates and taxes ..	18 0 0	
Advertisement charges ..	1,137 15 0	
Printing and Stationery ..	244 1 6	
Postage and Telegram ..	134 3 0	
Despatching charges ..	1,680 5 4	
Sundry Office and Factory expenses ..	127 10 8	
Laboratory experimental work ..	0 12 0	
Free sample issued ..	157 0 10	
Legal expenses ..	59 8 0	
Travelling allowance ..	5 0 0	
Books and periodicals ..	28 1 10	
Bad debts written off ..	196 4 0	
Trade bonus (reserve) ..	851 2 0	
Fire Insurance ..	246 11 9	
Depreciation—		
On office buildings ..	89 0 0	
On laboratory apparatus ..	360 0 0	
On office furniture ..	67 0 0	
Reserve for expenses credited to Government—		
Director's supervision charges ..	650 14 0	
Audit fee ..	290 8 0	
Leave and pension contribution ..	562 8 0	
Balance—		
Net profit for the quarter ..	..	1,503 14 0
Total ..	..	1,757 0 3
		11,432 7 2

N.B.—Interest on capital has not been included in the profit and loss account.
Interest on the capital of Rs. 3,51,873-1-1 at 5 per cent for the quarter is Rs. 4,398

Rs. A. P.
11,059 12 8
51 6 9
321 3 9

By Gross Profit from Trading Account ..
„ House-rent ..
„ Sundry sales, etc. ..

11,432 7 2

[10th July 1926]

II

Letter from E. F. THOMAS, Esq.; C.I.E., I.C.S., Director of Industries, to the Secretary to Government, Development Department (through the Accountant-General), dated Madras, the 12th February 1926, No. 383-E/25.

In continuation of my letter No. 383-E/25, dated the 21st January 1926, I have the honour to forward herewith my remarks on the accounts of the Kerala Soap Institute, Calicut, for the quarter ending the 30th September 1925.

Book debts—Good.—Out of the amount of Rs. 55,950-11-8 shown under this item, a sum of Rs. 14,165-9-0 represents the value of soaps supplied to the Army Department in September 1925. The Superintendent reports that he has since received a remittance in part payment of this amount.

Doubtful—Rs. 10,653-5-6.—The following are the details:—

	RS.	A.	P.
(1) Murti & Sons	2,053	11	0
(2) Ananda Narayan Brothers	1,029	13	0
(3) A. Kasipathi	5,892	10	2
(4) S. N. S. Venkatarama Ayyar	40	6	0
(5) K. S. Krishna Ayyar	25	9	1
(6) Swamy & Sons	191	8	0
(7) Gulam Moideen	68	14	0
(8) T. S. Swaminathan	1	15	0
(9) C. Erasa Menon	2,233	8	3
(10) Legal charges paid on suits	1,115	7	0

Total .. 12,653 5 6

Less security deposit in the Imperial
Bank by Kasipathi... .. 2,000 0 0

Total .. 10,653 5 6

The position of items 1, 2, 3 and 9 have already been explained in detail in my letter No. 252-E/25, dated 18th November 1925) in connexion with the audit report for the quarter ending 30th June 1925. There are no changes worth mentioning in the position of these items since then. Items 4 to 8 have since been written off.

There are no other items in the accounts which require any explanation or comment here.

10th July 1926]

III

Endorsement of the Accountant-General, No. H.A. Comml. 7-1350, dated 11th March 1926.

Forwarded.

2. The amount chargeable to the concern on account of Audit fee (including travelling allowance and out-of-pocket expenses) for the quarter is Rs. 337-1-0 as against Rs. 300 entered in the Profit and Loss Account inclusive of Rs. 9-8-0 overcharged in the Profit and Loss Account for the previous quarter. The Commercial Auditors have been asked to adjust the difference in the accounts of the next quarter.

3. The sum of Rs. 561-13-4 shown as additions to "Plant and machinery" in the balance sheet has been adjusted in the books of this office for February 1926 to the debit of "56-C. Capital Outlay on Industrial Development—Investments in Government commercial undertakings" by crediting the personal ledger account of the concern, as it represents expenditure of a capital nature.

4. It is seen from the manufacturing accounts for the quarters ending 30th June 1925 and 30th September 1925 that the value of glycerine extracted is less than the value of the materials and wages spent in the concentration of the lye. The Director of Industries may be requested to consider whether it is worth while continuing the manufacture of glycerine.

J. C. NIXON,
Accountant-General.

To the Secretary to Government, Development Department.

Order—No. 571, Development, dated 10th April 1926.

Recorded.

2. The attention of the Director of Industries is invited to paragraph 4 of the Accountant-General's endorsement, dated the 11th March 1926, and he is requested to consider the suggestion made therein.

(By order of the Government, Ministry of Development)

V. PANDRANG ROW,
Secretary to Government.

[10th July 1926

APPENDIX XVIII.

[Vide item VI (d) (5), Communications to the Council on page 40 supra.]

G.O. No. 750, Development, dated 25th May 1926.

READ—the following papers:—

I

Letter from H. TIREMAN, Esq., C.I.E, Chief Conservator of Forests,
Madras, to the Secretary to Government, Development Department
(through the Accountant-General), dated the 12th March 1926;
Ref. No. 1372-26.

[*Subject.*—Russellkonda Saw Mill—Audit report for the quarter ending 31st December 1925.]

I forward herewith the audit report of the Russellkonda Saw Mill for the quarter ending 31st December 1925.

2. The mill resumed work on 28th November 1925.

ENCLOSURES

RUSSELLKONDA SAW MILL.

(1)

Balance Sheet as at 31st December 1925.

19

	RS.	A. P.	RS.	A. P.	RS.	A. P.	RS.	A. P.	RS.	A. P.
CAPITAL AND LIABILITIES.										
Capital—										
Balance as per last Balance sheet.	..	4,51,868	6	7						
Less—Original cost of one hand resaw machine transferred to Exploitation division, Olavakode, as per contra.	17,799	12	0							
Less—Depreciation on the above to date of transfer.	4,672	6	10							
					13,127	5	2			
Provision for expenses—					4,38,741	1	5			
Audit fees	..	..	..	..	1,262	4	9			
District Forest Officer, Ganjam—										
Balance as per last Balance sheet.	..	27,954	0	0						
For 17,601 c. ft. at 4 annas per cubic foot.	..	4,400	4	0						
For 15 c. ft. at 2 annas per cubic foot.	..	1	14	0						
Less—Payment's during the quarter.	..	32,356	2	0						
		4,245	4	0						
					28,110	14	0			
PROPERTY AND ASSETS.										
Fixed capital expenditure—										
Buildings—										
At cost as per last Balance sheet.	..	1,47,563	4	11						
Less—Sale of a mill stone.	..	6	0	0						
		1,47,557	4	11						
Less—Depreciation—										
As per last Balance sheet—	12,242	14	11							
For the quarter ..	922	4	3							
					13,165	3	2			
Machinery—					9,42,603	6	10			
At cost as per last Balance sheet.	..	..	..	..	17,799	12	0			
Less—Original cost of one hand resaw machine transferred to Exploitation division, Olavakode.	..	..	..	..						
Less—Depreciation—										
As per last Balance sheet.	44,970	10	11							
Less—Depreciation on the resaw to the date of transfer.	4,672	6	10							
For the quarter ..	40,298	4	1							
	2,882	12	6							
					43,181	0	7			
					1,81,622	10	3			

Balance Sheet as at 31st December 1925—cont.

CAPITAL AND LIABILITIES—cont.

	RS.	A.	P.
Liabilities—			
For goods supplied ..	411	1	0
For expenses ..	2,029	0	4
For other finance ..	100	0	0
Customers' credit ..	913	8	3
balances.			
	3,453	9	7

PROPERTY AND ASSETS—cont.

	RS.	A.	P.	RS.	A.	P.
Tram line—						
At cost as per last Balance sheet.	..		4,000	0	0	
Less—Depreciation—						
As per last Balance sheet	1,400	0	0			
For the quarter ..	200	0	0	1,600	0	0
				6,285	0	3
Furniture—						
At cost as per last balance sheet.	..					
Less—Depreciation—						
As per last Balance sheet.	1,063	8	5			
For the quarter ..	78	9	0	1,142	1	5
						5,142 14 10
Motor and other vehicles.	..					3,23,557 10 10
						11,281 13 10
Stores and spare gear—						
Machinery spare parts	..		4,686	0	4	
Tools and general stores	..		6,561	5	11	
Tools in use ..	..		251	11	6	
Stock—						
29,064.59 c. ft. cut timber	..		38,743	1	2	
258 c. ft. logs ..	..		64	8	0	
Sundry debts—						
Considered good	..					11,499 1 9
						38,807 9 2
						16,520 7 5

[10th July 1926]

10th July 1926]

Advances—						
Unexpired insurance ..	..		650	6	0	
Repairs ..	..		90	0	0	
Expenses incurred in transferring resaw machine to Olavakode.	..		799	13	8	
Cash and other balances—						
Cash with treasury ..	..		53,320	9	1	
Cash at Berhampur Depot ..	..		83	14	3	
Cash on hand ..	..		226	4	4	
Profit and Loss account—						
Loss for the quarter ending 30th June 1925.			3,085	14	9	
Loss for the quarter ending 30th September 1925.			5,557	0	10	
Loss for the quarter ending 31st December 1925.			5,987	3	10	

14,630	3	5
4,71,567	13	9

Examined and found correct.

Madras, 16th February 1926.

Chartered Accountants,
FRASER & ROSS,
Commercial Accountants and Auditors to the Government of Madras.

APPENDIX

APPENDIX

[10th July 1926]

10th July 1926]

(2)
Profit and Loss Account for the quarter ending 31st December 1925.

	RS. A. P.	RS. A. P.	RS. A. P.
To Stock—			
29,723-19 c. ft. timber	..	39,499 0 8	
„ Purchase—			
17,601 c. ft. logs at 4 annas per c. ft.	4,400 4 0		
150 c. ft. logs in stock on 30th September 1925.	37 8 0		
Loss			
17,751 c. ft. ..	4,437 12 0		
258 c. ft. logs in stock on 31st December 1925.	64 8 0		
17,493 c. ft. logs worked ..	4,373 4 0		
„ Cart hire on logs	207 11 8		
„ Machinery running costs	1,225 13 10		
„ General stores	303 7 0		
„ Upkeep of machinery	211 8 1		
„ Mill establishment	2,895 6 5		
„ Boiler fuel	117 0 0		
Cost of 5,961-92 c. ft. of sawn timber at Rs. 1-9-0 per c. ft. ..	..	9,334 3 0	
11,531-08 c. ft. loss on conversion.			
17,493-00 c. ft.			
„ Cart hire and loading charges	..	143 3 9	
„ Cart hire to Berhampur	..	2,639 15 5	
„ Charges, Calcutta	..	180 12 0	
„ Berhampur Depot expenses	..	793 0 4	
„ Managing Agents fees	..	1,050 0 0	
„ Office establishment	..	3,827 1 7	
„ Stationery	..	96 14 6	
By Sales—			
Rejections and firewood ..	1,321 8 0		
6,570-29 c. ft. timber at Rs. 2-10-10 per c. ft.	17,554 15 11		
76-23 c. ft.—Loss on recutting.	..	18,876 7 11	
„ Refund of leave allowance to the Superintendent per G.O. No. N. 1081, Development, dated 27th July 1925.	..	1,980 0 0	
„ Stock—			
18,802-54 c. ft. at the mills at Rs. 1-2-10 per c. ft.	22,132 2 6		
9,111-03 c. ft. at Berhampur at Rs. 1-8-10 per c. ft.	14,141 1 3		
911-15 c. ft. at Calcutta at Rs. 2-4-10 per c. ft.	2,097 8 8		
239-87 c. ft. at Vizagapatnam at Rs. 1-8-10 per c. ft.	372 4 9		
„ Net loss for the quarter carried to Balance sheet.	..	38,743 1 2	
		5,987 3 10	

To Purchases—			
„ Postages and telegrams	..	129 12 6	
„ Travelling expenses	..	309 8 5	
„ General expenses	..	10 8 0	
„ Commission on sales	..	923 13 9	
„ Repairs to buildings	..	122 3 0	
„ Motor-car expenses	..	246 2 10	
„ Audit fees and expenses	..	562 4 9	
„ Travelling salesmen	..	183 1 1	
„ Insurance premium	..	1,013 7 0	
„ Medical fees and medicines	..	8 9 0	
„ Depreciation—			
Buildings	..	922 4 3	
Machinery	..	2,582 12 6	
Furniture	..	78 9 0	
Motor-car, etc.	..	1,029 9 9	
Tram line	..	200 0 0	
		5,123 3 6	
		65,586 12 11	

N.B.—Interest has not been debited in the accounts.

Interest on capital on the mean of the balances Rs. 4,45,304-12-0 for the quarter at 6-08 per cent per G.O. No. 174, Development, dated 3rd February 1926, is Rs. 6,768-10-3.

[10th July 1926]

II

*Endorsement of the Accountant-General, Madras, No. H.A.
Comml. 12-1725, dated 22nd April 1926.*

Forwarded.

2. The amount chargeable to the concern on account of audit fee (including travelling allowance and out-of-pocket expenses) for the quarter ending 31st December 1925 is Rs. 676. The Commercial Auditors have been advised to adjust the difference in the accounts of the next quarter.

3. At the time the mill started working the timber was expected to yield 50 per cent of scantling but the percentage of loss in sawing has ever since been considerably higher throughout, viz., 66.9 per cent in 1922-23, 66.5 per cent in 1923-24, 62.3 per cent in 1924-25 and 65.3 and 66 per cent in the first and third quarters respectively of 1925-26. Though the Forest authorities anticipated in 1923 that with greater care in selection of wood the wastage in conversion may be minimised, subsequent experience has shown that there is little, if any, chance of getting more than a third out of the quantity of the log in sawing.

4. Under clause (9) of the appendix to G.O. No. 1911, Revenue (Special), dated 2nd November 1920, the old agreement with Messrs. Parry & Co. for the management of the mill expired on 31st December 1925. Information may please be furnished as to the terms on which they continue to run the mill and, if any fresh agreement has been entered into with them, a copy thereof may be furnished to this office.

5. The value of the band saw machine removed to the Olavakode Exploitation unit less depreciation, viz., Rs. 13,127-5-2, together with a sum of Rs. 799-13-8, being the expenses incurred in the removal of the machine, has been adjusted in the books of this office for March 1926 to the debit of "52-A. Forest Capital Outlay—Tools and Plant" by credit to "VIII. Forests—Recoveries of Investments in Government Commercial Undertakings" and "Personal Ledger Account—Russellkonda Saw Mill" respectively.

R. L. McKERNAN,
Accountant-General.

To the Secretary to Government, Development Department.

[10th July 1926]

Order—No. 750, Development, dated 25th May 1926.

Recorded.

2. The Accountant-General is furnished with a copy of Memorandum No. 930-I/26-1, dated 24th March 1926, regarding the continuance of the working of the mill. A copy of the agreement will be furnished to him in due course.

(By order of the Governor in Council)

V. PANDRANG ROW,
Secretary to Government.

APPENDIX XIX

[Vide item VI (e), communications to the Council on page 40 supra.]

List of posts on Rs. 500 per mensem and above created during the quarter ending March 1926.

A.—PERMANENT.

Department and designation of the post. (1)	Pay per mensem. (2) Rs.	Date of creation. (3)	Remarks. (4)
<i>General Administration.</i>			
<i>Public Works Department—</i>			
Assistant Secretary to Government, Public Works Department.	500—50-- 800	21st May 1925 ..	Originally created from 21st May 1925 and since confirmed from the same date.

*Medical.**Local Self-Government Department—*

Professor of Chemistry.	500—50-- 900, 1,000	4th January 1926 ..	To provide a Professor of Chemistry for the Medical College, Vizagapatam.
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[10th July 1926]

A.—PERMANENT—cont.

Department and designation of the post. (1)	Pay per men- sem. (2) RS.	Date of crea- tion. (3)	Remarks. (4)
<i>Stationery and Printing.</i>			
<i>Finance Department—</i> Assistant Superin- tendent of Sta- tionery and Stamps.	500—5— 700—50 —1,000.	16th Febru- ary 1926.	The present incumbent Mr. Duncan was appointed on a contract for a term of 3 years from 6th April 1920 on a fixed pay of Rs. 400 per men-sem. His pay was subsequently fixed at Rs. 500—25—750 with effect from 1st April 1921. He was re-engaged for a further period of 3 years from 6th April 1923 on a pay of Rs. 600—50—700 and was confirmed on 16th February 1926 on the revised scale of pay.

B.—TEMPORARY.

(i) EXTENSIONS OF PREVIOUS SANCTION.

Department and designation of the post. (1)	Pay per men- sem. (2) RS.	Period of tenure. (3)	Remarks. (4)
<i>Administration of Justice.</i>			
<i>Public Department—</i> Assistant Sessions Judge, Coimba- tore.	1,275 plus £25 over- seas pay.	3 weeks from 7th February 1926.	Created in the first instance from 7th January 1926.
<i>Law Department.</i> Additional Sub- Jndge, Madura.	650—50— 850	Six months from 1st January 1926.	....
Additional Sub- Jndge, Ramnad at Madura.	Do.	One year from 1st January 1926.	

10th July 1926]

B.—TEMPORARY—cont.

(i) EXTENSIONS OF PREVIOUS SANCTION—cont.

Department and designation of the post. (1)	Pay per men- sem. (2) RS.	Period of tenure. (3)	Remarks. (4)
<i>Administration of Justice—cont.</i>			
<i>Law Department—cont.</i> Additional Sub- Judge, Bapatla.	650—50— 850	One year from 1st January 1926.	....
Additional Sub- Judge, Tinnevely.	Do.	Do.	....
Temporary Sub- Judge, Tellicherry.	Do.	Do.	....
Additional Sub- Judge, Masuli- patam.	Do.	One year from 18th January 1926.	....
Temporary Sub- Judge, Ananta- pur.	Do.	Retained up to 19th April 1926.	....
Additional Sub- Judge, Coimba- tore.	Do.	One year from 1st March 1926.	....
Temporary Sub- Judge, Devakottai.	Do.	Do.	....
Additional Sub- Judge, Vizaga- patam.	Do.	One year from 21st March 1926.	....
<i>Police.</i>			
<i>Judicial Department—</i> Assistant Superin- tendent of Police, East Coast Special Police.	675	From 8th January 1926 to 7th May 1926.	....

[10th July 1926]

B.—TEMPORARY—cont.

(i) EXTENSIONS OF PREVIOUS SANCTION—cont.

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
RS. <i>Police—cont.</i>			
<i>Judicial Department—cont.</i> Special Superintendent of Police.	650 from 12th February 1926 to 3rd June 1926 and Rs. 675 from 4th June 1926 to 11th February 1927.	One year from 12th February 1926.	To provide a special officer for the reclamation of Kallars in the Madura and Ramnad districts.

(ii) TEMPORARY POSIS NEWLY CREATED.

<i>Public Department—</i> Member of the Board of Revenue.	3,000 plus £13-6-8 overseas pay.	From 17th January 1926 to the termination of the March Session of the Legislative Assembly.	Created on account of the deputation of Mr. H. A. B. Vernon, I.C.S., as a Member of the Legislative Assembly.
Collector and District Magistrate.	2,000	From 18th January 1926 to the termination of the March session of the Legislative Assembly.	Created on account of the deputation of Diwan bahadur Sir T. Vijayaraghava Achariyar Avargal, K.B.E., as a Member of the Legislative Assembly.

Administration of Justice.

<i>Public Department—</i> Additional Sessions Judge, Guntur.	1,275	Two months from the date of opening of the Court.	
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10th July 1926]

B.—TEMPORARY—cont.

(ii) TEMPORARY POSTS NEWLY CREATED—cont.

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
RS.			

Administration of Justice—cont.

<i>Law Department—</i> Temporary Sub-Judge, Cuddapah.	650	Three months from the date of opening of the Court.	
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Agriculture.

<i>Development Department—</i> Assistant to the Deputy Director of Agriculture, Livestock.	600 with rent free quarters.	5 years from 1st January 1926.	
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Civil Works.

<i>Public Works Department—</i> Executive Engineer, No. 2 Division, Canal system, Cauvery-Mettur Project.	625--1,375	7 years.	The sanction of the Secretary of State has been utilized from March 1926.
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THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 12th July 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.
 Marjoribanks, The hon. Mr. N. E.
 Usman Sahib Bahadur, The hon. Khan Bahadur Mubammad.
 Moir, The hon. Mr. T. E.
 Raja of Panagal, The hon. the.
 Patro, The hon. Rao Bahadur Sir A. P.
 Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.
 Abdul Hye Sahib, Mr.
 Abdul Wahab Sahib, Mr. M.
 Abdolla Ghatala Sahib Bahadur, Khan Bahadur.
 Adinarayana Chettiyar, Mr. T.
 Anjaneyulu, Mr. P.
 Ankinadu Prasad Bahadur, S R. Y.
 Ari Gowder, Mr. H. B.
 Arputaswami Udayar, Mr. S.
 Arumuga Nadar, Mr. P. K. S. A.
 Biswanath Das Mahasayo, Sriman.
 Bosag, Mr. G. T.
 Chambers, Mr. G. W.
 Chidambara Nadar, Mr. A.
 Davis, Mr. J. A.
 Devendrudu, Mr. N.
 Ethirajulu Nayudu, Diwan Bahadur P. C.
 Gangaraju, Mr. M.
 Ghouse Alian Sahib, Mr. Muhammad.
 Gopala Menon, Mr. C.
 Gopalan, Rao Sahib P. V.
 Guruswami, Mr. L. C.
 Hall, Mr. J. F.
 Hegde, Mr. Naganna.
 Heggade, Mr. D. Manjappa.
 Kesava Pillai, Diwan Bahadur P.
 Khadir Mohiddin Elyas Khan Sahib, Mr.
 Koti Reddi, Mr. K.
 Krishnan Nayar, Diwan Bahadur M.
 Krishna Rao Pantulu, Rao Bahadur A. S.
 Krishnema Achariyar, Rao Bahadur V. T.
 Krishnaswami Nayudu, Rao Bahadur K.
 MacDougall, Sir Alexander.
 Madanagopal Nayudu, Mr. R.
 Madhava Raja, Mr. V.
 Mallesappa, Mr. T.
 Marthandam Pillai, Mr. P. N.
 Meera Sahib, Mr. Muhammad.
 Moida Sahib Bahadur, T. M.
 Muniswami Nayudu, Rao Bahadur B.
 Muttayya Mudaliyar, Mr. C.
 Muttayya Mudaliyar, Mr. S.
 Muttu Chettiyar, Mr. P. C.
 Narasimhachariu, Rai Bahadur T. M.

Narasimha Raju, Rao Bahadur C. V. S.
 Narayanan Nambudiripad, Rao Bahadur O. M.
 Natesa Mudaliyar, Rao Bahadur C.
 Obalesappa, Mr. B.
 Pandrang Row, Mr. V.
 Ponnuswami Nayudu, Mr. C.
 Ponnuswami Pillai, Mr. K. S.
 Prabhakaran Tampian, Mr. K.
 Premayya, Mr. G.
 Raghuachandra Ballal, Mr. K.
 Raja, Rao Bahadur M. C.
 Raja of Ramnad.
 Rajan, Mr. P. T.
 Ramachandra Ayyar, Diwan Bahadur T. R.
 Ramachandra Reddi, Mr. B.
 Raman Menon, Mr. K. P.
 Raman, Rao Bahadur P.
 Ramaling Chettiyar, Rao Bahadur T. A.
 Ramaswami Mudaliyar, Mr. A.
 Rameswara Rao, Mr. G.
 Ranganatha Mudaliyar, Mr. A.
 Rencontre, Mr. A. E.
 Sagaram, Mr. P.
 Saldanha, Mr. J. A.
 Sami Venkatachalam Chetti, Mr.
 Samuel, Mr. J. D.
 Sarabha Reddi, Mr. K.
 Sarvarayudu, Mr. K.
 Sasibhushan Rath Mahasayo, Sriman.
 Satyamurti, Mr. S.
 Seeha Reddi, Mr. B. P.
 Sitarama Reddi, Mr. K.
 Siva Rao, Mr. P.
 Srinivasan, Rao Sahib R.
 Subrahmanya Pillai, Mr. K. Chavadi.
 Sundaramurti, Rao Sahib P. V. S.
 Suryanarayana-murti Nayudu, Diwan Bahadur K.
 Thangavelu Pillai, Rao Sahib T. C.
 Tanikachala Chettiyar, Diwan Bahadur O.
 Thalasiram, Mr. L. K.
 Uppu Sahib, Mr. K.
 Veerian, Mr. R.
 Vellingiri Gounder, Mr. V. C.
 Venkatachala Padayachi, Mr. K.
 Venkataramana Ayya gar Mr. C. V.
 Venkatarama Sastri, Mr. T. R.
 Venkatarangam Nayudu, Mr. C.
 Venkatireddi Nayudu, Rai Bahadur Sir K.
 Windle, Capt. E. G.
 Wood, Mr. C. E.
 Zamindar of Kallikota,

[12th July 1926]

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Advisory Committees.

Personnel of the Advisory Committee to Members of the Cabinet.

* 1973 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development, the hon. the Minister for Education, the hon. the Minister for Local Self-Government and the hon. the Home Member be pleased to state the personnel of the Advisory Committee or Committees appointed to assist one or the other of the Members of the Cabinet and the departments with reference to which they have been so appointed and the objections, if any, to their being substituted by Standing Committees?

A.—Excluding the Public Accounts Committee and the Finance Committee there are nine Advisory Committees. A statement* showing the personnel of the nine committees is appended. There is no provision for standing committees in the Government of India Act or the rules thereunder. Advisory Committees are best suited for the purpose of giving advice on matters placed before them by hon. Members or Ministers.

Mr. A. RANGANATHA MUDALIYAR:—"I should like to know the principle followed in regard to the placing of subjects before these Advisory Committees; who is the person who chooses the subjects and what principle does he follow in the choice of the subjects?"

The hon. the PRESIDENT:—"There is no question of principle in the main question."

Mr. A. RANGANATHA MUDALIYAR:—"I have asked, Sir, the reasons why these committees cannot be substituted by standing committees; if there is a standing committee, every subject will, as a matter of course, go before the committee, whereas I doubt—I am not sure—and I want to know, whether all subjects that come up from departmental heads are taken to the Advisory Committees for their opinion."

* Vide Appendix 1 on pages 232-235 infra.

QUESTIONS AND ANSWERS

[12th July 1926]

The hon. Rao Bahadur Sir A. P. PATRO:—"Where questions of policy are involved and where the Minister considers that it is necessary to consult the opinion of the Advisory Committees, the subject is placed before the committee."

Mr. A. RANGANATHA MUDALIYAR:—"I want to know whether all subjects are placed before them or only those which the hon. Ministers consider necessary?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I have already submitted to the House that such subjects on which the Minister considers that the opinion of the Advisory Committee is necessary are placed before the Advisory Committees."

Co-operative Societies.

Loan applications from certain co-operative societies in North Arcot district.

* 1974 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the loan applications from the undermentioned co-operative societies in North Arcot district have been unduly delayed by the Deputy Registrar, Vellore: Arni Urban Bank, Tiruvannamalai Urban Bank, Tirupattur Urban Bank, Arkonam House-building Society, Vellore Municipal Employees' Society;

(b) the dates of applications for loans and the dates of disbursement of the same to the above societies during the calendar year 1925;

(c) whether the Registrar of Co-operative Societies had to be approached in this matter by these societies; and

(d) the reason for the delay?

A.—(a) No loan applications were received by the Deputy Registrar, Vellore, during the year 1925 from the Tirupattur Urban Bank and the Vellore Municipal Employees' Society. An application was received from the Arni Urban Bank on 11th September 1925 and was returned to the bank on 12th September 1925 for resubmission through the Arni Union to which it was affiliated. It was not received back by the Deputy Registrar. There was some delay in the applications received from the Tiruvannamalai Urban Bank and the Arkonam Building Society.

Name of society.	Date of receipt of loan application in the Deputy Registrar's Office.	Date on which the Deputy Registrar recommended the loan.	Date of disbursement of loan.
Tiruvannamalai Urban Bank.	30th September 1925.	12th December 1925	23rd December 1925 (Rs. 5,000). 5th January 1926 (Rs. 5,000).
Arkonam Build-ing Society.	12th March 1925	22nd December 1925.	The loan was sanctioned by Registrar on 11th January 1926.

(c) The Tiruvannamalai Urban Bank and the Arkonam Building Society approached the Registrar in the matter.

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- (d) The Tiruvannamalai Urban Bank did not furnish the required information in the form prescribed until after a considerable amount of correspondence. In regard to the Arkoanam Building Society, the loan application was very defective. The Assistant Registrar had to make a personal inspection to satisfy himself as to the proper utilization of the loans disbursed. He inspected the society on 3rd May 1925 and gave instructions for the preparation of the application in conformity with the rules, after rectifying certain defects. A fresh application was received on 11th September 1925 and by that time further defects came to light and these had to be rectified.

Industries.

Hostel attached to the Government Industrial Institute, Madura.

* 1975 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Development be pleased to state—

- (a) how many of the depressed class students in the Government Industrial Institute, Madura, are boarders in the hostel;
 (b) how many of them (Brahmans) are boarders in the hostel;
 (c) whether there is separate hostel accommodation for students belonging to different communities; and
 (d) if so, how many such separate hostel accommodations are there for different communities?

A.—(a) One.

(b) Four.

(c) & (d) There are at present two messes—vegetarian and non-vegetarian. The dormitory space available is apportioned among the different communities, care being taken to permit boys belonging to one and the same community to live together.

Mr. R. VEERIAN:—"With reference to the answer to clause (a), may I know whether any concession is allowed in the hostel charges with reference to the particular depressed class boy?"

The hon. Diwan Bahadur Sir T. N. SIVAGNAM PILLAI:—"It is a matter which demands a new answer and new enquiry will have to be made."

Mr. R. VEERIAN:—"Is it not a fact that this particular depressed class boy is asked to wash his own plates?"

The hon. the PRESIDENT:—"Order, order; that is a separate question."

Mr. R. VEERIAN:—"May I know whether any announcement was made properly with reference to the existence of this Industrial School because there is only one boy in that school?"

The hon. Diwan Bahadur Sir T. N. SIVAGNAM PILLAI:—"There are 19 other students belonging to the depressed classes."

Mr. R. VEERIAN:—"May I know whether this particular student is learning metal-work or wood-work?"

The hon. Diwan Bahadur Sir T. N. SIVAGNAM PILLAI:—"This is asking for a new information and I must ask for notice."

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Tours.

Tours made by the Honourable Ministers.

* 1976 Q.—Mr. J. A. SALDANHA: 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 place before the House—

(a) a statement of the tours made by them during the months of November and December 1925 and January and February 1926 with the route, cost and the purposes of each tour;

(b) a statement of the expenditure incurred by the Government in connexion with the ceremony of opening of the pearl fisheries at Tuticorin in February 1926; and

(c) to state why two Ministers should have been present at the function and how the ceremony was calculated to improve the prospects of the pearl fishing trade?

A.—(a) A statement* showing information available as to routes, cost and purposes of the tours is furnished.

(b) No special charges were incurred in connexion with the opening ceremony.

(c) The opening ceremony was intended to give inspiration and encouragement to the staff and the divers and to give publicity to the pearl fishery. The First Minister opened the fishery as His Excellency the Governor, who was expected to open it, was unable to do so. The Minister for Development desired to satisfy himself that the arrangements for the fishery were adequate and suitable. So far as the First Minister is concerned the object of his tour was not merely to start pearl fishery at Tuticorin. The question of water-supply at Palni, Dindigul and Tuticorin has long been engaging the attention of the Government and the hon. the First Minister undertook the tour with a view to discuss this question with the local authorities. Opportunity was also taken by him to inspect the land in dispute between the Church and the Municipal Council at Tuticorin.

Mr. J. A. SALDANHA:—"With reference to the answer to clause (c), I want to know whether the Governor has opened pearl fisheries on previous occasions?"

The hon. Diwan Bahadur Sir T. N. SIVAGNAM PILLAI:—"Old records would have to be searched."

Mr. J. A. SALDANHA:—"May I know why there was so much pompous ceremony on this particular occasion? Was any special benefit derived by this pompous ceremony?"

The hon. Diwan Bahadur Sir T. N. SIVAGNAM PILLAI:—"As a matter of fact, there was a profit of Rs. 1,59,000."

The hon. the PRESIDENT:—"The Government have said that the ceremony was intended to give inspiration and encouragement to the staff."

* Vide Appendix II on pages 235-237 infra.

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Mr. A. RANGANATHA MUDALIYAR :—"I find, among the purposes of these tours, are included the opening of the Municipal Public hall, Trichinopoly, the opening of the vegetable market at Srirangam, opening of the District Board Engineer's office and laying a foundation stone. I wish to know whether, in connexion with these ceremonies, the district boards concerned incur any expenditure?"

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

The hon. the PRESIDENT :—"That is a separate question."

Mr. J. A. SALDANHA :—"May I know why the hon. the Ministers should go at so much cost to the Government for the purpose of opening ceremonies and other matters and why should not the district boards be asked to bear the cost? Simply because they are asked, is that a sufficient ground for spending money from the public exchequer for opening ceremonies?"

The hon. the PRESIDENT :—"The answer is already given."

Education.

Fostering of higher technical education.

* 1977 Q.—Mr. J. A. SALDANHA: With reference to the remark on page XXXVI of the Madras Administration Report, 1925-26, that "the functions of the department of Industries are mainly educational", will the hon. the Minister for Education and the hon. the Minister for Development be pleased to state—

(a) what steps Government have taken or contemplate taking in order to foster higher technical education than that given at present in this Presidency;

(b) what steps Government have taken or contemplate taking in order to afford technical education of an elementary character in mufassal towns and villages; and

(c) whether Government will be pleased to place before this House the details of any scheme they have got in view and the funds needed and likely to be available?

A.—(a), (b) & (c) The hon. Member is referred to the answer given to question No. 1363 at the meeting of the Legislative Council held on the 10th February 1926. The Government have not under consideration any proposals at present for fostering higher and elementary technical education.

Mr. J. A. SALDANHA :—"I want to know what is the actual number of apprentices trained and what the Government are going to do in order to train apprentices in all these institutions for the purpose of fostering technical education?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I am not aware of such schools."

Teaching of Hindi in schools.

* 1978 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Education be pleased to state—

(a) whether he has issued an order that Hindi shall not be taught outside the area where Hindustani or any kindred language is the spoken tongue;

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(b) whether he has asked the District Educational Councils and Secondary Educational Councils that they shall not grant recognition to a school where Hindi is taught if the school be in an area outside the area where Hindustani is taught;

(c) what are the languages which are said to be kindred to Hindustani in the Presidency of Madras; and

(d) whether it is not a fact that several local bodies have introduced Hindi as a second language?

A.—(a) to (d) The Municipal Councils of Tirupati and Bezwada sanctioned the employment of Hindi teachers in the elementary schools under their control. They were informed that the rules framed under the Elementary Education Act, 1920, do not permit the teaching of Hindi in elementary schools to pupils whose vernacular is not Hindi and that, in the case of such pupils, Hindi should not be taught as a compulsory or optional subject. Copies of the proceedings of Government were communicated to the District Educational Councils concerned. No other instructions have been issued.

Mr. A. RANGANATHA MUDALIYAR :—"May I know whether there are any school in the Presidency where Hindi is the vernacular in the lower classes?"

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

The RAJA OF RAMNAD :—"Unless the pupils want to learn Hindi, how can it be taught? May I ask the hon. the Minister to consider the question over again?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The answer is self-evident; if Hindi is the mother tongue and if the parents want it to be taught, it is permissible."

Concessions to students in Government College, Coimbatore.

* 1979 Q.—Mr. R. VEERIAN: With reference to question No. 1365 answered at the meeting, dated 10th February 1926, will the hon. the Minister for Education be pleased to state—

(a) the names of different communities to which the twenty-three non-Brahman caste Hindus belong to whom school-fee concessions are allowed in the Government College, Coimbatore;

(b) why no scholarship is allowed to the only depressed class student reading in the Coimbatore Government College in the second form though he applied for the same; and

(c) on what grounds two scholarships were awarded to two Brahman students and four scholarships to non-Brahman caste Hindus in the college?

A.—(a)	Lingayat	...	...	...	...	3
	Kaikola	...	...	...	...	5
	Boya	...	...	...	...	4
	Kammavar	...	...	...	...	1
	Sembadavan	...	...	...	...	1
	Padayachi	...	...	...	...	1
	Koravan	...	...	...	...	2
	Marati	...	...	...	...	3
	Devanga	...	...	...	...	3
						23

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(b) He never applied for a scholarship.

(c) On grounds of merit and poverty.

Mr. R. VEERIAN :—" With reference to the answer to clause (a) of the question, may I know whether the 23 boys referred to here, belonging to the Caste Hindu non-Brahmans get full remission of fees or the concession of half the rate of standard fees ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" They get concession according to the rules. "

Mr. R. VEERIAN :—" There is no direct reply to my question. The reply is very ambiguous. May I know whether they get full remission or concession of only half the rate of standard fee ? "

" With reference to the answers to clauses (b) and (c), I want to know by whom the poverty certificates were given in the case of these two Brahmans and four non-Brahmans ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That is a detail which requires enquiry. "

Mr. R. VEERIAN :—" Will the hon. the Minister call for the information ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not think it is a matter of such importance as to necessitate calling for further information. "

Mr. R. VEERIAN :—" After all, there is only one boy who applied for scholarship . . . "

The hon. the PRESIDENT :—" Order, order. The hon. Member is asking ' who signed the certificate of poverty ' in the case of non-Brahman students. How does that question affect the position of the depressed class student who never applied for a scholarship. "

Mr. R. VEERIAN :—" As a matter of fact, he did apply for it. The answer does not give that information. I only want that the Government should make an enquiry into the matter so that they can get the correct information. "

Excise.

Import and sale of European liquors.

* 1980 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education be pleased to state—

(a) whether Government have stopped or have decided to stop the import and sale of European liquors in the five taluks in which the import traffic and sale of arrack has been stopped ; and

(b) if not, on what grounds they mean to allow such import and sale ?

A.—The Government have not issued new licences for the sale of foreign liquor after the experimental closure of arrack shops except one which was issued on the recommendation of the Board of Revenue and the Collector as the result of a mahazar from the residents of the place for a retail shop.

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Mr. J. A. SALDANHA :—" It is stated that no new licences were issued except to one shop as the result of a mahazar from the residents of the place for a retail shop. Taking that ' mahazar ' means application, may I know whether the fact that people are insisting upon having a shop is a sufficient ground for maintaining an European liquor shop when the policy of the Government is prohibition ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I thought that the meaning of ' mahazar ' was quite clear to my hon. Friend who has experience of the Bombay Presidency. As regards the demand for one liquor shop, it cannot be resisted ; otherwise there will be illicit shops. "

Mr. J. A. SALDANHA :—" May I know the name of the lucky owner or lessee of that particular European liquor shop ? "

The hon. the PRESIDENT :—" How is that a matter of public importance ? "

Mr. J. A. SALDANHA :—" May I know who the lucky applicant is and on what grounds should he have the privilege of selling European liquor when the Government proclaim from house-tops their policy of prohibition ? "

The hon. the PRESIDENT :—" The hon. Member may put a separate question. "

Mr. A. RANGANATHA MUDALIYAR :—" The question has not been answered straight. May I know from the Government whether they really mean to stop the import and sale of European liquors and whether this new shop was allowed in pursuance of the old or the new policy ? "

General.

Redress of grievances of people of Kaveripauk and other villages.

* 1981 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he stopped at Kaveripauk, Arcot, Pallikonda and other places in North Arcot district on his way to and from Ambur on 31st January and on 1st February 1926 ;

(b) whether the people of these villages approached him for the redress of grievances ; and

(c) whether he said that grievances would be redressed only if they made a wise choice of a candidate in the ensuing Council by-election ?

A.—(a) Yes.

(b) Yes.

(c) No.

Local Boards.

Composition of the North Arcot district board.

* 1982 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what is the full strength of the District Board of North Arcot ;

(b) how many elected and how many nominated seats there are in it ;

(c) whether there are any seats vacant and if so, whether they are nomination seats ; and

(d) how many Brahmans, how many Non-Brahmans, how many Christians and how many Muslims there are now on this district board ?

[12th July 1926]

A.—(a) Forty.

(b) Thirty-two elected and eight nominated.

(c) & (d) On the 3rd February 1926, the composition of the District Board was as follows :—

Vacancies—3 (among nominated seats).	
Brahmans	3
Non-Brahmans	30 (including one Adi-Dravida).
Muhammadans	3
Indian Christians	1

Medical.*Recruitment of post-graduates in Government hospital for Women and Children, Madras.*

* 1983 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state if it is a fact that in the Government Hospital for Women and Children in Madras, Medical graduates are entertained as post-graduates on payment of Rs. 100 a month as fees?

A.—The answer is in the affirmative.

Quarters for House Surgeons in General Hospital.

* 1984 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 in the Government General Hospital House Surgeons and Physicians were at one time paid for and given quarters free;

(b) why this practice has been discontinued; and

(c) whether they are made to pay for electric charges now?

A.—(a) Yes.

(b) The system of appointing paid House Surgeons and House Physicians was discontinued as candidates for these appointments were forthcoming as volunteers without any remuneration. They are, however, allowed to occupy the quarters provided for them rent-free as formerly.

(c) Yes.

Recruitment of post-graduates in the General Hospital.

* 1985 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state if it is a fact that men are taken as post-graduates from outside in the General Hospital to the exclusion of graduates of Madras?

A.—The answer is in the negative.

House Surgeons and Physicians in General Hospital.

* 1986 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state whether it is a fact that in the General Hospital House Surgeons and Physicians are given no chance for practical work in the wards?

A.—The answer is in the negative.

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Number of lepers in each district.

* 1987 Q.—MR. R. VEERIAN: With reference to question No. 1308 answered at the meeting, dated 9th February 1926, will the hon. the Minister for Local Self-Government be pleased to state the total number of lepers in each district?

A.—The attention of the hon. Member is drawn to the statistics published at page 103 of Part II of Volume XIII of the Census of India for 1921.

Mr. J. A. SALDANHA:—“Sir, may I point out that census was taken in 1921 and we are now in 1926 and enquire first of all, whether the census report taken for the purpose of population gives the correct number of the people suffering from leprosy? Men will not come out and say that they are suffering from leprosy. In view of the persistent demand made in this House—I myself made it several times—may I know whether the Government have made inquiries as to how many persons are suffering from leprosy?”

The hon. the RAJA OF PANAGAL:—“The figures available are quoted. As to the question whether a special census will be taken, it will be considered.”

Effective medicines for snake bite.

* 1988 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there is any effective medicine for snake and other poisonous bites available in Government hospitals free;

(b) if so, what is the name of the medicine; and

(c) whether this will be made procurable by all poor people?

A.—(a), (b) & (c) The following report of the Surgeon-General on the subject is laid on the table:—

“‘Antivenene’ which is specific for the bite of the cobra or the krait is stocked at the Presidency State Hospitals, and at 13 of the District Headquarter Hospitals and is available for any poor person bitten by a cobra or a krait within the area served by these hospitals.

“For bites of all poisonous snakes, treatment apart from the use of antivenene consists in ligation of the part above and below the part, free incision and the application of an oxidising agent such as permanganate of potash. Every medical officer attached to a hospital or dispensary is trained in this mode of treatment and has the means at his disposal for applying it. Treatment is only efficacious when carried out shortly after the bite, so is only really available for those within easy reach of a hospital or dispensary.”

MR. J. A. SALDANHA:—“May I enquire, Sir, which are the 13 head-quarter hospitals in which the specific is available?”

The hon. the RAJA OF PANAGAL:—“The information is furnished in the answer.”

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Mr. J. A. SALDANHA :—" May I ask, Sir, why, having regard to the large number of these cases, this specific is not kept in every hospital, taluk hospital and all other hospitals? "

The hon. the RAJA OF PANAGAL :—" The treatment is given only as an experimental measure. We are trying it in 13 hospitals and if it is found necessary, the treatment will be extended to other hospitals."

Mr. J. A. SALDANHA :—" May I enquire, Sir, as this is a matter of great importance, since what time this experiment is being undertaken? "

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

Public Health.

Tiruvadi Swamigal burial case.

* 1989 Q.—Mr. V. PANTULU AYYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government received any memorial from the President of the Dharmarakshana Sabha, Tiruvadi, in connexion with the alleged illegal and secret burial of the corpse of one Murugesu Swamiyar in a private house in the Pushyamandapam street, Tiruvadi, on 30th June 1925, and if so, what action was taken upon that;

(b) whether it is a fact that Health officers and Revenue officials of the district inspected the disputed locality and if so, whether Government will place on the table their reports of inspection;

(c) whether the President of Tiruvadi Union Board served any notice on one Chidambara Swamiyar under section 219 of the Madras Local Boards Act, 1920, to exhume the dead body and remove it within 12 hours, and if so, whether the order of the President was obeyed, and if not, whether further action was taken by the President under section 220 of the Madras Local Boards Act;

(d) whether the Swamiyar was charged by the president for burial in a prohibited place under section 144 of the Madras Local Boards Act, 1920, and if not whether Government can assign reasons for not charging him;

(e) whether any action was taken by the Presidents of the taluk and district boards on the representations made by the public; if so, the nature of the action taken; if not, why no action was taken; and

(f) whether the public of Tiruvadi approached the Collector to interfere in the affair by virtue of special powers vested in him under the Act (section 39) and if so, what became of it?

A.—(a) Yes.

The Government called for reports from the Presidents of the Union, Taluk and District Boards concerned. They also obtained the remarks of the Collector and the Director of Public Health. As the question is now *sub judice* in a court of law, the Government have not taken any action in the matter.

(b) The Health Inspector and the District Health Officer inspected the locality. It is reported that the Deputy Tahsildar also inspected the locality. A copy of the report of the District Health Officer to the Director of Public Health, Madras, only,

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has been submitted to Government. As he considered no interference necessary in view of the fact that the matter was *sub judice*, the Government do not consider that any useful purpose would be served by placing the report on the table.

(c) Yes.

The order of the President of the Tiruvadi Union Board was not obeyed. The President did not however take action under section 220 (2) of the Madras Local Boards Act, as he considered that the religious feelings of a very large number of the residents of the locality who held the Swamiyar in high esteem and regard would be wounded by such action and that there would be a danger of a breach of the peace.

(d) Yes.

(e) No action was taken by the Presidents of the Taluk and District Boards, as the President of the Union Board has already launched a prosecution against the offender in a court of law. The Presidents of the District and Taluk Boards have no power to compel the President of the Union Board to order the exhumation of the dead body. Whether the body should be exhumed or not is entirely a matter for the Union Board President to decide.

(f) Yes. The Collector did not consider it necessary to take any action in the matter.

Government Order regarding removal or burial of dead animals.

* 1990 Q.—Mr. R. VEERIAN: With reference to question No. 1358 answered at the meeting dated 10th February 1926, will the hon. the Minister for Local Self-Government be pleased to state whether the G.O. No. 484 M., dated 8th April 1920, regarding removal or burial of dead animals is in force or not?

A.—The by-laws issued with G.O. No. 484 M., dated 8th April 1920, are no longer in force.

The latest by-laws framed for the prevention of dangerous diseases of animals and commended to local bodies for adoption are those issued with G.O. No. 793, P.H., dated 8th April 1925.

Mr. R. VEERIAN :—" May I ask, Sir, whether any special staff is appointed except the Health department for the prevention of dangerous diseases of animals? "

The hon. the RAJA OF PANAGAL :—" No special staff is employed."

Mr. R. VEERIAN :—" May I know, Sir, whether the Government are satisfied that the existing staff of the Health department is seriously looking into the matter with special reference to the prevention of dangerous diseases of animals and that therefore no special staff is necessary? "

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

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District Health Officer, Bellary.

* 1991 Q.—Mr. R. VEERIAN: With reference to question No. 1395 answered at the meeting dated 12th February 1926, regarding the District Health Officer, Bellary, will the hon. the Minister for Local Self-Government be pleased to state whether he will be pleased to call for the information?

A.—The Government have called for information and received a report. In the absence of the original of the alleged note, or any evidence of its having been sent, the Government are not able to pursue the matter further.

Forests.

Forest grievances of land owners of Sullia village.

* 1992 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether Government have received the proceedings of a meeting of several warghadars or landowners held at Sullia village of Uppinangadi taluk, South Kanara, about last November regarding their grievances in connexion with certain regulations and practices of the Forest department;

(b) what these grievances are; and

(c) what orders Government have passed on them?

A.—(a) Yes.

(b) The grievances relate to—

(1) Assignment of cultivable area in reserved forests if applied for by warghadars.

(2) Removal of the reserve boundary line to a distance of a mile from land under cultivation.

(3) Erection of substantial wall or fence around reserved forests to prevent forest fires extending to private lands and forests and to prevent wild animals from forests.

(4) Remission of cattle fee from the warghadars of Uppinangadi taluk.

(5) Sale of dead timber falling from trees to the warghadars at a low price instead of selling it by auction.

(6) Sale of cane to contractors.

(7) Giving up reserved forests to prevent excessive rain and devastation of crops by wild animals.

(c) (1) The Government have already issued instructions to the Chief Conservator to make the cultivable lands in the reserved forests of South Kanara district available for cultivation either by disforestation or by grant of forest leases.

(2) The Government did not consider it necessary to deviate from the policy enunciated in G.O. No. 30, Development, dated 6th January 1922, which has been placed on Editors' Table.

(3) The suggestion was not considered feasible.

(4) The Government could not agree to this request as sufficient grounds for allowing free grazing were not adduced.

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(5) & (6) An extract of these resolutions has been forwarded to the Chief Conservator for necessary action.

(7) Forests in the South Kanara district are valuable timber forests and they cannot therefore be given up.

Mr. J. A. SALDANHA:—"May I bring it to the notice of the hon. Member that in South Kanara forest spheres, the battle is between beast and man; and is it not a fact that man is given away to the wild beasts which are bred in these forests?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I have no information on the point, Sir."

Mr. J. A. SALDANHA:—"In the resolution that was sent to the Government, was it not stated that the ravages of wild beasts are practically driving away the people from their cultivation and that villages have been practically denuded of people?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"It is too wide a question to answer."

Applications for grant of reserve forests for cultivation in Kollegal taluk.

* 1993 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Home Member be pleased to state—

(a) whether the Collector of Coimbatore and other officers have received several applications from the ryots in various parts of the Kollegal taluk that there are no sufficient lands for cultivation in that taluk and that specific portions of reserved forests may be granted to them for cultivation purposes; and

(b) whether the Revenue Divisional Officer has recommended the grant of some lands and if so, what has become of those recommendations?

A.—(a) & (b) Yes. Some of the areas have been disforested and proposals for the disforestation of some other areas are under consideration.

Jails.

Allotment for religious worship of convicts.

* 1994 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Home Member be pleased to state—

(a) whether any money is allotted for the observation of religious worship of Christian convicts in the Presidency Jail or in the Central Jails of the Presidency; and

(b) whether any money is similarly given to convicts of other religions for observance of religious worship and if so, what is the number of such occasions in a year and the amount spent?

A.—(a) & (b) No.

Mappilla prisoners in Alipuram Jail.

* 1995 Q.—Mr. R. VEERIAN: With reference to question No. 1154 answered at the meeting of the 17th December 1925, will the hon. the Home Member be pleased to state whether there are only Mappilla prisoners in the Alipuram Jail?

A.—No. There are also a few Hindu prisoners.

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Mr. R. VEERIAN :—" May I know, Sir, what arrangements are being made with reference to the removal of night-soil."

The hon. the PRESIDENT :—" Order, order. That is not a question that arises here."

Mr. R. VEERIAN :—" It is said here, Sir, that there are a few . . ."

The hon. the PRESIDENT :—" That question does not arise."

Labour.

Operations of the Labour department.

* 1996 Q.—Mr. R. VEERIAN : With reference to question No. 1227 answered at the meeting dated 8th February 1926, will the hon. the Home Member be pleased to state—

(a) for how long the operations of the Labour department have been confined mainly to Chidambaram and Vriddhachalam taluks; and

(b) when the operations of the Labour department are likely to be extended to Tindivanam taluk?

A.—(a) The operations of the Labour department were extended to the Chidambaram taluk in June 1921 and to the Vriddhachalam taluk in April 1924.

(b) Not before April 1928.

Mr. R. VEERIAN :—" May I know, Sir, whether the grievances of the depressed classes cannot be considered or looked into unless the activities of the Labour department are extended to those particular taluks? Now the activities are extended only to particular taluks for a certain number of years. What about the other taluks? May I know, therefore, whether the grievances of the depressed classes cannot be looked into in the other taluks to which the activities of the Labour department have not been extended?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Their grievances will always be looked into, Sir."

Board of Revenue.

Functions, etc., of the Revenue Board.

* 1997 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to place before this House a statement showing the distribution of duties and functions among the Members of the Revenue Board and the establishments employed under each Member of the Revenue Board with their pay and duties?

A.—The duties and functions of the Board of Revenue are laid down in the Madras Board of Revenue Regulation, 1803, and the Madras Board of Revenue Act, 1894. There are also other duties imposed on it in the several Acts and Regulations specified in the list* appended. The distribution of work among the Members of the Board has been published at pages 1472-73 of Part II of the *Fort St. George Gazette*, dated 29th July 1924.

* Vide Appendix III on pages 237-238 infra.

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The details of the establishment employed under the Commissioners of the Board of Revenue will be found at pages 46, 56 and 113-114 of the Civil Budget Estimate for 1926-27.

The Government have no information as to the distribution of work among the members of the staff in these offices.

Mr. J. A. SALDANHA :—" May I enquire, Sir, whether in this Board of Revenue there is good amount of work which can very well be dispensed with and which is merely created because there is a Board?"

The hon. Mr. N. E. MARJORIBANKS :—" The answer is in the negative, Sir."

Mr. J. A. SALDANHA :—" Let it be in the negative, Sir, but is it a fact that the work is unequally distributed between the different sections of the establishment?"

The hon. Mr. N. E. MARJORIBANKS :—" The Government have no information as to the distribution between sections."

Mr. J. A. SALDANHA :—" I still want to know how the work is distributed. My information is that the work is unequally distributed between the different sections."

The hon. Mr. N. E. MARJORIBANKS :—" The Government have no reason to suppose so, Sir."

Land Revenue.

Alleged memorial from the ryots of Lepakshi.

* 1998 Q.—Mr. G. RAMESWARA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether the ryots of Lepakshi have sent a mahazar that the disafforested forest in their neighbourhood may be kept as communal poramboke for the benefit of their cattle;

(b) whether any orders have been passed thereon and if so, to what effect;

(c) whether similar mahazars from the inhabitants praying for disafforestation were sent before disafforestation, and whether the disafforestation was in compliance with their request;

(d) whether the Government knows that there is no unoccupied land in the vicinity for cattle to stroll about; and

(e) whether the grant of this disafforested area or its portions on patta contributes to the hardship of poor cattle-owners and ryots and their distress is unabated in spite of the disafforestation?

A.—(a) & (b) A petition forwarded by the hon. Member was transferred to the Board of Revenue and the hon. Member was informed accordingly.

(c) The proposals for the disafforestation of the Konduru reserve in Konduru and Lepakshi villages of the Hindupur taluk, Anantapur district, were not submitted in compliance with any request contained in mahazars but as a result of a letter from Mr. T. Sivasankaram Pillai who was then a M.L.C. for Anantapur.

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

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Minor Irrigation.*Tanks in Anantapur district under the control of the Fisheries department.*

* 1919 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) what are all the tanks in Anantapur district which are under the control of the Fisheries department for purposes of sales of fisheries and what are the tanks which are entirely under the Revenue department for the same purpose;

(b) to whom the sale-proceeds go—to the general revenues or to the local boards;

(c) whether the local boards which are benefited by the sales have any voice in matters regarding the sales—such as whether the sale is to be held at all and if so, on what date, where, etc.;

(d) whether these sales are advertised to the public and if so, how and how many days before the sale is actually held; and

(e) whether it is contemplated to give the local boards full powers regarding sales in the case of those tanks the proceeds of which go to the local bodies?

A.—(a) Yellanur and Singanamala tanks are under the Fisheries department; and all minor irrigation tanks are under the Revenue department.

(b) Fishery rentals of the tanks in charge of the Revenue department are credited to local boards, while the sale-proceeds of fisheries in Yellanur and Singanamala tanks are credited to the general revenues.

(c) No.

(d) The Government have no definite information on this point. The Government believe that these sales are duly advertised in the villages.

(e) There is no such proposal before Government.

Mr. A. RANGANATHA MUDALIYAR:—"May I know, Sir, whether in selling the right to fish in these tanks by auction, the Government will take into consideration the needs of the people of the adjoining villages for drinking water?"

The hon. Mr. N. E. MARJORIBANKS:—"I should say, certainly, Sir."

Public Service.*Appointments to public service.*

* 2000 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state whether students with commercial subjects as optionals in S.S.L.C. are not held to be qualified for appointment to public service, though they might have secured high marks in all the subjects for which they appeared, simply because they are not eligible for admission to Arts colleges under the rules?

A.—The hon. Member is referred to the answer to clause (c) of question No. 1925.

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Mr. A. RANGANATHA MUDALIYAR:—"In reply to question No. 1925 answered yesterday or rather at the last meeting, I think it was stated that so far as the Revenue Department is concerned, only students who are declared eligible for admission to the colleges are appointed to the Revenue department, while apparently in regard to other departments no such distinction holds good. May I know why such distinction is made?"

The hon. Mr. N. E. MARJORIBANKS:—"The question of extending the rule is now under consideration."

Village Establishments.*Assistant munsifs in ryotwari villages.*

* 2001 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state the number of assistant munsifs in the ryotwari villages of the presidency and the cost of their pay for a year?

A.—Strictly speaking, there is no such official as an assistant munsif; but the term has been loosely used in official correspondence and even in the Civil Budget Estimate to denote a monigar or assistant to the village headman. The hon. Member will see from the Civil Budget Estimate that there are 53 such officials in all and that they are estimated to cost for the year Rs. 4,788.

State Prisoners.*State prisoners in Berhampur Jail.*

* 2002 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Law Member and the hon. the Home Member be pleased to state—

(a) how many people are now incarcerated in the District Jail, Berhampur (Ganjam), in connexion with the Mappilla rebellion;

(b) how many of them are State prisoners and what were the charges against them and why they have not been tried in a court of law;

(c) what allowances are granted to them; and

(d) whether they have made personal representations to the hon. the Home Member, if so whether he has considered their cases?

A.—(a) Seven.

(b) There are four State prisoners confined in the jail in connexion with the rebellion; they were implicated in forcible conversions and it was considered undesirable to prosecute in ordinary courts of law men concerned in cases of this kind.

(c) Rs. 8-8-0 each per mensem.

(d) Petitions from three of the prisoners praying for release were received and considered by Government. The Government have, however, under consideration the general question of the release in batches of State prisoners confined in jails and their detention outside Malabar under surveillance.

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II

COMMUNICATION TO THE COUNCIL.

The Secretary laid on the table copies of * G.O. No. 558, Development, dated 9th April 1926, recording the accounts of the Government Fruit Preserving Institute, Coonoor, for the quarter ending 30th September 1925.

III

[Note.—An asterisk * at the commencement of a speech indicates revision by the Member.]

ADJOURNMENT MOTION REGARDING REMOVAL OF DISQUALIFICATION OF MR. YAQUB HASAN UNDER THE ELECTORAL RULES.

* Mr. S. SATYAMURTI :—“ Sir, I ask for leave to move the adjournment of the House to consider a definite matter of urgent public importance, to wit, *the refusal of the Madras Government to remove the disqualification of Mr. Yaqub Hasan under sub-rule (2) of rule 5 of the Madras Electoral Rules.*”

* The hon. the PRESIDENT :—“ I have to read the terms of the motion. Leave has been asked to make a motion for the adjournment of the House to consider a definite matter of urgent public importance, to wit, the refusal of the Madras Government to remove the disqualification of Mr. Yaqub Hasan under sub-rule (2) of rule 5 of the Madras Electoral Rules. I have to consider whether the matter is in order. I consider that the resolution is in order and I have to ask especially whether objection is taken by any Member of this House. (After a pause) As no objection is taken, I appoint half past two this afternoon for the taking up of this motion.”

IV

DURATION OF THE COUNCIL SESSION.

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ Sir, yesterday it has been brought to the notice of various Members of this House that the Muhammadan Members of this Council, on account of the fact that their Muharram starts on the 18th, are anxious not to continue sitting in this House after the 18th. As they represent, though a small, an important section of the community and as we ought not to do anything which might be considered by them as wanting in due respect to their religious observances, it is for consideration by the House what they should do with regard to the further sittings of this House. It looks as if the Malabar Tenancy Bill will practically last till the 17th or 18th. There is other business before the House, and I am to ask the House, Sir, through you, what attitude they would like to take with reference to that matter and also with reference to the further sittings of the House.”

* Mr. J. A. SALDANHA :—“ Sir, in my own opinion, which I think I communicated to the hon. the Law Member, we should have a sitting in August to clear up the outstanding which must necessarily remain after the present sitting. I do not see any reason why we should not have a sitting in August. The Imperial Assembly meets after the 17th of August and I think we may as well—the local Council—may meet in August again and dispose of the subjects which will be outstanding. In this sitting, on account of the hurry, practically all our resolutions have been shelved. Then we have a large number of private Bills, and we are only anxious . . .”

* Vide Appendix IV on pages 238-245 infra.

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* The hon. Sir C. P. RAMASWAMI AYYAR :—“ If I may say so, Sir, I think the first question that may well be considered most conveniently is whether we are sitting next week. If we decide that, then we may go to the next point.”

* The hon. the PRESIDENT :—“ I suppose it is the general opinion of the House that the request of the Muhammadan Members should be granted and that we should not sit after the 18th. (Cries of ‘Yes’). That is settled. Obviously it follows that if there is a lot of outstanding, as Mr. Saldanha puts it, the Government will consider the advisability of our having another meeting in August.”

Diwan Bahadur P. KESAVA PILLAI :—“ I agree with Mr. Saldanha that we may have the next meeting in August, so that we may clear off the arrears remaining after this meeting. Perhaps in September you will be away in Simla, possibly I may be away—but I am not quite certain—or the Secretary will be away. The best thing will be to have a meeting in August.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know, Sir, whether the Government will say when this Council will be dissolved?”

* The hon. the PRESIDENT :—“ Order, order. That is a question for His Excellency the Governor to decide.”

V

DISCUSSION REGARDING SUPPLY OF COPIES OF SELECT COMMITTEE PROCEEDINGS ON THE MALABAR TENANCY BILL TO MEMBERS.

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ Before we go further with the Malabar Tenancy Bill, I want to make a suggestion. I want to know whether we cannot request the Government to give us copies of the proceedings of the Select Committee in the course of this day. Of course we were told by the hon. the Law Member, and it was confirmed by a number of other friends who were Members of the Select Committee and others again who were interested in this Bill who were present at the time, that they were permitted to have all these proceedings. If that is so, there is no reason why we should not have a copy of the proceedings. Although Sir K. V. Reddi was not permitted to go on with the actual reading of the proceedings, there were several references made both by him and by the other Members as to what questions were put, what answers were given, the commission and non-commission of various acts, and so many other things. Therefore, I would appeal to you, Sir, to see whether it is in your power to give us a copy of these proceedings. If not, we shall ask the Government to do that.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I am afraid I cannot give an answer straightaway. I shall however look into the matter, Sir, and I shall be glad to tell you the attitude of Government in the course of this day after lunch.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ May I say a word or two, Sir? I thought my friend was going to say something as to the reason why he is not now going to . . .”

* The hon. the PRESIDENT :—“ Order, order. The hon. Member said nothing of the kind.”

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* Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, he did not say that. On the other hand, what he stated was that Government had to consider their attitude with reference to this matter. May I say, Sir, that I am really surprised at this answer of my friend in a matter which was open to the Press and which was published day after day in all the dailies of Madras? My friend now wants to reconsider the attitude of the Government as to the publication of the proceedings of the Committee. It seems to me that commonsense dictates only one way, that is the distribution, if copies are available, of the proceedings of the Committee to all the Members of this House who were not Members of the Select Committee. So far as the Members of the Select Committee are concerned, they have already been supplied with copies. I really cannot understand this attitude of the Government as represented by my friend in this matter."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I have nothing more to say, Sir."

VI

THE MALABAR TENANCY BILL—cont.

* The hon. Sir C. P. RAMASWAMI AYYAR :—" May I, Sir, in view of certain statements that have been made by various Members, beg your permission to make two remarks by way of personal explanation?"

11-30 a.m. "I do not propose to advert to anything that took place in the select committee. I am going only to refer to what took place in the open House. I am doing it because I found a great deal of the discussion that took place the other day turned upon what was done by the chairman of the select committee, that is myself, and not so much on what may be called the intrinsic merits of this particular clause. Let me invite the attention of the hon. Members to pages 21 to 25 and 26 of the published report. I do not propose to read my speeches—there was more than one speech that I made on that occasion. The points that I made were these. Firstly Government were not convinced that the kanamdar had made out any right to permanent occupancy. They were not convinced that any other tenant had made out any right to permanent occupancy. They were convinced only of two things, namely, the question of meicharth and the question of homesteads. But on the other matters they hoped they would facilitate compromises being arrived at between the parties. I shall refer only to one remark that fell from the hon. Member from Malabar, and it was, I think, also adverted to by my hon. Friend Mr. Moir; and that is about enlarging the scope of the Bill, a remark which was made at the close of the proceedings. That was not only to be read with my previous remarks but was solely directed to the main topic to which I directed attention, namely, the question of compensation. I asserted and asserted more than once during the course of my speeches that this Bill proceeded on the basis of expropriation or confiscation without compensation. Without compensation we would not think of any such Bill, and the enlargement of the scope of the Bill could only be by accepting that principle of adequate compensation."

(Sir K. Venkataraddi Nayudu rose to speak).

* The hon. the PRESIDENT :—" May I remind Sir K. V. Reddi Nayudu that last time he took about 20 minutes and that he should be as brief as possible?"

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am much obliged to you, Sir, for reminding me that I have already taken about 20 minutes. That would mean, Sir, from previous experience in regard to the previous speaker, forty-five minutes minus twenty, that is twenty-five minutes more for me. I shall certainly be trying my level best, Sir, to finish my speech within 25 minutes."

* The hon. the PRESIDENT :—" Twenty-five minutes to-day?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Yes, Mr. President and for this reason. I know that the hon. the Finance Member spoke from exactly 4 o'clock to 45 minutes after 4 o'clock, and I thought, Sir, that the President would kindly extend the same concessinn to me." (Hear, hear and cheers)."

* The hon. the PRESIDENT :—" There is always a special privilege granted to Members of the Government in view of the fact that they are only 7 (Laughter), and there are a possible 125 attacking them. It is a general privilege granted to Members on the Government Benches. Of course, I do not want to restrict discussion on what everyone thinks is one of the most important principles of the Bill. But what I may suggest to the hon. Member is that he may be as brief as possible, and not to prejudge the matter beforehand by stating that he would try to take 25 minutes."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I have only to submit one thing, Sir. It is not always that we attack the Government. From this side we have tried our level best to support the Government whenever it is conscientiously possible to do (Hear, hear) and as such I think that, though they are seven, they are in a majority in this House."

Mr. S. SATYAMURTI :—" Therefore you will have to take less time."

* Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I have no objection. I do not take any great delight in listening to my own voice and taking up the time of the House. However, I shall at once proceed to the discussion of the Bill. There is one point, Sir, that I want to touch upon before I continue the debate of yesterday, and that arises on account of certain observations just now made by the hon. the Law Member. The hon. the Law Member stated that without compensation, these rights could not be given, and that the Government could not be a party to any such legislation. I can understand that position. But our trouble is that the Government do not come forward with any proposal containing compensation coupled with the grant of occupancy rights, but, as I stated yesterday, it is a case of removing the clause lock, stock and barrel. They do not want to give occupancy rights to verumpattamdars and actual cultivating tenants among the kanamdars, even though the jaunmis themselves are prepared to give them those rights. They do not say that they would be prepared to give occupancy rights in the case of cultivating tenants even with compensation. It is a case of a negation of all that has been demanded in this House and the select committee. I do not therefore think, Sir, that the personal explanation does carry us any further than where we were yesterday. To resume the debate of yesterday, I was about to speak on that other point, namely, that which was relied upon by the hon. the Law Member, that for 3, 40 or 50 years—I believe he mentioned the year 1852 or 1854—or ever since 1852 or 1854 there have been decisions which recognized that the kanamdar was perhaps only a mortgagee and that he was liable to be

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evicted. At any rate, it was pointed out that ever since these decisions came into existence, the agitation to amend the law has also been in existence. It may be noticed that the first recorded evidence about evictions is to be found only about the year 1832; and you will find that the first Malabar rebellion came out in 1834."

* Mr. K. PRABHAKARAN TAMPAN:—"May I say that among the documents that have been published, the earliest decision was of 1817. . . ."

* The hon. the PRESIDENT:—"Is the hon. Member intervening on a point of order or for personal explanation?"

* Mr. K. PRABHAKARAN TAMPAN:—"Personal explanation, Sir, as it was I that published them." (Laughter).

* The hon. the PRESIDENT:—"No, that is not a personal explanation."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Well, Sir, it is because these courts have been deciding in this fashion and it is because these decisions, however just and right they may be in accordance with the law now in force—and this existing law is not in consistence or consonance with the progressive ideas now prevailing and with the advancement of civilisation—it is because men are not able to get on with the existing law that we have come forward with these amendments to the law so that there may be something done by way of redress to those people of Malabar. (Hear, hear.) It is said that in Malabar the agrarian discontent and economic distress have been rife, and these are becoming possible because of the existence of the present system of land law. It is to change the present law of land tenure that this Bill has been introduced. The function of the court is altogether different. The courts can only administer law as it exists. It is the function of the legislature to see that its laws are up-to-date and are commensurate with the needs of the people. It is on that principle, I take it, that this Bill has been introduced. To tell us now that for years this law has been in existence, that the courts have supported this view, and that they have enunciated these principles is certainly not an answer to the Bill. Sir, if that is a good argument, it could have been easily advanced by the landholders of the east coast. When the Estates Land Act was passed, all the zamindars there complained that it was a confiscatory measure just as now the janmis and their supporters are contending. No doubt reference was made to the decision of Mr. Justice Subrahmanya Ayyar, but I can give other decisions which declare that the tenants of particular inams have got occupancy rights. The courts are interpreting the law as implying rights of occupancy in favour of tenants of certain inams. There was rebellion on the east coast; there was no agrarian discontent there as you find in Malabar; there was not that economic distress as you find in Malabar to-day in those days on the east coast. Where then was the justification for the Act? Take again that Bill that was supported by hon. Members on this side of the House and passed into law, the Hindu Religious Endowments Bill. Was it not said that it was a confiscatory measure, was it not said that it affected vested interests and so on? And yet did this Council shrink from its duty in enacting such a necessary measure which is of great benefit to the country? And when this is so, what justification can there be to simply base your opposition on the solid ground that courts of law which are bound to administer the law as it exists have been deciding in a particular manner? I would think that is a very very untenable reason indeed."

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* The hon. Mr. T. E. MOIR:—"May I ask, Sir, in order to help the discussion, whether the hon. Member's argument proceeds on the assumption that the janmi is a zamindar or that the zamindar is a janmi?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I was coming to that position, Sir. Now that I am referred to it, I think I had better finish it off. It has been said that the position of the janmi in Malabar is not akin to that of the zamindar on the east coast, but that it is more akin to the position of a ryot in the ryotwari tracts. I contest that proposition with all the vehemence that I can command, because the one reason that has been advanced by the hon. the Law Member was that the settlement was with the janmis and that the Government had nothing to do with the kudiyaans, and that the lands were registered in the names of janmis as is the case with ryotwari holders and pattadars of the east coast. Therefore it is said that the position of the janmi is akin to that of the ryot on the east coast. Now, Sir, the answer is this. In the first place, I may be permitted to state that this settlement was never made in 1900. Previous to that there was the settlement of 1805. But before I come to that settlement, I have to refer to the state of the taxing law in Malabar. I think the greatest friend of the janmis, Sir Charles Turner himself, admitted that if there is one thing that has been proved beyond reasonable doubt it was that in Malabar, lands were held free of tax and rent in ancient times. Now, there are only two instances, one in 1832 and the other in 1854 or 1856, in which two Rajas, one in Calicut and another in another place, pressed from invasion from outside, were obliged to collect taxes in the shape of rent in order to meet the expenditure of the war. Beyond those two instances, Sir Charles Turner himself stated that there was not a single case in which land tax or rent was recovered. Be that as it may. You will remember that about the year 1777 when Malabar was conquered by Tippu, he made a settlement with the tenants. It will be remembered that it was not with the janmi at all but with the tenant that the settlement was made. It was only after 1805 that the British settlement with the janmi came about. Though the settlement was with the janmis, the actual collection of the rent was made from the tenants from field to field. That would clearly show that even the British Government in 1805 were not prepared to treat the tenant as a completely indifferent person with whom they need have nothing to do. Now, what happened afterwards? Until 1882, when a case came up before the High Court, the Government revenue was being collected from the tenants and not from the janmis. In 1882 the question arose and the High Court decided that within the meaning of the Rent Recovery Act, the janmi was a pattadar and not a tenant. It was then, about the year 1893, that the Government thought it necessary to pass the Malabar Land Registration Act. In that Act, what do you find? You have called these janmis proprietors, a name which can only be applied to the zamindars of the north and not to ryotwari holders. I am a ryotwari holder; my ancestors were all ryotwari holders but never were we recognized as proprietors. It is only the zamindars that are called proprietors. Is the position of the janmi then akin to the zamindar or to the ryotwari holder? Now, the point does not stop there. Again provision is made in that Act, section 14, I believe, that all the names, landholder, janmi and kudiyan, can be entered generally in the registers. This you do not find in the ryotwari tracts. Then, Sir, where is the comparison between the ryotwari holders and these janmis? In the janmam land, you will find that every inch of

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it belongs to the janmi. In the ryotwari tracts, all the waste land is yours, all the forests are yours, the *grama nathams* are yours, and the poramboke are yours. Can you claim any such thing in the janmam land? Where is the comparison, I ask again, between the janmis on the one hand and the ryotwari holders on the other? If to-day I want some land, assessed or unassessed waste, occupied or unoccupied land, I can at once go to the Government and get it on darkhast. Is there any such right preserved by the Government in all the lands of Malabar, even in an inch of that land? In fact, when the Government themselves wanted land, they had to acquire it under the Land Acquisition Act. Does it not show that the owners of the lands are janmis in Malabar, whereas the owner of all the unoccupied and unowned land in ryotwari tracts is the Government. Are the janmis prepared to give those rights to the Government in this matter? Then, even in the discussion of the Irrigation Bill, did not the janmis claim their right to all the canals and structures, etc., in their lands?

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"Coming to the ryotwari tracts, have you ever come across a single ryotwari tract, owning riparian rights on the analogy of the English law? Has the ryotwari ryot ever claimed a right to take water that flowed by his land? The zamindars claimed a right in the water that flowed by their lands, at least the water that flowed through their lands. So, I ask is there any analogy between the ryot in the east coast and the janmi? Is there again any resemblance between the zamindar and the janmi? I shall mention another instance. I know how years ago when these settlements were not settled facts, Government used to collect revenue. The whole village was given to four or five ryots and a certain money was fixed which was collected. It was open to them to distribute the lands as they pleased. That was done quite recently in the Agency tracts. That shows that there is absolutely no comparison between the janmi land and the ryotwari land. The ryotwari land is one in which the Government did as they pleased. I ask therefore, where is the analogy between the one and the other?

"One thing more and I have done with this matter. When it came to a question of representation in the Legislative Council, the janmis claimed that they should have separate representation such as zamindars have now in the north. Sir, we have a proverb in Telugu and that is, that a certain animal was not a wolf but was a calf for the purpose of eating grass while for the purpose of tilling the ground it was a wolf! The janmis are somewhat akin to that animal. The janmis want to be ryots when it comes to the question of giving rights to kudiya and claim to be proprietors for the purpose of representation. I think, Sir, the analogy ought to have some bearing on this point. The position cannot stand scrutiny for a single moment. Sir, it has been said that the authority of Mr. Logan is not to be taken as a correct authority. Well, Sir, I do not wish to enter once again into a discussion on the whole question. But I would only mention some names, the names of officers who served a long time in Malabar and I would leave you to judge whether Mr. Logan's opinion is to be taken as authority or not: Farmer in 1793, Buchanan 1800, Major Walker 1801, Richards in 1804, Sir Thackeray in 1807, Warden in 1815, Sir Walton Munroe in 1817, Green in 1822 and last on the list, Mr. Innes in 1914. Sir, these writers have served Malabar equally well. I admit the hon. the Finance Member has got an authority and a right to speak on the point with reference to modern conditions. I have great respect for his opinion. But I would think the opinion of those officers will have to weigh with us to some extent

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"The next point urged is that Malabar is so very prosperous that any other district in the Province or its inhabitants will be very glad to exchange places, would like to go and live in Malabar or, at any rate, would like to have the laws of Malabar repeated in their own land. Coming from Godavari, I may say that I will never be willing to go to Malabar. My ancestors have never gone there. To-day we find throughout the whole of South India, in the districts of Tanjore, Trichinopoly, Madura, Tinnevely and Ramnad, a large number of Telugus have been domiciled. You will find in Coimbatore whole villages have been occupied by Telugus, and my Friend, Mr. Venkataramana Ayyangar, will bear the statement out. But they never thought fit to go to Malabar. There is another point. If you examine the homes of non-Brahmans in far-off north and south you will find one Malabar cook in each hostel. If Malabar is so very rich and so very prosperous, and if conditions are congenial to outsiders, how comes it that thousands and thousands of her sons are going out abroad as menials? I mean no disrespect to my Malabar friends here. I cannot call it an enterprise. I can understand an enterprise in public service, but this is menial service. There is something behind it, something which forces one to rebel and refuse to submit oneself to the laws of Malabar. What is the condition of the tenants? I have often repeated it. I do not want to repeat it now. But one or two circumstances must be mentioned. What is the position of the young girls in Malabar? If a Nambudiri Brahman takes it into his head that he should take for himself as wife any unmarried Nayar girl, he has only to go and compel the father of that unfortunate girl to marry her to him." (Cries of 'No, no'.)

* The hon. the PRESIDENT.—"Is that one of the incidents of land tenure in Malabar?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"This is one of the incidents of land tenure in Malabar which is an engine of oppression in the hands of landed proprietors. If the girl is refused, there is the danger of the father being evicted out of the land. Continuance of the tenancy has become possible only on that ground.

"Well, Sir, I have mentioned that. I will mention another instance. A friend of mine, a vakil in Calicut, lost his father six or seven years ago. His sisters compelled him to go to the landlord in connexion with the rent of their holding. This gentleman is a B.A., B.L., and a vakil, much respected in his place. He had to go to the house of the janmi at 9 o'clock in the morning and had to wait till 3 o'clock in the sun without any seat being offered in the house of the karyakaran. The landlord was first with his child, then with his meals, then in his sleep and at 3 o'clock he came out and made the vakil stand 20 yards off from him, because he happened to be a Tiyya. Now, I ask, is such a thing possible in the east coast? Is it not this power of eviction in his hands that made him put this vakil to that disgrace? Is it not a fact that this Bill intends to take that power from the hands of the landlord? It is for these reasons, Sir, that no people of any district would be glad to emigrate to Malabar. It is the laws of Malabar, it is this sway of the Nambudiri and it is this power of the janmi that is eating into the very vitals of social life in Malabar. Government may refuse to accept it, but I do maintain that all these outrages in Malabar, even the latest rebellion,—it may be that the Khilafat set the match to the powder,

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the powder which was already there accumulating for generations—were the result of this oppression. Will you not, as Government Member, be pleased to do something?

"Sir, I know the power of Government. I know they can kill the Bill at its birth. There are hundred stages where they can do that. They can advise the Governor not to give his assent even if the Bill is passed by the Council. They can advise the Governor-General not to give his assent to the Bill. Or they can reserve the Bill and send it for reconsideration as in the case of the Irrigation Bill. But what I am appealing to you is this. Here is a grievance which is real and which is accepted on all hands. Will you not take this opportunity of doing something. It has been stated that the best way to use one's power is in the service of one's fellowmen. Here is an opportunity for serving men, your fellow men and your countrymen. Will you not, as head of the Council, as the seniormost of the four of the Executive Councillors, as the Leader of the House, will you not allow your name to go into history as the protector of the tenants' rights? Or will you reserve with you the power and make the descendants of Malabar say that you were against their rights?"

* Mr. S. SATYAMURTI:—"On a point of order, Sir. Are not hon. Members to address the Chair?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Evidently, my friend has been affected by the remarks. Any slight from me about Brahmans will affect my friend. I cannot help it. I am doing it with the best of motives. I am appealing to the first Member of Council and if I have in any way hurt the feelings . . ."

* Mr. S. SATYAMURTI:—"On a point of personal explanation, Sir. My feelings have nothing to do with the question I raise. I wish to know from you, Sir, whether hon. members may address one another, for, if they do, the debate may degenerate into a dialogue and affect the dignity of the proceedings of this House."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I admit the hon. Member for the University has damped my face with water. I suggest to the hon. the Law Member that the Government are having a great opportunity and once they let slip this opportunity they can never get it back."

* The hon. Mr. N. E. MARJORIBANKS:—"Mr. President, Sir, I have very little to say on the subject. I would like to remove some misapprehensions which seem to be lurking in the mind of some members who have spoken as to the recent attitude of the Government towards this Bill. It has been pointed out by those who spoke on behalf of the Government that there has been a long series of decisions of law courts which this Bill seeks to upset. It is not intended that it should be inferred that no decision of the courts should be upset by legislation but to point out that for the Government to be able to support such legislation they would have to be satisfied that real necessity is made out for depriving any class of its existing admitted rights."

"So far, we have been unable to find any justification in the existing conditions of Malabar for a confiscatory measure of this nature. Where it is deemed in the interests of the nation as a whole, on grounds either economic or social, that the existing rights of certain classes of people should be affected, there is usually some scheme propounded for compensation. In

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this case, the only possible form would be, I presume, a State purchase of those rights, and the Government do not see, as I said before, that any reason has been made out, any evils shown to exist, that would justify their embarking on any such scheme. The speech of the last speaker indicates perhaps the real reasons that underlie the bringing forward of this Bill, and that is, certain social customs in Malabar which appear to me to have their basis on religious grounds and not to have anything to do with the form of land tenure. We cannot agree with the hon. Member who spoke so eloquently that the proper way to reform social abuses would be to deprive people of their property. Reference has been made to the Estates Land Act, and it is said that this is an analogous piece of legislation. But in that case, the courts held that the zamindari ryots had occupancy rights. Here they have held to the contrary effect. The position broadly taken up in connexion with the Estates Land Act was that the zamindar was an assignee or grantee of the Government rights and that the permanent settlement was at no time intended to affect the rights of the ryots. The janmi in Malabar has no such position, as a grantee or assignee of the State's rights. It is true, as was pointed out by a former speaker, that under the influence of officers who served for a long time in Malabar the janmi has been conceded a number of rights such as to hold waste free of assessment, and other rights that are not conceded on the east coast. But I do not think that it has ever been established that they were legally entitled to any such concessions. I think it would have been open to Government to have assessed such lands. I would therefore like to have it clearly understood that the Government oppose this Bill not merely because it is aimed at making a change in the rights of people but because there is no justification for the proposed confiscation of the rights of the janmis."

Rai Bahadur T. M. NARASIMHACHARLU:—"I rise to support the motion made by the hon. the Law Member to omit this clause. In doing so, I shall be as brief as possible in the reasons that I have to advance in support of this motion. Of course, I am not a Member of the Government, or even an ex-Member, to appropriate so much as forty-five minutes of the time of this House. (Sir K. Venkatarreddi Nayudu: 'When you become a Member?') Even when I become a Member of Government in the future I shall take only fifteen minutes" (Laughter).

* The hon. the PRESIDENT:—"The hon. Member need not be so optimistic!"

Rai Bahadur T. M. NARASIMHACHARLU:—"Is it with regard to my becoming a Member, or the duration of my speech?"

"The hon. the PRESIDENT:—"The duration of the speech."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, the question now before the House is whether any permanent right of occupancy should be given to any class of tenants. This question, I think, has not been approached by those who are in support of it from the proper perspective. They seem to think that the kanamdars had always been the co-owners of the soil along with janmis, and they say that in the past, at a time when the British had made a permanent footing on the Indian soil, in those ancient days, these janmis and kanamdars had been co-owners of the soil. I submit, Sir, though I do not claim to possess an intimate knowledge of the Malabar land tenures or the conditions of Malabar, still I claim that I

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have made some study of them. I have had personal interviews with those who are an authority on the subject, and I do say, Sir, that no document has ever been put forward till now which will show that the kanamdars are the co-owners of the soil. It is said, Sir, that the British Government in their ignorance of the Malabar conditions have promulgated a new law and have perpetuated that bad law, giving absolute rights of ownership to the janmis and depriving the kanamdars of their co-ownership rights. I submit, Sir, there is absolutely no authority for that statement. On the other hand, I say that when the British Government first took over the reins of Government in that part of the Presidency, they were extremely anxious to find out what the law of the land was, to find out what the respective rights of the various persons concerned in the soil were and to administer the law as they found it on the land. They have done so in every part of the Presidency, and I fail to see why the Government should have adopted a topsy-turvy method in the case of Malabar alone. Many Members have appealed to commonsense. I do also appeal to the same commonsense, and ask them to see whether the British Government would, in the infancy of their administration, have taken a wrong view of the law, or wanted purposely or otherwise to twist the law and give more rights to janmis than they were entitled to. I submit that the British Government have taken every care to find out the rights of the several parties concerned, and to administer the law as they found it there. Therefore, I think there is absolutely no reason for appealing to ancient history or to say that the British Government in their ignorance have propounded a wrong law here and have been administering it. Well, Sir, whatever might be the nature of the views of the executive officers of Government, we find that for the last seventy years the British courts have been administering the law and they have declared in no uncertain terms that the janmis are absolute owners of the soil and that the other parties, kanamdars and verumpattamdars were only persons who are entitled to cultivate the land or to hold the land as mortgagees by virtue of contract. The only relationship that exists, so far as I am able to see, is a relationship which exists between them by virtue of the contract which has come into existence between them.

"Now, it is said that courts have erred. I, Sir, for one moment, cannot think that, the British courts would have intended, so far as this question was concerned, either wantonly or in their ignorance, to administer that bad law and establish it. Now, Sir, whatever that might be, the law has been established for more than seventy years in the land. It is on the basis of that law that there have been several transfers of property in that district. Even the Government have sold vast pieces of land, which they held in janmam property, for a very considerable price, and people have purchased them. The subjects also have been purchasing and selling property on the basis that the janmam property is an absolute fee simple. Now, people who are holding land estimate their property at a considerably large value, and the effect of this legislation will be that, as soon as it is passed into law, those who are rich will find themselves absolutely poor and those who never dreamt to possess any property will find on one fine morning that they have become enormously rich. I ask, Sir, is this the law that is now sought to be enacted in this House? Is it right, is it fair to deprive people of their rights to the very valuable property which they possess, and bestow them on persons who do not deserve them? Now, the kanamdar here comes in by virtue of the contract; the verumpattamdar comes into the land by virtue of

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the obligations and rights which have been created between the parties. I ask, Sir, did they contract during the last seventy years to get anything more than their obligations, than those rights that have been embodied in the terms of the document? If that were so, I ask, why should these persons be given rights, and that, Sir, without any compensation to those affected? Now, if this piece of legislation is not a socialistic or a Bolshevik one, I fail to see what else it is. If you want to aim at equalizing the rights of people, I fail to see why you limit it to Malabar and not extend it elsewhere. I submit, Sir, this kind of legislation is the result of a consciousness of power on the part of the majority. The hon. Member from Godavari said that the position of power must be always used for the benefit of the people or some such thing. I, Sir, appeal to him and use the very same expression, and say that the power of the majority in this House should be diverted to beneficial uses and not be used in a tyrannical manner. "You are conscious that you are in the majority here and so you think you can curtail all the powers of the janmi. The cat is, after all, let out of the bag. The hon. Member waxed very eloquent when he mentioned certain social customs in Malabar. These examples have been brought only to prejudice the issue in this case. They have absolutely nothing to do with the land tenure. Such social abuses had existed not only in Malabar, but in every province, in every country in the world. If, on account of certain social abuses, the rights belonging to certain individuals should be curtailed and those rights bestowed on others and that by means of legislation and if that legislation is made because the majority in this House who are in power are against the people who are in possession of those rights, if such a state of things come to pass, then the people will have very little confidence in the Government. On the other hand, whenever the majority have got the power they should use that power to preserve and safeguard the rights of the minorities, minorities who have been long enjoying such privileges and who are in utter need of the help of the majority. Instead of doing so, you say, 'Well, we will enact this law to deprive you of the rights you enjoy.' If this is not tyrant-like, what else is it?"

"Again, the hon. Member referred to the Hindu Religious Endowments Act. We have to wait and see what it is. Till now it has not done any good, and I believe it is one of those Acts that is going to be a dead letter in this province". ('Hear, hear.')

Diwan Bahadur P. KESAVA PILLAI:—"On a point of order. Is the hon. gentleman in order in forecasting what the effect of a legislative Act of this Council is going to be?"

* The hon. the PRESIDENT:—"That is a matter of opinion."

Rai Bahadur T. M. NARASIMHACHARLU:—"Thank you, Sir. Therefore I say that you should be very careful in the use of the powers vested in you."

"I have referred to the question of compensation. No doubt others also have referred to it, but I am only referring to this aspect of it. The question of compensation is very essential. If a permanent right of occupancy is to be granted to any of the tenants, then the position taken up by the Mover and his supporters is utterly untenable. If to-day we pass this law, in the next Council when they have got another majority, they may pass similar laws which will deprive the minority of their rights and privileges. Sir, in the course of this Bill, the mover and his supporters

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have gradually gone from bad to worse. The original Bill was brought in a certain form giving certain rights to the kanamdars. Afterwards, the Mover felt that he was supported and he extended it to verumpattamdars of six years' standing. He again felt that the power of the majority was on his side and then he extended it to all cultivating tenants whether he came into the land yesterday or would come into it to-morrow. That is the scope of the present section. What was the condition of Malabar when this Bill was introduced? It only affected the kanamdars. How is it that afterwards verumpattamdars of six years' standing had been allowed, and how is it that even that six years' limit has been deleted and all kanamdars and verumpattamdars have been included without any distinction? How is it that my hon. Friend from Godavari says that conditions have so changed since the introduction of the original Bill that we have to include verumpattamdars also, not only of six years' standing but of any standing? Does it not look like feeling the pulse of the majority and taking advantage of it? This piece of legislation was not brought for the purpose of satisfying the people of Malabar but to satisfy the wishes of those who want to deprive the janmis of their rights and privileges. If the hon. Mover had been content with a modest beginning there would have been no grudging. But he has been too avaricious. The Government have come forward only now. They ought to have come forward in the very beginning when the Bill was introduced and nipped this agitation in the bud. I have pointed out in my dissenting minute that the Government were not correct in keeping quiet in the very beginning. This is merely an artificial agitation and the silence of the Government is responsible for it. It was said that the Mappilla rebellion was the direct result of the economic conditions in Malabar. It was not so. If it was so, how was it that the Mappillas directed their attacks against poor innocent people who had nothing to do with the social conditions of Malabar and who suffered equally with the Hindus, whether janmis or kanamdars or verumpattamdars. They directed their attack against Government buildings and offices. Therefore, I submit, to drag in the Malabar rebellion as the reason for introducing this Bill is to take advantage of a happening which has nothing to do whatever with land tenures. Can anyone say that the fituri in the Northern Circars was the outcome of tenancy troubles? I think nobody attributed the fituri to land tenures. It is fanaticism pure and simple. It is a religious ebullition and it has been so held by prominent authorities."

Diwan Bahadur P. KESAVA PILLAI:—"The hon. member has exceeded 20 minutes; he has not yet become a Minister." (Laughter.)

* The hon. the PRESIDENT:—"Probably the hon. Member is qualifying himself for it." (Renewed laughter.)

Rai Bahadur T. M. NARASIMHACHARLU:—"That is a very good aspiration. There is no harm in that. I wish to qualify myself in a modest degree. Therefore to attribute any rebellion to the land tenure problem is quite irrelevant. Let them adduce arguments to show that the present conditions are such that even without compensation people would give up their rights. You must not base your argument on the prejudices or social customs or the religious habits of the people, which have nothing whatever to do with the question. If you are in power that power should be used to protect the rights of the minority. If, instead of that, you confiscate the rights of the minority, the world will say that powers were given to the Legislative

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Council but they were not used properly. When the day of reckoning comes, this will be taken as an instance to show that powers should not be given to the Indian Legislature because they are likely to abuse them."

Diwan Bahadur P. KESAVA PILLAI:—"I have not studied the provisions of the Act so carefully as my respected friend Mr. T. M. Narasimhacharlu; but he has given expression to certain sentiments which is opposed to the very constitution of the British Government. He has been harping upon the theme that the duty of the majority is to preserve the rights of the minority whether based on right lines or wrong lines, whether good or bad. I protest against these sentiments of my friend. As he grows old, he seems to have mellowed into a die-hard politician, supporting everything that is fossilized. That has been his attitude. That he should stand up and tell us that this House had no right to legislate because one party had the majority to pass an Act which was beneficial to the majority of the people but against the privileges and the so-called rights of a minority inherited for a long time is a position which I cannot comprehend. When the Labourers were in the majority in Parliament they had the whip-hand over the Conservatives. That is the principle of the British constitution. My friend has been telling us that the majority should have nothing to do with the monopoly of the minority but should go into the wilderness. My friend is qualifying himself to be a Minister of the Government and to be a member of the Treasury bench. But no member of Government has ever given expression to such strong die-hard sentiments as my Friend the hon. Member from Cuddapah has done. I hope he will not go down as one of the die-hard politicians of this House. I hope the majority will do its duty, whenever it feels that it is its duty, to stand by the people and not simply bolster up certain privileges claimed as inalienable rights. There are no inalienable rights in the world. We are all progressing, and we should cherish better sentiments than the sentiments given expression to by my hon. Friend. Instead of the curses which my friend tells us that we would get by passing this Act which would confiscate the rights of certain people, if those rights are based on wrong principles, they ought to get the sympathy and support of a progressive Government like the British Government. The British Government is not here to protect and safeguard the privileges and interests of the minorities under all circumstances. If the British Government will not make and administer laws for the greatest good of the greatest number, it has no right to be here."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"Mr. President, Sir, as several hon. Members have expressed surprise in strong terms that the Government have not accepted what they have called the basic principle of the Bill, viz., the grant of occupancy rights, I propose to explain very briefly what the direct consequences of such grant of occupancy rights will be. I do not propose to deal with the so-called 'historical' argument. I do not think Malabar or any other part of the world can be restored to economic conditions which existed 75 years ago; and in the case of Malabar you cannot erase the brightest chapter in its history—I mean the developments that have taken place there during the last 75 years. So far as the main facts are concerned, they are admitted. The kanam is a terminable tenure and has been a terminable tenure at least from the year 1854. The verumpattam tenant has never any sort of occupancy right. What is proposed in the Bill is that a certain class of kanamdars and a certain class of verumpattamdars

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should get permanent occupancy rights. Now, the Bill proposes to grant a permanent occupancy right to cultivating verumpattamdars. My Friend, the hon. Mover has got a very wide range of sympathy. In his dissenting minute he says that the non-cultivating verumpattamdar should be entitled to occupancy rights. Again, the Bill says that a non-cultivating kanam tenant who did not acquire his interest under a melkanam, should get occupancy right. Incidentally I may say that this penalises the good janmi who believed it was not good form to evict his tenant or to grant melcharth. But let this pass.

"Now, what would be the effect of this multitude of occupancy rights? I believe these occupancy rights have got some value, otherwise, the hon. Mover would not think it worth his while to present the tenant class with these rights. The hon. Mover will agree with me that all this multitude of rights is taken away from the rights which are possessed, and which he himself admits have been possessed, by the janmis at least from the year 1854.

"Now, Sir, in Malabar there are 1,300,000 acres of land under cultivation. Let us assume that the hon. Mover's Bill, if passed, will confer occupancy rights on about a million acres, about three-eighths of which is very valuable paddy land. I think on a very moderate computation we might say that the value of these occupancy rights would be somewhere about 20 crores of rupees. Nor is this the only respect in which rights are taken away from the janmis and conferred on other classes of people. There is the question of renewal fees and I may say I am glad to find that the hon. Mover differs in this respect from the Bill as passed by the Select Committee. That again means that in one single estate in Malabar—the Zamorin's estate—about Rs. 15,000 a year will be lost by the janmi—an amount which is legally due and which is recognized as a legitimate source of income. The Bill contains other provisions which are equally confiscatory. For example, it stereotypes the kanam debt at its present high rate of interest. Including all this, it may be said without exaggeration that the effect of these provisions would be to take away from the janmi many crores worth of property rights and give them over—present them—to a tenant population.

"Well, Sir, I should remind this House that there are janmis in Malabar who are poorer than many tenants (Mr. Prabhakaran Tampan: Hear, hear) and that the effect of this wholesale withdrawal of property rights would be to beggar many a family.

"Now, who would be the beneficiaries by the grant of rights under this scheme of the Bill? Mr. Thorne, in an excellent report which has been circulated to the Members of this House, has said that the Zamorin's estate is the pillar of the middle classes of South Malabar. In the case of the bigger estates at least, I think, it will be conceded that the chief beneficiaries would be the comparatively well-to-do middle class families. I leave the House to decide whether there can be any justification for this kind of free gift.

"Sir, there is another point which I would like to mention. Land transactions in Malabar are very numerous. Every year, one-seventh of the registered documents relating to land in this Presidency relate to Malabar and I find that during the last 12 years, about one and a half million documents were registered relating to land. If the Bill of my hon. Friend be passed, all these transactions will mean something entirely different from what the parties originally intended: the original contracts will be ripped open and other terms introduced.

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"Now, it has been found necessary on political or economic grounds in other countries to carve out peasant proprietorships. The example of Ireland has been quoted. There are also Small Holdings Acts in almost all countries in Europe. But the basic principle of the legislation undertaken in all those countries is that these peasant proprietorships are purchased after payment of adequate compensation. I do not think there is any parallel in the history of agrarian legislation in Europe or anywhere else for this kind of expropriation without compensation, which forms what has been called the basic principle of the Bill as put forward by the hon. Member, Mr. Krishnan Nayar.

"Now, after the hon. Mover introduced this Bill before this House, the hon. Member for Godavari presided at a tenants' meeting at Badagara. There he outlined his programme of land legislation for Malabar. He said that cultivating tenants now in possession of their lands should be given occupancy rights and went on to add that adequate compensation must be granted for every right affected by the grant of occupancy rights. Continuing, he said that it was the duty of the Government to form land mortgage and agricultural banks to enable these tenants to raise loans for long terms in order to buy their occupancy rights. Now, that is a most equitable programme. If this House is satisfied that the finances of the provincial Government will bear the purchase of occupancy rights on such a large scale—I have already given an idea of the probable cost of these occupancy holdings in Malabar—it would be an equitable thing for this House to undertake the necessary legislation. I am sorry the hon. Member for Godavari is not in his seat. I find that there are amendments tabled for the grant of compensation and I hope that, as consistency is his favourite vice, he will support those amendments. Then the hon. Mover will no doubt tell us how far purchase of occupancy holdings on the plan advocated by the hon. Member for Godavari would be within what he calls the basic principle of his Bill. (Diwan Bahadur M. Krishnan Nayar: In another Bill.)

"Now, Sir, I find considerable difficulty in understanding what exactly the principle of this Bill is. I have devoted some time to the study of the previous legislative efforts in this direction and I find that legislation proposed or attempted for Malabar has always fallen into two classes. The first class consists of those who want occupancy rights to be given to old kanams. Their case is perfectly intelligible. They say that those kanams originated in a state of things when permanency was the rule—when there was a 'custom' of irredeemability. Such legislation would be in favour of ancient families, old middle class families. The second school consists of persons who hold that the legitimate object of sympathy should be the 'cultivating' tenant—as he invests money in land and bears the brunt of cultivation. There are thus two distinct schools. Persons belonging to the first school have always opposed the grant of occupancy rights to the cultivating tenants. You cannot give occupancy right to the lowest scale tenant without eliminating all the tenants between the janmi and the actual cultivating tenant. The interests of these two classes are divergent. For example, among the opinions that have been circulated to this hon. House will be found one from Mr. Sekhara Menon, one of the staunchest exponents of the cause of tenants. He says: 'I can understand old kanams getting occupancy rights, but what justification can there be for endowing with

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occupancy right every verumpattamdar who has no stake in the land?' In the same way, the Palghat Bar Association which again is pro-tenant, advocates the grant of occupancy right to the kanamdar and deprecates the grant of it to the verumpattamdar. Now, I ask how can these utterly divergent principles be reconciled? I submit the hon. Mover's Bill has no principle behind it, because he is attempting the impossible task of reconciling these two widely divergent schools of thought.

"The examples of Travancore and Cochin have been quoted. I do not think it is necessary for me to deal with this at any great length as that has been already dealt with by the hon. the Finance Member. One essential difference between the history of Travancore and Cochin on the one side and that of Malabar on the other has been referred to. In Malabar the principle of universal landlordism has been recognized, but in Cochin and Travancore that has never been recognized. The result of this is that a Tenancy Bill for Malabar will have wider and more far-reaching effects and will have repercussions on a much larger scale than any tenancy legislation in Cochin or Travancore. This point ought to be remembered when we want to assess the probable effects of a Bill like the hon. Mover's as compared with the effects of similar legislation in Travancore and Cochin.

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"Secondly, the hon. Member Mr. Krishnan Nayar referred to the fact that in Cochin occupancy rights were conferred by the Government on verumpattam and kanam tenants holding under the State. The Cochin Government gave the right because it did not matter to them who cultivated the lands so long as they got the assessment from them. One result of the grant of occupancy rights was that the State revenue rose from Rs. 5 lakhs immediately before the grant to Rs. 10 lakhs immediately after it. I speak with knowledge on this point, as I was connected with the administration at that time. As regards Travancore, the hon. Member Mr. Krishnan Nayar will remember that permanent rights of occupancy to kanam tenants were granted in the years 1829 and 1866 when rights had not crystallized and lands were not valuable, when population was much smaller, and there was competition among janmis for tenants and not among tenants for holdings. Now, Sir, what was possible in the year 1866 will not be possible in Travancore in the year 1926, much less will it be possible in British Malabar at the present moment. On this point, I might quote Sir Sankaran Nayar's statement in one of the papers circulated to the House. In the early days of the struggle for the recognition of occupancy rights of tenants Sir Sankaran Nayar was the chief protagonist of the tenants' side; he said: 'As to conferring occupancy rights, things have altered considerably from 1880, when myself and others who shared my view pressed for it. Then lands were held by men, no doubt, called tenants but who fully believed that so long as they fulfilled the customary obligations they would never be evicted. I have not been devoting much time to the study of the subject; but I believe the majority of those old tarwads have disappeared and new men have come on the land. I think the time is not far off when Malabar will be like any other typical ryotwari district with the Crown as the overlord and ryot helped by fugitive coolie labour. The only legislation that I am prepared to recommend is that no person should be turned out of his homestead by his landlord except where that is absolutely necessary for the landlord for the cultivation and enjoyment of his lands, in which case the tenant should receive liberal compensation.' To my mind this is

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conclusive. We cannot restore in Malabar the state of things which existed many years ago. What was possible in Travancore in 1866 is quite impossible in British Malabar in 1926.

"Much has been said about the economic effects of the Bill. The result of my examination of this aspect of the question has been to show that the economic effects of the Bill as framed would be disastrous mainly on the classes whom it is intended to benefit. For, what will the janmi do directly the Bill is passed into law? He will take care to reduce as much of his land as possible to his own possession. And, as the hon. the Mover has got a chapter which gives many loopholes to janmis for denying occupancy rights to tenants, they can easily, after litigation, succeed in their object. Again, in respect of lands which the janmi proposes to cultivate hereafter he will not admit any kanamdar or verumpattamdar as he knows that by doing so he would be forced to confer occupancy rights upon them. The tendency will be to retain as much land as possible and cultivate it with the help of agricultural labour. The position in Malabar will then be this. There would be first the janmis; below them will be a few privileged tenureholders, the creatures of Mr. Krishnan Nayar's Bill; and below them again a large mass of agricultural labourers who will be condemned to remain for ever as labourers without any chance of becoming kanam tenants or verumpattam tenants and acquiring a better social and economic position.

"What is wrong with agriculture in Malabar as in the rest of India is that agriculture is called upon to support more people than it can easily support. The ideal agricultural economy for Malabar is one under which janmis will cultivate their lands with the help of agricultural labour or verumpattam tenants and all the intermediate tenancies would disappear. If this should be achieved, either the janmi will have to buy these tenures from above or the lowest grade tenants will have to buy them up from below. If you endow all these intermediate tenants with valuable property rights, if you endow their rights with a higher market value than at present, you delay the realization of the ideal and thus damage permanently the real interests of agriculture. It seems to me that these results are bound to follow from the Bill that is now before the House and it is for the hon. the Mover of the Bill to show how his Bill is going to benefit the agricultural population of Malabar. Then there is a question of 'peasant proprietors.' I know that the word has got an irresistible attraction to some minds. On this subject, a great authority on land tenures has stated as follows:

'The greatest danger of peasant proprietorships is that as soon as the peasant finds himself a proprietor he would prefer the rôle of proprietor to that of peasant cultivator, and would sublet his land, thus introducing the evils of the Cottier system.'

"This is the experience of most countries. Is there anything in the conditions of Malabar to show that this subletting is not going to occur there on an enormous scale after these peasant proprietors whom Mr. Krishnan Nayar wants to bring into existence have been brought into existence? As a matter of fact, subletting is now the great evil of Malabar. The same has been the result of the experiments in the Punjab. I do not know, to borrow the language that has been used in the past in this controversy, if it is the ambition of the hon. the Mover of this Bill to reconstruct the social and economic life of Malabar on a fancy design of his own. . . ."

"Diwan Bahadur M. KRISHNAN NAYAR:—"No one except the hon. Member himself has stated this anywhere. . . ."

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* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"I quote from what Sir T. Madhava Rao said once."

* Diwan Bahadur M. KRISHNAN NAYAR:—"On my Bill?"

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"Of course not. On a similar Bill."

"Well, if this is his ambition the Bill will realise it for him."

"Some hon. Members are sceptical about the utility of the Government amendments. May I respectfully explain before I conclude what benefits they seek to confer on the actual tenant? First of all, there is a provision to prevent rack-renting; secondly, there is another provision to make melcharth impossible or at least more difficult than now; thirdly, provision is made for conferring permanent rights of occupancy for homesteads. The hon. Members will remember that Sir Sankaran Nayar, the chief protagonist of the tenants, asked only for the last of the three provisions on behalf of the tenants. The Government amendments have given not only that but have also enabled the tenants to secure fair rents and protection against evictions. Short of the confiscatory provisions of the Bill, it is not possible to go farther in favour of the tenants. I would ask the House to decide whether a case has been made out for what my hon. friend Mr. Krishnan Nayar wants, i.e., to deprive the janmis of crores and crores of property and transfer it—I call it a 'transfer', because it is sought to be done by means of a Bill, but several gentlemen have used harsher words—partly to a well-to-do middle class and partly to other classes. Sir, I have taken more of the time of the House than I intended to. The Bill raises many complicated issues and I hope I have been able to shed some little light on the most important aspects of the question before the House."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Hear, hear."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, my intention originally was to record a silent vote against the amendment. But the speech of the hon. the Law Member and the angry remarks made by the hon. Member from Ouddapah on this matter . . ."

Rai Bahadur T. M. NARASIMHACHARLU:—"On a point of personal explanation. You would have noticed, Sir, I was never angry. Is it not unparliamentary to use the word 'angry'?"

* The hon. the PRESIDENT:—"Angry" is certainly not unparliamentary." (Laughter).

* Mr. C. V. VENKATARAMANA AYYANGAR:—"The hon. Member is always angry so that he does not know when he is angry and when not."

"During the discussion we have been told that whatever affected the janmis of Malabar would also in course of time affect the other ryotwari landholders in other parts of the Presidency. The hon. Member, Mr. Madhava Raja has referred to this red rag in his minute of dissent. I thought that the various other counter-statements and arguments put forward here and elsewhere would have silenced such an apprehension. The hon. the Law Member raised that question again and said that we must beware of this red rag. I must emphatically say, Sir, that that is quite a wrong statement to make. The hon. Sir Venkatreddi Nayudu has very clearly explained that, as far as law is concerned, it cannot apply. But looking into the various records that have been made in the course of the last one century on this matter,

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it is very clear that a janmi is neither a zamindar nor a ryotwari landholder. The janmi is only a janmi and nothing else. Whatever provision is made in this Bill as regards his rights and duties, it would only affect him and his tenants in Malabar. Therefore, let it not be misunderstood that anything that is done with the consent of the majority of the House and without the consent of the minority of the House and that whatever may be enacted in this connexion cannot and will not be adduced to be applicable to the ryotwari landholders in the Presidency. The speech of the hon. the Law Member has created a fear in the minds of some people. I am not drawing from my imagination. I hold in my hand a telegram from the Trichinopoly landowners who have read the speech of the hon. the Law Member and been carried away by the scare. They say that the amendment of the hon. the Law Member should be supported. I do say, as a ryotwari landholder paying a fairly large amount of kist Rs. 2,500, it will not scare away people like myself; I do assert that this cannot be quoted against a similar or dissimilar legislation with regard to ryotwari landholders in the Presidency.

"Coming to the subject itself, I thought that it was so simple a matter and that we could vote for or against the Bill. The hon. the Law Member says 'reject the Bill at once'. I am waiting to see whether my hon. Friend Mr. Prabhakaran Tampan will vote for or against the amendment. By way of interjection, he said that his amendment to clause 6 was an alternative amendment."

* Mr. K. PRABHAKARAN TAMPAN:—"More or less alternative amendments."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I repeat what the hon. Member says. It is more or less an alternative amendment. I have been a very careful disciple of Mr. Tampan in this matter and I have read the literature, big and small, that is published, including the Tit Bits issued yesterday. I am true to myself rather than to my preceptor. His amendments clearly show that, so far as the cultivating tenants are concerned, he has very little objection to give them right of occupancy. His amendment to clause 6 does not go to say 'remove the clause'."

* Mr. K. PRABHAKARAN TAMPAN:—"On a matter of personal explanation, Sir, I do not retract an inch from the position I took up."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"His amendment is not more or less an alternative one. Not only has he not given notice of an amendment to omit clause 6, but he has tabled a specific amendment to omit clause 7. What does it mean?"

* Mr. K. PRABHAKARAN TAMPAN:—"May I explain myself? It is in substitution of this clause that I have tabled my amendment. It is not by way of amending the existing clause. It has to be omitted and then only there is room for substituting my clause in place of it."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"My friend is very much excited. He has not given an amendment to omit clause 6. He is quite willing to give the right of occupancy to cultivating tenants and deny it to others. With regard to clause 7, he says 'omit the clause'. His amendments are clear. So far as the question of permanent occupancy to the cultivating tenant is concerned, my hon. Friend Mr. Tampan is not against it. I am waiting to see how he would vote for the amendment of the hon."

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the Law Member. The hon. the Law Member said that every new legislation should take into consideration historical facts. I am under the impression that every new law is a change from the old law, consistent with the progressive opinion of the country; every new law means a little confiscation. What is the Irrigation Bill for? The hon. the Law Member was saying that there were a number of rulings which were against the interests of the country; and therefore the Irrigation Bill was brought forward. Reference has been made to the Hindu Religious Endowments Act. I am one of those who think that if there is confiscation, there must be compensation. There is no question of that. But the whole question is to see how far there is confiscation, in every particular provision of this Bill, and if there is confiscation, should there be compensation and what is the nature of the compensation. These are the points which we have to consider when the Bill progresses. Most of the speeches that were made in the course of this debate are not relevant to clause 6 including the admirable, very interesting and instructive speech of the hon. the Law Secretary. Every speech went into the principles of the Bill. I wish that those speeches were made either at the time of the introduction of the Bill or after the Bill has been considered and when the hon. Mover moves that the Bill be passed into law. Every provision was attacked. What is the provision in this clause and what is the object of this amendment? I appeal to the janmis; I specially appeal to the arch-leader of the janmis, my hon. Friend, Mr. Tampan."

* Mr. K. PRABHAKARAN TAMPAN :—" May I know, Sir, if that expression is parliamentary ? "

* The hon. the PRESIDENT :—" The expression ' arch-leader ' is not unparliamentary. "

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Arch-leader is a leader of leaders. I paid my hon. Friend a compliment. If he does not want it, I have no objection to withdraw it. This Bill, when it emerges out of the Council, will give occupancy rights to the cultivating tenants. The amendment must be rejected. Therefore I appeal to the hon. the Law Member—though he is not here, I appeal to him through the hon. Law Secretary—to withdraw this particular amendment because it goes to the root of the Bill and it says ' let the Bill be postponed sine die '. I would ask him to withdraw it and go on moving some reasonable amendments. There is no doubt that there is a large amount of public opinion in the Malabar district and elsewhere that the people should be given some sort of occupancy rights. I appeal to the hon. the Law Member to take note of the public opinion in Malabar. If the opinion of the public at large in Malabar is taken, at least 95 per cent of the people will vote for some portions of this Bill and for some sort of occupancy rights on some compensation being paid. All these are details. The present amendment goes to the very root of the Bill and carrying this amendment means throwing over the Bill entirely. I appeal to the hon. the Law Member to withdraw the amendment and if he does not do it I appeal to the House to throw it out. "

(The hon. the President called upon the hon. Mr. Moir to speak. Rao Bahadur Raman Menon asked permission to speak.)

* The hon. the PRESIDENT :—" If hon. Members want to speak they must rise in their places. "

* Rao Bahadur K. P. RAMAN :—" I did so; but I did not catch your eye. "

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(The hon. the President called upon the hon. Mr. Moir to speak.)

* Diwan Bahadur M. KRISHNAN NAYAR :—" Do you mean to close the discussion, Sir ? "

* The hon. the PRESIDENT :—" Yes. "

* Mr. S. SATYAMURTI :—" On a point of order, Sir. I submit that only the Member in charge of the subject that is being discussed can speak twice in any debate. The hon. Member Mr. Moir has spoken on the subject already. I think the hon. the Law Member is in charge of the subject, and he cannot delegate his function to any other Member of Government. "

* The hon. the PRESIDENT :—" That is a matter of internal management. The hon. Mr. Moir is speaking on behalf of the Government. "

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" It is the privilege of one Government Member to speak on behalf of another Government Member. "

* The hon. Mr. T. E. MOIR :—" Perhaps Mr. President, I might say that it is certainly not due to the wish or desire of the Government that discussion on this very important amendment has apparently come to a somewhat abrupt termination. But in view of the great importance which, as hon. Members recognize, does attach to this amendment, it would perhaps be hardly courteous to the House if some Member of Government did not, to some extent at any rate, attempt to deal with such further matter as may have been brought to notice in the debate. It is not very easy to say more on the principle that is concerned. In this matter the conscience of the Government is clear. The hon. Sir Venkatareddi urged that it was the duty of the Government to have taken charge of this Bill. But I would again repeat that those who brought forward this Bill did so as a matter of private legislation and carried it to the Select Committee in spite of the fact that they had been clearly warned that it was not a Bill to which the Government could possibly give their assent. I cannot find from such records as are before me that in the Select Committee that warning was borne in mind. The hon. Sir Venkatareddi said that the question of compensation was considered in the Select Committee. I looked through the report of the Select Committee and I could find no proof that the Select Committee . . . "

* Diwan Bahadur M. KRISHNAN NAYAR :—" May I know whether a reference to the proceedings of the Select Committee is in order ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" The hon. Member referred to the report of the Select Committee. "

* The hon. Mr. T. E. MOIR :—" It is to the report of the Select Committee which has been placed on the table of the House that I was referring. I cannot find in that document any evidence that the Select Committee attempted to consider the question of compensation. "

Rai Bahadur Sir K. VENKATAREDDI NAYADU :—" May I be permitted to offer a personal explanation? I was one of those who brought forward the question of compensation and advocated it in the Select Committee; and I remember the hon. expert Member for the janmis, Mr. Ramachandra

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Ayyar, once quoted me by saying that Sir Venkatarreddi Nayudu was in favour of compensation. The question was discussed in the Select Committee but was thrown out."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"If the hon. Member Mr. Moir refers to the proceedings of the Select Committee, he will find that there was much discussion on the question of compensation and various methods were suggested as to how compensation was to be awarded."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"As reference has so often been made to the proceedings of the Select Committee, I do not see any reason why copies of the proceedings should not be circulated to hon. Members."

* The hon. Mr. T. E. MOIR :—"I was only referring to the record which is before the House. The very words of the report of the Select Committee on the question of occupancy right are :

'We have decided that all kanamdars except the non-cultivating kanamdars whose rights originated in melkams, all kushikanam tenants and all cultivating verompattam tenants with the exception noted below should have permanent rights in their holdings.'

"Then it refers to the exception :

'We have decided that tenants who were actually evicted or ejected from their holdings after 1st January 1923 should have the option, etc.'

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"There is no single reference to the question of compensation or even any record of opinion whether, under any circumstances and in any cases, compensation should be awarded. This is the report as it stands. It is the only document in this connexion to which I am entitled to refer, and I think I was perfectly correct in stating that the report of the Select Committee contains not a single reference to this exceedingly important question of compensation, one which as the hon. the Law Member, when the Bill was introduced, warned the House would be a fundamental issue in connexion with this Bill. But before the House records a vote on this amendment, let me remind it of the real issue on which it is to decide. I can only repeat the point, but it is a most important point. No matter what the views of any Member of this House may be,—I think I said so yesterday and that I am quite correct in so saying—that before the year 1854 there have been rights vested in the janmi which the courts have upheld for at least three quarters of a century and they did so on the ground that they were old well-established rights. It is proposed by this legislation to take away or to diminish these rights without any compensation being offered. Is this the proposition which this House is going to uphold? The rights which have been enjoyed and upheld by the courts for three quarters of a century—and I might say for a century at least—are to be taken away from the owners by a legislative act of this House. The hon. the Deputy President was much upset by the position taken up by the hon. Member from Cuddapah. He held that the hon. Member from Cuddapah was not right in saying that this House could not legislate as it saw fit. He said that it could do so, that it could legislate in this way or that. It is, he said, being done every day in every legislature throughout the inhabited world. It is, he said, done in the House of Commons. Personally, I may say that I cannot remember a single Bill in the House of Commons which took away a private right of property which did not give the owner an equivalent compensation in money value, provided that a money value could be assessed, and where

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necessary, such compensation has been met from the resources of the State. There may be exceptions, but I do not remember one. But it is not a question of what the rights of this House are so far they can be construed as coming within the four corners of the Government of India Act. It is a question of moral right. Are we going to set up as the standard of legislation in this House one which, I think, had been repudiated again and again by legislatures whose existence has been for a much longer term than the life of this legislature? Are we going to say that there is no principle to be observed in legislation, that legislation need not to be based on any principle, it is to be based merely on the exigencies of party politics or the claims of a majority from time to time? Is that the general and fluctuating principle on which our legislation is to be based? We, as a Government, cannot concede or accept that position and as we have said in a matter of this kind we have a special responsibility and think it is our duty to place before the House the real issue which has to be considered in respect of this legislation; that irresponsible as we may be in a matter in which we are specially concerned—this House is specially concerned, too—at any rate as a Government we are under a definite obligation to see that the House if possible realizes the ethical principles which are at stake. The hon. Member from Coimbatore appealed to the House on the ground that even if you introduce those new principles in respect of Malabar, you would find that they need not be extended farther in their application than we are at present prepared to concede. What is the principle so peculiar to Malabar? Take this clause, an amendment to which is just before the House. What does it do but propose to transfer rights to cultivators, to cultivating tenants? Is it only in Malabar that we have cultivating tenants? Does the hon. Member from Coimbatore think that there is some invisible line drawn across the Palghat gap past which this principle of the conferment of the permanent occupancy rights without compensation cannot escape and enter into the minds of tenants elsewhere? What right has he to assure Members of this House that this principle of permanent occupancy rights may be conferred on tenants in part of this Presidency without the grant of compensation to those from whom existing rights have been taken and say that the arguments that apply to Malabar cannot possibly apply either to Coimbatore or to Godavari? I am inclined to doubt if Sir K. V. Reddi would concede that . . ."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"As a matter of personal explanation, Sir. In the first place, if it comes to my own lands, I will be the first man to give rights to my tenants. I have not the slightest objection to the Government passing such a measure. In the second place, the Government will admit that there must be equal conditions existing in Godavari or Coimbatore before the law comes to be applied there."

* The hon. Mr. T. E. MOIR :—"I am afraid, Sir, that we cannot dispose of legislation on this matter with reference to the benevolent intentions of one Member of this House. We are dealing with landlords and tenants as a body, not with the question whether there are some tenants and landlords who are admirable in their relations with each other. The hon. Member from Godavari is not right in assuring us that there is no discontent among tenants who hold under landlords in the East Coast. If you were to assure them leases would be construed as holding good for a period of 12 years irrespective of whether they so stated or not, if you were to assure them that

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provisions would be brought in ensuring to tenants compensation on the same lines as tenants in Malabar, I am perfectly certain that they would not be quite so ready to join the hon. Member from Coimbatore in giving assurances to the House or Members who come from the East Coast that no such claim from tenants in the East Coast will ever arise. We are making certain encroachments without compensation on the right of owners of land, and it matters not whether they be janmis or ryots; tenants elsewhere will not see any reason why this concession should not be given on similar terms to themselves. But I can assure hon. Members that this is not the argument which I would wish to seek support or to have it supposed that the Government base their opposition to this Bill. It is on a very much higher issue than that; if you do carry legislation of this kind, you are entering on a course of legislative confiscation against which we, as a Government, must protest. And I wish to warn the House that it has no conception of the results to which a Bill of this kind may lead."

The motion was put and declared carried. A poll was demanded, with the following result:

Ayes.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 11. Mr. T. R. Ramachandra Ayyar. |
| 2. " Mr. N. E. Marjoribanks. | 12. " G. W. Chambers. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 13. Capt. E. G. Windle. |
| 4. " Mr. T. E. Moir. | 14. Mr. Madhava Raja. |
| 5. Mr. T. B. Venkatarama Sastriyar. | 15. " T. Malleappa. |
| 6. Rao Bahadur V. T. Krishnama Achariyar. | 16. " O. M. Narayanan Nambudripad. |
| 7. Mr. G. T. Boag. | 17. " B. Obaleappa. |
| 8. " V. Pandrang Row. | 18. " K. S. Ponnuswami Pillai. |
| 9. " J. F. Hall. | 19. " G. Premayya. |
| 10. " K. Prabhakaran Tampan. | 20. Rao Sahib P. V. N. Sundaramurti. |
| | 21. Rai Bahadur T. M. Narasimhacharlu. |

Noes.

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| 1. Mr. K. P. Raman Menon. | 26. Mr. T. Adinarayana Chettiyar. |
| 2. " H. B. Ari Gowder. | 27. " Muhammad Meera Sahib. |
| 3. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 28. Diwan Bahadur M. Krishnan Nayar. |
| 4. Diwan Bahadur O. Thanikachalam Chettiyar. | 29. Mr. P. T. Rajan. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 30. Rao Bahadur P. Raman. |
| 6. Mr. P. K. S. A. Arumuga Nadar. | 31. Mr. J. D. Samuel. |
| 7. " N. Devendradu. | 32. " K. Sarabha Reddi. |
| 8. " A. Ramaswami Mudaliyar. | 33. " K. Sarvarayadu. |
| 9. Diwan Bahadur P. C. Ethirajulu Nayudu. | 34. Rao Sahib R. Sriivasan. |
| 10. Rao Sahib P. V. Gopalan. | 35. Mr. K. Sitarama Reddi. |
| 11. Mr. L. C. Guruswami. | 36. " Chavadi K. Subrahmanya Pillai. |
| 12. " R. Madanagopal Nayudu. | 37. " R. Veerian. |
| 13. " P. N. Marthandam Pillai. | 38. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 14. Rao Bahadur B. Muniswami Nayudu. | 39. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 15. Mr. C. Muttayya Mudaliyar. | 40. Mr. Sami Venkatachalam Chetti. |
| 16. Rao Bahadur C. V. S. Narasimha Raju. | 41. " T. M. Moideu Sahib. |
| 17. " T. A. Ramalinga Chettiyar. | 42. " B. Ramachandra Reddi. |
| 18. Mr. A. Ranganatha Mudaliyar. | 43. Siriman Savibhushan Bath Mahasayo. |
| 19. Siriman Biswanath Das Mahasayo. | 44. Mr. Quadir Muhi-ud-din Elyas Khan Sahib. |
| 20. Mr. A. Chidambaram Nadar. | 45. " Abdul Wahab Sahib. |
| 21. " M. Gangaraju. | 46. " L. K. Tulasiram. |
| 22. " C. Gopala Menon. | 47. " K. Uppi Sahib. |
| 23. " K. Koti Reddi. | 48. " C. V. Venkataramana Ayyangar. |
| 24. " B. P. Sesha Reddi. | 49. " C. Venkatarangam Nayudu. |
| 25. " B. Satyamurti. | |

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Neutral.

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| 1. The hon. the Raja of Panagal. | 7. Mr. D. Manjappa Heggade. |
| 2. " Rao Bahadur Sir A. P. Patro. | 8. " P. Sagaram. |
| 3. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 9. " S. Muttayya Mudaliyar. |
| 4. Khan Bahadur Abdulla Ghatala Sahib. | 10. " V. C. Vellingiri Gounder. |
| 5. Mr. S. Arpudawami Udayar. | 11. " G. Rameswara Rao. |
| 6. Rao Sahib T. C. Thangarelu Pillai. | 12. S. R. Y. Ankinedu Prasad Bahadur. |
| | 13. Mr. Naganna Hegde. |

Ayes 21 : Noes 49 : Neutral 13.

The motion was lost.

The Council then rose for lunch.

After Lunch (2-30 p.m.)**III—ADJOURNMENT MOTION REGARDING REMOVAL OF DISQUALIFICATION OF MR. YAQUB HASAN UNDER THE ELECTORAL RULES—cont.**

* Mr. S. SATYAMURTI:—" Mr. President, Sir, I rise to move the adjournment of the House to consider a definite matter of urgent public importance, to wit, the refusal of the Madras Government to remove the disqualification of Mr. Yaqub Hasan, under sub-rule 2 of rule 5 of the Madras Electoral Rules. In the first place, I should like to say that it was the intention of my hon. Friend Mr. Abdul Hye, who had given notice of this motion, to move it today, but he has very kindly agreed to let me make the motion. I should also like to appeal to this House, Mr. President, not to import any personal element into this discussion. I am not speaking for Mr. Yaqub Hasan, nor am I appearing here as his advocate. I am trying to advocate and to commend to this House, if I can, what I consider to be a fundamental principle of all well-ordered democracies, that constituencies must have the unfettered right to send whomever they like to these legislatures or parliaments, unless they are lunatics, or bankrupts, or are otherwise so hopelessly disqualified, as to be unfit to represent efficiently and honestly the interests and the wishes of their constituencies in these legislatures. I trust therefore that discussion on this matter will centre itself round this principle, and will not wander into the qualifications or otherwise of Mr. Yaqub Hasan; not that I fear for one moment that discussion; if it does come, I shall meet it. But in the interests of this debate being carried on on the high level on which, I trust, it will be and ought to be carried on, I make a special appeal to my friends not to import any personal considerations into this discussion.

" Sir, this matter has a very short history. When first the electoral rules were framed, there was a disqualification for convictions for six months and more. Later on, owing to agitation in the country, on the recommendation of the majority of the Muddiman Committee, the Government of India in July last year promulgated their Order, under which the local Government have acted in respect of Mr. Yaqub Hasan. That order states that the disqualification in order to operate must have as its basis convictions for a year or more. Moreover, it further says in a proviso that that disqualification can be removed at the discretion of the local Government, with the previous sanction of the Governor-General in Council. That is how the law stands. In this matter, Mr. Yaqub Hasan had applied to the local Government, and then to the Government of India, in respect of his contemplated

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candidature for the Legislative Assembly under a misapprehension that, in the latter case, the Government of India were the sanctioning authority. But as the rule stands, whether he stands for the Council or the Assembly, the sanctioning authority is the Government of Madras.

"The history of this matter however, Mr. President, throws considerable light on the mentality of the Government of India and on the mentality of the powers that be, both here and in England. And I should like, with your leave, Sir, and with the leave of the House, to read a few extracts from the very important debate which took place on the floor of the Indian Legislative Assembly on the 16th September 1925, on this very matter, on a resolution moved by my friend Pandit Shamlal Nehru. Therein, he very succinctly refers to what happened between the Government of India and the Joint Parliamentary Committee on Indian Affairs, in regard to this matter. After he had given notice of a motion recommending the absolute removal of all such electoral disqualifications, the matter was referred by the Government of India to the Joint Committee of Parliament. And there it is very interesting, Mr. President, to notice exactly what took place in that Joint Committee. At that Joint Committee, it was moved by the Earl of Middleton that the Committee do not recommend to the Secretary of State to make the proposed amendments regarding qualifications for candidature for Indian Legislative bodies. The same was objected to and votes were taken and the result was 4 for the resolution and 11 against. Then another motion was moved by Mr. Wardlaw Milne that the Committee accept the view of the Government of India as to the necessity for the amendment, but suggest that if the Government fear the continuance of persistent demands on the part of persons affected, the period of disqualification should be reduced from 5 to 2 years. This was also objected to—contents 5 and non-contents 10. Then Lord Clwyd moved that the Committee should advise the Secretary of State for India to adopt the proposal of the Government of India—I ask the particular attention of the House to the wording of this motion—'to adopt the proposal of the Government of India to amend the rules made under the Government of India Act so as,—mark the words, Mr. President—'to remove the disqualification of five years which the rules at present impose upon any person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for more than six months subsists.' At this stage, I may at once say, Mr. President, that although Sir Alexander Muddiman was challenged more than once on the floor of the Assembly to state what exactly the recommendation of the Government of India was, he refused to state the recommendation. My friend Mr. A. Rangaswami Ayyangar challenged the Government of India, and suggested that, while originally when the Labour Government was in power, they had recommended in consonance with the wishes of that Government the absolute removal of that disqualification, the electoral fortunes of the Labour Party in England affected the mentality of the Government of India, and they went back upon their own proposal and suggested a milder form of the removal of the disqualification. Sir Alexander Muddiman blandly denied it. He was asked to produce the documents, but the documents are yet forthcoming. I ask therefore this House to believe me when I say that the Government of India was rightly understood by the Joint Committee—the Joint Committee consists of Englishmen and, I believe, some Scotchmen also who understand English—and they say in more than one place that

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they want to accept the view of the Government of India that the disqualification should be removed,—for they add—'as suggested by the Government of India.' But when we come to Sir Alexander Muddiman's speech during that debate, he says that that was not the case and adds that what the Joint Committee recommended was that the proposal of the Government of India should be adopted, and that proposal has in fact been adopted, by the Government of India. He goes on to refer to Lord Clwyd's motion, which I have just read and comments upon it in this wise. 'The Government of India did not propose the abolition of all disqualification as seems to be thought. There was no such proposal of the Government of India. I think the House will accept that, when I tell them that it is so.' Pandit Shamlal Nehru:—'Will the hon. Member read the recommendation sent to the Committee?' The Home Member replied:—'I have not got that, Sir.' For the Home Member of the Government of India when challenged on a motion of which ample notice had been given, to say that he has not got an important letter from the Government of India to His Majesty's Secretary of State on a very important matter like this is certainly clever, but it cannot really convince us that the Government of India had not changed its mind in the meantime. And therefore, we have the present position, Mr. President, as expressed in the amendment to the Madras Electoral Rules which will be found at page 144. The operative clause is this. It is sub-rule 2 of rule 5. It says:

'A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than a year is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.'

"The amendment adds a proviso which reads:

'Provided that on application made by a person disqualified under the sub-rule and with the previous approval of the Governor-General in Council, the local Government may remove the disqualification by an order in this behalf.'

"I may say, Sir, that that amendment carries out the recommendation of the majority of the Muddiman Committee. That recommendation, Sir, is found at pages 62 and 63 of the Majority report of the Reforms Enquiry Committee. That Majority includes the Home Member of the Government of India. 'The hon. the Raja of Muhammadabad',—curiously enough, a Muhammadan,—'suggests that convictions by a court of law for offences not involving any moral turpitude should not be a disqualification for membership of the Legislative bodies in India. At present any conviction which involves a sentence of more than six months constitutes a bar to election, unless the offence has been pardoned, for a period of five years from the date of the expiration of the sentence. We are not prepared to recommend the introduction of any provisions in the rules which would differentiate between offences involving and offences not involving moral turpitude. We consider that the attempt to provide such a distinction is unsound in theory and almost impossible in practice. We, however, consider that it is inadvisable to require that the offence should be pardoned before disqualification is removed. The disqualification under other provisions of the rule can be removed under the orders of the local Government and provided that arrangements can be made to secure uniformity of action in regard to the particular persons in different provinces, we consider that similar modifications would suffice in regard to this disqualification also.'

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2-45 p.m. "That is the recommendation of the majority of the Committee. I may state that the minority, composed of Mr. Jinnah, Sir P. S. Sivaswami Ayyar, Dr. Tej Bahadur Sapru and Dr. Paranjpye, was not against the amendment. But Mr. Jinnah on the floor of the Assembly expressed that they were not against the amendment, not because they thought that it would amply suffice, but because they thought it was an improvement on the existing rules. Now, Sir, that is how the matter stands, so far as this country is concerned. If we take the analogy of other countries, I shall read just one or two sentences from Sir Alexander Muddiman's speech. In the course of the debate, he says; 'It is perfectly true that in England a man who has served his term is purged. It is also true that the House of Commons has power to expel a member. This House has no power to expel. There is an amendment on the paper which proposes to confer that power on this House. When that power is conferred, I hope I shall not be then Leader of the House.' Apart from the joke, he concedes that in England conviction by itself does not constitute a bar to candidature or election to the House of Commons. Sir, Sir Alexander Muddiman's researches in European and other constitutions gave him only two conclusions. One was that in some European countries, courts were empowered to convict persons brought before them of offences and add to their sentence also this, that they should be deprived for a stated period of years of all civil rights and civil privileges. If to-day in India you want any such provision, it is much less objectionable than vesting the executive Government with power to keep out a man from the Legislative Council, because they do not want him there. Sir Alexander Muddiman's next conclusion was that in South Africa they had such a provision as that. Although Sir Alexander Muddiman appealed to the Assembly not to be frightened by the name of South Africa, I am afraid that the very fact that the only analogous legislation could be brought forward from the statute book of South Africa is sufficient condemnation by itself, when we know that their statute book has been or is rather about to be disfigured by such black Bills, as the Colour Bar Bill. I do not think there is any need for India to learn her lesson from the primitive political consciousness of South African statesmen or South African legislatures. I hope therefore that this House will see that in no other country, except in South Africa, conviction by itself constitutes a disqualification for candidature for assemblies. That is how the matter stands, so far as India and other countries go.

"On the justice of the matter itself, Mr. President, I shall just make one or two submissions. I take it that every well-ordered mind here or elsewhere, will concede that a man must be punished only once for his crime. It is outrageous that, because a man has committed an offence against the laws of the State, he is to be punished a second time, although he has been once punished, although he has undergone punishment and paid the full penalty of the law. Secondly, Sir, I am speaking on behalf of the constituencies. They have a right to insist that they shall have the freedom to vote for whomsoever they like. It is not right for any Government in the world to tell the constituencies what is good for them and tell them that they shall not have the freedom to elect so and so. There is a confusion of thought in some people's minds that, while I make this motion, I am anxious to see that Mr. Yaqub Hasan becomes a Member of this Council. It is a far

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cry from my proposition to that. If this proposition is accepted, if the Government remove the disqualification, still Mr. Yaqub Hasan has got to earn and deserve the confidence of his electorate, before he can come to this Council. If there are arguments against Mr. Yaqub Hasan, if his political views are such that he ought not to be allowed to come here, let those who feel like that tell his constituency that these are the reasons for which we believe Yaqub Hasan does not deserve your vote. We cannot and we ought not to object to that. What we object to is that because you know that your arguments are not worth the paper on which they are printed, because your arguments are the arguments of a diseased or prejudiced mind and because they will not go down the throat of the electorate, you desire to stab behind the back and hit below the belt. Is this an act of chivalry? Even if the constituency thinks he is the best man, the Government say we shall make use of an ante-diluvian power vested in the bureaucracy and keep the electorate off Mr. Yaqub Hasan. This I say, is an uncivilized and barbarous use of power which may be conceivably used in the case of one whose moral turpitude is so obvious that his presence cannot but be a disgrace to this Council. There are, I suggest, offences and offences. I quite agree with Sir Alexander Muddiman and those who think with him that it is very difficult to define statutorily 'moral turpitude'. At the same time, it is not at all difficult for an executive Government to weigh the facts of each case and say in any particular case it is not an offence involving moral turpitude. That is why I suggest that, because in the statutes or in the rules the words 'moral turpitude' are not put, you cannot take advantage of it and say 'since you have not put that word, any conviction will unquestionably come under this'. I think, Sir, there is a moral obligation at least on the part of the Government to come to the conclusion, a conclusion based on reasonable grounds that Mr. Yaqub Hasan's offence does involve moral turpitude of a character so great that his presence in the Council will cast a slur on its fair name and its efficiency. I suggest, Mr. President, that in this case the Government have not properly exercised their discretion vested in them under the rules. Hence, I have brought forward this motion.

"As regards the facts of Mr. Yaqub Hasan's case, they are very brief. He was convicted of sedition and was sentenced to two years. He served his sentence. So far as offences like sedition are concerned, not involving violence to person or property, I have no hesitation in saying that it cannot and does not involve any moral turpitude whatever, in any civilized country, and certainly not to the extent of disqualifying a man from standing for election. If anybody creates sedition or disaffection, the Government have a right—not a moral right—but the right of His Majesty's forces, to repress such sedition by prosecution. But let them play the game, like Englishmen and Scotchmen. You have convicted him. He has paid the penalty. But, why do you pursue him vindictively? I have no doubt that he challenged your right to rule this country. He has paid for it. Why then pursue him? Why this vindictiveness? Because at one time he had expressed something which was felt inconvenient by you, and for which His Majesty's Courts have convicted him, why do you now disqualify him from standing for the Council? I say it is un-British, I say it is unsportsmanlike, and unjust, and may I add, Mr. President, ungentlemanly. I should like, in this connexion, to commend especially to the European

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Members of this House, the speech of Colonel Crawford during the course of this debate in another place, in which he has conceded my point. 'Personally we are only too ready to forget the past, and we hope that those who in the enthusiasm of their political convictions overstepped or offended against the law will join with us in endeavouring to further the political progress of India.' Do not the European Members here concede that Mr. Yaqub Hasan's presence will, to the extent to which he represents his constituency, help to further the healthy political progress of India? If that is so, are they going to penalize him because 'in the enthusiasm of his political convictions he overstepped or offended against the law'? Moreover, Sir, I want to remind this House of one fact that Mr. Yaqub Hasan did not defend himself. The charge of sedition was not proved against him, as is usually done when the accused defends himself, cross-examines the prosecution witnesses, summons defence witnesses, takes points of law, and does various other things, such as appealing to the High Court and the Privy Council. It was practically an ex-parte conviction. That is a fact which must also be borne in mind by the Government and this House. Moreover, Sir, I feel that in the present political state of India, if only the Government want to prosecute everyone who comes within the pale of the very wide section 124-A of the Indian Penal Code, there are very few on this side of the House, I am afraid, who will escape the clutches of the law. (Hear, hear.) I feel it is the duty of every honourable and patriotic citizen of India to create disaffection against the bureaucratic Government, as it stands, (shame, shame) because it is conceded on all hands that it has emasculated the nation. I am quoting in this behalf the historic statement, which will live in the history of the world, of Mahatma Gandhi, when he was tried by Mr. Broadfoot, District Judge of Ahmedabad. He says:

'The greatest misfortune is that Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many English and Indian officials honestly believe that they are administering one of the best systems devised in the world and that India is making steady though slow progress. They do not know that a subtle but effective system of terrorism and organized display of force on the one hand and the deprivation of all powers of retaliation or self-defence on the other have emasculated the people and induced in them the habit of simulation. This awful habit has added to the ignorance and the self-deception of the administrators. Section 124-A under which I am happily charged is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a person or thing, one should be free to give the fullest expression to his disaffection so long as he does not contemplate, promote or incite to violence. But the section under which Mr. Banker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried under it, and I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege therefore to be charged under it. I have endeavoured to give in their briefest outline the reasons for my disaffection. I have no personal ill-will against any single administrator, much less can I have any disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system.'

p.m. "I know many hon. Members of this House do not share my views, but I ask, is it suggested by them that because I hold those views, because I hold that it is right to promote disaffection, my constituents should not have the right to send me here? By all means, go and tell them, 'here is a man who is seditious, who promotes disaffection, do not vote for him'. I am willing to face them. What I want to say is this: you must not countenance the use, as I said, of an ante-diluvian weapon in the hands of the bureaucracy

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to prevent my constituents from exercising the right of sending me here. And, do you want, Mr. President, only those here who support this Government? Then, why do you want this Council? Why this waste of money and time and energy? Let the Government pass orders, and we shall obey them, so long as we must. And why keep this farce of a Council, when you want to regulate its constitution, not according to the wishes of the constituents but according to the wishes of the bureaucracy? If you must have a Council, I suggest you have those seven Members, give them 3 votes each and have 21 votes, or make them 140 if you please by multiplying their votes by any number and let them walk into the division lobbies (laughter), and you can have great legislative achievements. Why have this farce if you are not going to allow the constituencies to send whomsoever they like? And how were the liberties of England built up and how ought they to be built up? Is it by people who supported Charles I or James II, or by people, like the six Members of Parliament, who were wanted by the King? And when Charles I wanted to appeal to the Speaker, when he was in his Chair, did not the Speaker say, 'The Speaker has no eyes, or ears save that of the House'? Is it not the Chartists, the men who wanted to break the law again and again, that built up the constitutional liberties of England? Those are the traditions on which English liberty has been built. You say you are democrats, you have been talking of democracy, and what are you doing? You are telling the people that you have given them a new constitution, and new legislatures, with a right to the electors to choose their representatives, but you say 'I shall tell you whom you should vote for'. Now, Mr. President, that is not the way in which great nations are building up or protecting their liberties. That is not the way in which you ought to do it here.

"Apart from it, Mr. President, let us take Sir Alexander Muddiman's statements themselves, in which he conceded this, viz., that the arrangement under which Local Governments are allowed to exercise this power is a very unsatisfactory arrangement and that he would prefer an automatic arrangement. I hope this Government will say the same thing with one voice, and I ask the hon. the Law Member, once Advocate-General, a distinguished lawyer of the Madras Bar, to say whether he considers that he is carrying out the speech of Sir Alexander Muddiman who expressly said 'I prefer some automatic arrangement'. But he allows his judgment and his colleagues' judgment to be clouded by other local considerations, based upon personal animosities against Mr. Yaqub Hasan. Should it not be better if the Government say that so far as persons convicted of political offences not involving violence to person or property are concerned they shall be exempted on the mere application for exemption? What is there in common-sense against such a democratic arrangement? I can see none, Mr. President, excepting that they feel that political opinions ought to be punished. There was some laughter raised on the other side of the House when I was referring to my political opinions and the opinions of those who think with me that we must create disaffection. If I may express myself freely, I feel that the political opinions of several hon. Members on the other side are so primitive, so barbarous, so obscurantist, that they do not deserve to be members of any legislature. ('Hear hear' and laughter from Ministerialists.) They laugh, because they know not their own faults. Because their political opinions are based on communalism and reaction, they think they can sit tight in their

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saddle and afford to laugh. That is my opinion, and you laugh at it. So I laugh at your political opinions. I appeal to you, Mr. President and to the House on this occasion, to say 'let us both be here at the same time, you be here, and I shall be here, let the constituents judge between you and me, let us fight out the matter, let them say whether your views or mine are so laughable; you are not the men to laugh me out, go to the electors' . . ."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Choose another electorate?"

* MR. S. SATYAMURTI:—"I am afraid my hon. Friend will learn decorum, neither from you nor from me. I was appealing to you, Mr. President, this morning that we must not address each other. I was using 'you' in an impersonal manner, as anyone who knows English knows. I am asked to choose another electorate. I do not propose to insult my electorate, which I consider is the most enlightened in the Presidency. (Laughter.) That apart, I want my friends to answer me this question. Our views and their views with regard to each other's political opinions are there. You may express them. But why do you want to impose your political opinions or my political opinions upon the electors, not by persuasion, not by conviction, but by the force of those strong weapons in the hands of the bureaucracy? That is why I appeal to these so-called democrats and radicals, who always on the eve of elections talk of democracy and boast of appealing to democratic constituencies, are they right in suggesting to the electors 'you shall not have the right to vote for whom you choose, because their political opinions are laughable in our opinion'."

"Moreover, Sir, we have got one peculiar position to consider. In the last five years and more, during the period of the non-co-operation movement, many estimable men and women, I think, went to jail in pursuance of their political convictions. They are 'convicted criminals'. Are you going to say that they ought not to come in here, men like Mahatma Gandhi, Desabandhu Das, Pandit Moti Lal Nehru, Maulana Muhammad Ali, are you going to say that these men, because they have been convicted of political offences and because they come under this rule, ought not to come into this House? They may laugh again. But I have no doubt that any parliament in the world will gain prestige by having among its members men of that character and ability. Therefore, I suggest that mere political opinions, if expressed as political opinions, cannot be and ought not to be a disqualification from standing for the Legislative Council. I want to make a special appeal to the Government itself though they are generally deaf to appeals. But I should like them to consider this: even if they otherwise feel that Mr. Yaqub Hasan is a man who cannot be exempted from that rule, let them at least consider whether he is not an influential man. Mr. President, when Mr. Lloyd George, who was then Premier of Great Britain, was asked in the House of Commons by the Conservative opposition 'why do you negotiate with DeValera, the murderer of Ireland?', Mr. Lloyd George answered shortly and characteristically: 'Because DeValera alone can deliver the goods.' And I ask my friends here not to ignore men like Mr. Yaqub Hasan, who have a standing and a status in the country, who are respected and loved by their compatriots of both religions. Are you going to say that the Members on those benches are men who are going to be there for eternity, that you can make the electors to send them

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only as the possible occupants of those benches, that you feel so secure in your power that you can afford to ignore all possible changes and imagine that till eternity those gentlemen are going to be permanent occupants of those benches, and thus create more disaffection in the country? You say you want to punish disaffection. Believe me, Mr. President, when I say that actions like these breed more disaffection in the country, than any speeches of men like Mr. Yaqub Hasan.

"Then, Sir, if political offences even involving violence are to be a disqualification, a man like Lord Birkenhead should not be His Majesty's Secretary of State for India. Who does not know that in his earlier days he, as Galloper Smith, joined with Sir Edward Carson, now Lord Carson, and organized an Irish Volunteer Force against the Home Rule Act being enforced in Ireland? He is now the reputed Lord Birkenhead, His Majesty's Secretary of State for India. That is how in democratic countries persons holding opposite political views deal with one another. Let us take, again, Sir Alexander Muddiman's statement. He said in the Assembly: 'It has been said that those who break the laws should decide whether the laws they have broken are valid or not. I have never been able to assent to that proposition. It seems to me a very dangerous proposition.' But that is what has happened in England. Sir Edward Carson has now become a Law Lord, and is now administering the law of the Empire of Great Britain. That is how constituencies are treated in free countries.

"So far as Mr. Yaqub Hasan is concerned, as I said, I do not want to introduce any personal element into this matter. I only want to say one sentence. Mr. Yaqub Hasan is a gentleman, he is a man of culture, he is a man who has served with distinction and honour on this Legislative Council, in the Madras Corporation, and has been acclaimed as a faithful and loyal colleague by all his colleagues who sat with him in this House, and is a man loved and respected by Hindus and Mussalmans. As I was coming to this House, I was given a petition signed by a few Mussalmans against Mr. Yaqub Hasan. Such petitions can be manufactured, and I think, if this House wants it, there will be thousands and tens of thousands of Mussalmans who will be prepared to ask for the removal of his disqualification.

"I appeal, therefore, Mr. President, to the British Members in this House to be true to their traditions and to deal with this question in a sportsmanlike manner. We will not complain if we are defeated in open combat. What we object to is this hitting below the belt. I appeal to the two Indian Members of the Executive Council. Both of them are young people. Let them remember that they also stand to take the same chance of speaking out political opinions for which they may be convicted (laughter), and do you think that because at one moment they have expressed their real feelings about the Government, they ought to be shut out from the Legislative Council or the Legislative Assembly? I appeal to the 'Justice' party, Sir. I see from their hilarity to-day that something is in store for me, which I need not anticipate. (Laughter) But I have the high authority of the 'Justice' paper, the Ministerialist organ, which writing on the 28th June last—Mr. President, I apologise for reading that language here, but I must read it—says:

'So bankrupt of all sense of shame is the "Hindu" that it has deemed it fit to make a most revolting innuendo which none but a Brahman editor would be capable of. Speaking of

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the visit of the Chief Minister our contemporary writes: "The other matter about which the confabulation with the Gods at Simla is to be held is reported to relate to the removal of the disqualification on Mr. Yaqub Hasan and others." This is a despicable and dishonest brahmanical lie, and it speaks volumes of the depths of degradation to which our contemporary has sunk that it should venture to make a statement of such an atrocious character ever against its most hated opponents.

I therefore will not make a most atrocious statement against my most hated political opponents that they are parties to the action of the Government in refusing to remove Mr. Yaqub Hasan's disqualification. But I would put it in the form in which the organ of the Ministerialist party described on the 28th June, so as to show who said the most atrocious falsehood—

"We challenge the editor to prove that this is true, and we ask him in the most straightforward manner to come out and state what is the source of the report that it refers to. Is it the hon. the Law Member or any of the Brahman Secretaries at Ootacamund, or could it be through the help of some Mahatmas that our contemporary dares to make such hypocritical innuendoes, fully knowing them to be false and yet hoping to hoodwink a few by such mean and vindictive tactics. We are aware that some of our self-styled nationalistic contemporaries have been indulging in the absurd and vicious surmise that the Ministers had something to do with the ban on Mr. Yaqub Hasan's candidature, and we now challenge them to produce a single iota of evidence to substantiate such a surmise."

Are my hon. Friends going to give that iota of evidence to-day to show the reasons for this disqualification not being removed? If they do, I should be surprised. I shall wait in patience to hear if that is going to be the case.

"I appeal also to the Mussalmans in the House—I see not many of them are here; to such of them as are here, including my friend on the Treasury bench—to remember that Mr. Yaqub Hasan suffered for the Khilafat. Are they going to desert him to-day?"

"Moreover, Mr. President, I want to conclude with this note, that I am making no appeal for mercy, I am not asking that Mr. Yaqub Hasan should somehow or other be excused. In his dignified letter to the Governor, asking for the removal of the disqualification, so far as the removal of the ban is concerned, Mr. Yaqub Hasan stated that he was not enamoured of coming back to this Council; he had been here long enough. But I fear that we, claiming to be democrats, shall not be fulfilling our duty when we acquiesce, especially when a matter like this is brought before this House, in an action of the Government which however much we may hate the person concerned, is unjust, unconstitutional and immoral. That is what I wish to say to every side of the House. Mr. Yaqub Hasan may be a man whose political opinions do not commend themselves to the other side of the House. But if I have a majority, shall I disqualify all the Justice men, because their politics are not suitable to my taste? Remember that this is a game at which two can play, and we are trying to build up an infant legislature, an infant democracy. Let us therefore play the game fair and square. I have great pleasure, Mr. President, in making this motion."

MR. MUHAMMAD MEERA SAHIB:—"Mr. President, I second the motion."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, much of what I have to state in answer to what has fallen from the hon. Member for the University has already been adverted to by him. I do not propose to take you, Sir, through the relevant rules on the subject, nor do I propose to traverse the very wide ground covered by him. Let me say this: that many, indeed most, of the arguments which emanated from the hon. Member for the

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University would have been cogent and valid if we were dealing with a situation such as this, namely, if this House were debating at this instant whether it is necessary to enact a rule disqualifying or imposing certain conditions upon a person standing for election; many of these arguments would then have been valid and valuable. Thus, for instance, the points made by him with reference to offences against the State not being necessarily accompanied by any element of moral turpitude would have been a valid consideration in any such discussion. It might also have been valid to find out what were the reasons which actuated the executive to do a certain thing. But I shall confine my remarks to three separate arguments. The first of these arguments is that in the first place, according to the rule to which attention has been drawn by the hon. the Mover, 'a person, against whom a conviction by a criminal court involving sentence of transportation or imprisonment for more than one year is subsisting shall, unless the offence of which he is convicted has been pardoned, not be eligible for election' That does not import any element of moral turpitude. Therefore, *prima facie*, a person against whom conviction by a criminal court subsists, whether that conviction necessarily involves or is founded upon a matter involving moral turpitude, or not is disabled from standing for election. Into the policy of that rule, into the fundamental ideas which are at the back of that rule, it is both unnecessary and supererogatory for me to probe. Suffice it for me to say that the rule is there. What is invoked (that is, the second argument) is the exception to the rule, viz., that provided firstly an application be made by a person disqualified under the sub-rule, and with the previous approval of the Governor-General in Council, the Local Government may remove the disqualification by an order in that behalf. This is therefore an application for making of this an exceptional case, viz., removal of the ban in certain circumstances. Now, so far as this is concerned, the executive Government—it will be conceded and freely conceded by every one who participates in this debate—has been given the discretion. The Local Government has weighed this matter, and it has come to the deliberate conclusion that in this particular case the ban should not be removed, or that the provision or exception should not be acted upon. I do not propose to place before the House the materials on which they acted, but all I desire to say is that the Local Government took the view that there must be a particularly strong, cogent case, before the proviso or exception is to operate and they came to the conclusion that there was no such case presented before them. I have no more to say. The Local Government have exercised their discretion according to the best of their lights, and without any animus towards Mr. Yaqub Hasan in particular."

* MR. J. A. SALDANHA:—"Mr. President, Sir, I was rather surprised at the way the hon. the Law Member has put the Government case before us. First of all, he dwelt upon the rule itself, and secondly upon the exception to the rule, and pointed out that a cogent case had to be made out for making an exception to the rule. But that is the practice in our law courts. Here we have to deal with certain fundamental moral and political principles and my hon. Friend Mr. Satyamurti has dealt with them. We have to consider the spirit in this matter and not the mere technicalities of law. We have to consider the spirit that underlies the constitutional principles of Government in this country and of Government in any country. What is

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that spirit? What are the underlying principles of constitutional law? If democracy is the thing that you are pursuing in our constitution in this country, I am sure the House will see that the Government has not exercised its discretion really according to the spirit that underlies constitutional law. To me, first of all, the principle that underlies the rule itself is an enigma. Now, the original rule was that a period of five years was sufficient to remove the ban. I wonder how the period of five years or any number of years could wipe away the stain of an offence and make a man who was wicked a saint. Indeed the discretion is given to the Local Government to remove the ban by making an exception. Can any Government remove the stain that is imprinted on a man by an offence, especially a political offence? What is at the bottom, I believe, Sir, is that Government, the Local Government and the Government of India as well, are actuated by a spirit of repression, the repressive policy which inspires the doings of the British Government in Great Britain. The spirit of repression that is displayed towards the labouring classes by the present Conservative Government, the spirit that actuates them in settling the question of the labouring classes is the spirit with which they want to govern India. We are told that the British Government is a model of common-sense and justice. But whatever may be the sense of justice towards particular classes, especially the higher classes, they have not displayed a sense of justice or common-sense in dealing with the lower classes, nor have they exercised their common-sense any more in dealing with the subject countries. 'We have got their policy and their want of common-sense or want of justice illustrated in their dealings with Ireland. There is no Irishman in this House; if there was one he would have borne out the fact that the repressive policy which the British Government displayed towards Ireland recoiled on their own heads. If they had given Home rule to Ireland much earlier that country would have accepted it most thankfully. But there was too much delay, and animosity and civil war is the result. So in India. At present the Conservative Government in England is carrying on a policy of repression.'

* The hon. the PRESIDENT:—"May I ask the hon. Member to confine himself to the repressive policy of the Governments in India?"

* Mr. J. A. SALDANHA:—"I shall confine myself to the repressive policy of the Local Government and the Government of India which are inspired by what is taking place in England. I find, Sir, that this action of the Government is universally condemned by all parties except perhaps the triumvirate of the Ministers on the opposite side. What their attitude will be I cannot guess because of their evasive reply. I shall wait and see what their view will be on this important question. If they support this motion, of course it is all right. Going over the extracts of papers of all shades of opinions in India, I find they all universally condemn the action. When you find that all sections in India condemn this action, I wonder what the hon. the Law Member means by saying that there have not been cogent reasons for removing the ban.

30 "Mr. President, my wonder is that on this occasion, the first of its kind in our Presidency, the Local Government have not availed themselves of this opportunity generously and removed the cause of disaffection which already exists everywhere in India and especially in this Presidency. This is the

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first time in our political history that a gentleman of the standing of Mr. Yaqub Hasan has been denied the privilege of standing for election for the reason that he has been convicted for a political offence. There are and there have been men sitting in the Assembly and in the Councils who have undergone imprisonment having committed greater political crimes. For instance, we had the late Mr. Tilak, Sir Surendranath Banerji, etc. The latter had been in jail and yet he became a Minister. And there was the late Mr. C. R. Das. Then there is Lala Harkishen Lal who was in jail for several months. He became a Minister in the Punjab. There is Lala Lajpat Rai already in the Assembly after undergoing several months' imprisonment for a political offence. Sir, these gentlemen have been found fit to take their place in the Assembly and in the Legislative Councils and to become Ministers of State. We really wonder why this ban should not be removed in the case of Mr. Yaqub Hasan who commands respect among all classes of people. His stalwart figure, his happy address, his graceful manner, etc., would be a great acquisition to this House. (Diwan Bahadur P. Kesava Pillai: 'Hear, hear'.) I am sure nobody will fail to be impressed by his admirable and lovable personality. Surely a gentleman of his eminence and popularity would be of immense help to us in our activities in this House. He will be particularly helpful in organizing the Muhammadan Members of this House and in infusing life and spirit into this House. Further, he will be of immense value to the Government, and to this House as a whole.

"Having regard to the underlying principle of our Constitution, having regard to the fact that Mr. Yaqub Hasan has after all only committed a political offence and having regard to the fact that it is for the Government to wipe off the stain on them, I hope they will remove this ban on him. It is a hope entertained by all classes of people in this Presidency that the Government will use their discretion in the most generous manner possible and not in the manner they have been doing so long."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Mr. President, Sir, any ray of hope which friends of Mr. Yaqub Hasan or the friends of the hon. Mover of this motion might have entertained just before the commencement of proceedings of this evening must have been dispelled by the speech of the hon. Mover himself. He has not given one circumstance, one iota of evidence to prove that the discretion used by the Government, a discretion vested in them by law, has not been judicially and correctly exercised. What is more, the purpose of this advocacy seems to be mostly if not wholly alternatively to abuse the Government and the Ministerialists, or to threaten the Government and the Ministerialists. The hon. Member for the University told us that the Indian Members of the Executive Council might one day find themselves as His Majesty's guests not in the Government House but in the Penitentiary. He told us that we on this side of the House are not expected to remain here always and that he and his friends might come over here. Let me assure him that we are not afraid of that day. By all means, come in here if you can. If the appeal that he has made appeals to the constituents, let them elect him and send him here. But to threaten us to-day and his side is a thing which I have never till now come accustomed to."

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* Mr. S. SATYAMURTI:—"A word of personal explanation, Sir. Nothing was farther from my mind than to threaten the Ministerialists or anybody else. I only paid a compliment to the Ministerial organ, the *Justice* paper."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"The *Justice* organ has been misquoted. Any one who understands the English language can see that the editor of that paper was only defending the Ministers against a mean and insidious attack made elsewhere. A certain motive had been attributed to the hon. Minister for his visit to Simla and that motive was not true. The only purpose of that article was to show that that motive was wrongly attributed. Now, to read into it the views of the *Justice* party as regards a question which might or might not have arisen is quite wrong. For at that time I take it the editor of the *Justice* did not know that a motion of this kind was coming up. He was only mentioning certain facts. Now, I will leave that alone for the present. What I was saying was that the most damaging argument made in the House in favour of the proposition was the reading of a passage from the defence of Mr. Gandhi. I know it is a privilege of a prisoner at the bar to make any statement. For, the law allows it. I do not know that a Member of a respectable House like this vested with the power of making laws governing 40 millions of people can venture to make a statement like that in this House and go with impunity outside, into the country. He knows that the walls of this House protect him. I take it that a law of that kind has been framed not for the protection of such statements made by irresponsible men. The law is there to give power to the Government to see that certain persons convicted of offences are not, for a particular period, allowed to enter the House. The expectation is that during that probation period they might mend their ways, banish evil motives from their minds and come to believe that reason alone will prevail. Has the hon. Member shown one circumstance in this case which leads us to believe that things have changed for the better? Nothing has been shown to induce the Government or, for the matter of that, those who sit behind the Treasury bench to see the justice or the injustice of the case.

"I was mentioning, Sir, that the hon. Member has told us that he felt a pride in telling the country that it is a virtue to have created disaffection in this land. I can understand it. It is not my desire to attribute motives to what we have known as the Swarajist creed. We know what disaffection means. Disaffection means disorders to enable them and their followers to have their nefarious work of plunder in this land. We who have vested interests in the land will never allow it. We have the protection of the law and we have fought and will fight this disaffection. We will say, 'Unless you mend your ways, unless you say you are loyal subjects and will not create disaffection, we, who have got vested interests and who are loyal subjects, will fight you out at any cost and even the example of Lord Carson or Lord Birkenhead will be invoked.' We say, there will be Carsons or Birkenheads in this land for the protection of our homes and for the policy of destroying the Swarajist creed. When the people see the ruin of their vested interests, every Indian will have to protect his own house and property and we will take up arms to defend our houses against the cowardly nation already

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Certainly, to defend our own homes."

* Mr. S. SATYAMURTI:—"Is 'cowardly' not an unparliamentary word, Sir?"

* The hon. the PRESIDENT:—"If that word has been used, the hon. Member must withdraw it."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Sir, the English language is somewhat of a very peculiar nature. It lends itself to various meanings. There is such a thing as metaphor and transferred epithet."

* Mr. S. SATYAMURTI:—"On a point of order, Sir. You have ruled that it is unparliamentary. I submit he has got to withdraw and say nothing more about it."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Before withdrawing, if you think it objectionable, I wish to say one word. I have always obeyed the ruling and will obey it also. But I have used it in a transferred sense. But if you think"

* The hon. the PRESIDENT:—"I think 'cowardly' in any sense would be unparliamentary."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I bow to your decision Sir, and withdraw it. Well, Sir, I will put it, in another form. (Laughter.) I have often spoken of the power of these walls to protect us against any prosecution or other action for offending the law. An hon. Member of this House can say things here without fear of being prosecuted—things he will not say outside."

* Mr. S. SATYAMURTI:—"A point of personal explanation, Sir. I resent that charge. I am prepared to repeat this evening, anywhere my hon. Friend wants, exactly what I say now or have said. I challenge him or his friends to prosecute me, if they care, or they dare." (Laughter.)

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"It is this attitude that spoils the case of the hon. Member. He comes to the House, asks the Government to review their own orders and says: I am going outside and telling the world to create disaffection in India."

* Mr. S. SATYAMURTI:—"I am not asking any justice to be done to me. I am asking justice to be done to Mr. Yakub Hasan."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I am referring to the argument of the hon. Member. He has told us that he will go out and preach disaffection. The hon. Member has referred to Pym and Hampden. The hon. Member has referred to the head of Charles I. But I do not know, Sir, if the courage of this hon. Member is so very great as to enable him to go outside and say that the cause of this country would require the head of a king. I do not know whether the protection of these walls is not the reason which has induced him to make bold"

* Mr. S. SATYAMURTI:—"I appeal to you for protection, Sir."

* The hon. the PRESIDENT:—"I do not think Mr. Satyamurti referred to anybody's head."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"The name of Charles I was mentioned, Sir (Laughter). That can only lead to one conclusion. What has happened in England?"

* Mr. S. SATYAMURTI :—"May I refresh my friend's memory of English History? What I said was that six Members of the British Parliament were pursued by Charles I, and when the Speaker was addressed, he said 'I have no eyes or ears, Sir, save those of the House.'"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"If the hon. Member is prepared to withdraw what all he has been saying. . . ."

* Mr. S. SATYAMURTI :—"Sir, I submit that there must be an end to this continual misrepresentation of what I said. I am not withdrawing anything. I simply restated what I said sometime before."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Sir, you are the better judge as to whether the hon. Member stated those things or not. There are your reporters who faithfully record the words and let them be published and then the world will know whether he did not make any reference to Charles the First, Pym, Hampden, and revolutions and disturbances. I am sorry for my friend; but I hope that in spite of the protection afforded by the walls of the House, no one will repeat such sentiments on the floor of the House. Patriotism is not the monopoly of Swarajists; many others in their own humble capacity have been trying to do what they think would benefit the country. To claim that one's own views are the best, and to put them in the form in which they have been put to-day, does not serve any purpose.

"One argument put forward by the hon. Member was that it must be left to the constituencies to decide. We know our electorates; we know what stories our friends have been telling the electorates; we know what the newspapers have been publishing and how the minds of the electorates have been poisoned. We know the standard of education of these electorates.

"To ask us to leave it to the electorate to decide at the earliest stages of development of this democracy, has neither rhyme or reason in it. The hon. Member for the University of Madras is perfectly willing to make bankruptcy a disqualification for standing as candidate; but if it is a case of sedition, not involving moral turpitude, he has no objection. A man may fail in his business for no fault of his own; he might not cheat his creditors. Yet his offence is greater than that of a man whose words and actions, though they come under section 124 of the Indian Penal Code, might end in results which are as ghastly as the Malabar Tragedy or Chauri Chaura. I am not in this connexion referring to this particular individual or that individual."

* Mr. S. SATYAMURTI :—"May I say that I guarded myself again and again by saying, 'sedition not involving violence to person or property'?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Of course they speak against violence and all that. Has not the great leader of my hon. Friend the Member for the University admitted that he committed Himalayan blunders? Everybody knew that Mr. Gandhi was quite innocent of any evil acts; everybody knew that Mr. Gandhi was incapable of thinking of violence; but he made speeches and what was the result? He himself had to confess his Himalayan blunders. Did he not admit that the tragedy at Bombay when

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His Royal Highness the Prince of Wales landed was due to his mistake? We all admit that he is a noble man; we all admit that he is a just man, a man of conscience and a man who would never have any anger. But when his words go forth, mere sounds, they set fire to a magazine of powder; they have effects which were not intended. The effect of such speeches upon the ignorant masses who are prepared to believe anything told to them in newspapers is really disastrous. I am not discussing the particular case of Mr. Yaqub Hasan. But if Government are convinced that in the present circumstances such speeches would do harm to the country, it is perfectly justifiable on their part to take such action as they think necessary. It is for them to take the blame or otherwise. They are responsible for the administration of this land. If they think that the interests of peace and order would be best served by taking such an action they are perfectly justified in doing so. It is not that they are afraid that Mr. Yaqub Hasan would be able to unseat all the Members of the Government. During the last three years, in spite of the fire and brimstone thrown by the hon. Member for the University in spite of the language used by him in which he excelled Junius himself"

* Mr. S. SATYAMURTI :—"On a point of order, Mr. President, Junius is identified with a liar. Is it not unparliamentary to use that expression?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I was referring to the language of Junius. The hon. Member's language was sometimes the choicest Billingsgate and contained the most vituperative words found in the English Dictionary. In spite of all that the Ministers have not been unseated. It may be half a dozen Yaqub Hasans; their speeches cannot shake the Ministers from their seats."

* Mr. S. SATYAMURTI :—"Why are they afraid of him?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am not afraid of him. I am not in the least afraid of him. Mr. President, in making these restrictions, I think the Government want to be considerate in disposing of these cases. All these years I have never known of an advocate who has won a case by accusing the judge; but I have known of advocates who have won their cases by accusing the advocates on the other side, but never by cailing the judges as men without discretion, as men having no ears to hear."

* Mr. S. SATYAMURTI :—"I am not appealing to the Government; I am appealing to this House. My motion is that the business of the House be adjourned to censure the action of the Government. I am not appealing to the Government; if I do, I know how to appeal."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Everything would then be withdrawn; and no resolution would be moved. A statement was made that these gentlemen did not listen to appeals and that they had no ears to hear, though I do not see any of them using any eardrums; they seem to be quite in order. If you are appealing to the House, the appeal must be such that it would appeal to any reasonable man. To call them names, and to tell them all sorts of things is not the way to appeal to the House. I do not want to go on for a long time since it is the desire of the House to bring this debate to a close. But let me say, that if there was a case for Mr. Yaqub Hasan it has been lost by the advocacy of the hon. the Mover himself."

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Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I regret very much that in the discussion of this question, attention has not been confined to the question proper. I am not surprised that the hon. the Member for Godavari lost his temper; for whenever strong remarks are made by the hon. Member for the University he loses his temper. (Sir K. Venkatarreddi Nayudu: 'Defence'.) The hon. Member said that by making speeches which raise irrelevant issues one spoiled one's case. May I point out that he himself went into unnecessary sidetracks and remarked about the Swarajists who did not come into the discussion of this question at all."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"I did not refer to any statement not referred to by the hon. Member for the University."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"It was up to him to keep the discussion on this question on a higher level. What is the position of my hon. Friend? He has not so far expressed his views one way or the other; he did not say that the order regarding Mr. Yaqub Hasan is or is not justified; he simply stated that the hon. Member for the University did not place the necessary facts before the House to come to a different conclusion. He has stated clearly and strongly that Mr. Yaqub Hasan is one of those who have suffered on account of the love of the country. Everyone knows he is a gentleman with whom one would like to associate. When the hon. the Leader of the House rose to reply, he did not say anything to contradict these statements; he simply did not make out a case in his reply. On the other hand the hon. Member for the University in his speech has made out a clear case for the reconsideration of this question. The object of this motion for adjournment is not to restate the position of the Government. The hon. the Law Member did not challenge any statement made by the hon. Member for the University; but he only questioned about the propriety of removing the disqualification. He said that the Government have gone into those questions carefully and have chosen to use their discretion not to remove the disqualification. I think the hon. the Law Member has not treated the House fairly in replying to this resolution. On this question concerning one who has been a Member of this House for four years previously, and who is loved and respected by those with whom he worked, I would have expected the hon. the Law Member to place certain facts before us tending to show the propriety of their decision. The hon. Member not having done that, I expected the House at least would consider the fact that the Government had nothing serious to say against the person, but that they simply did not want to remove the disqualification. But the hon. Member for Godavari has chosen to go into side tracks in order to express his opinion on so many other irrelevant things. In the year 1921, when Mr. Yaqub Hasan was arrested in Malabar, one of the highly respected members of the House, belonging to the Ministerialist Party, Diwan Bahadur M. Krishnan Nayar brought forward a motion for adjournment. After careful consideration of the case, he stated 'I am told that he is held in high esteem in some quarters, and in great respect in others.' The hon. Member would not have made such a statement without making proper enquiries. It is with reference to such a man who is held in high esteem by many people that this motion for adjournment is now made."

"Apart from my own testimony I referred to the opinion of my hon. Friend Mr. Krishnan Nayar because I thought that my hon. Friends on the

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opposite side would probably pay some attention to it as he is one of the respected members of their party. May I add that from the year 1916 every one of the Members of this House whether Indian or European was so much struck by the sincerity, by the interest and the way in which he took part in the proceedings of this House that he won the respect and admiration of every one. I had the privilege of working with him and I am also prepared to bear testimony to this fact. In the case of a person with such character and ability, one must think ten times before one exercises one's discretion. It has been pointed out that if he suffered a sentence of imprisonment it was because of the conditions prevailing then, such as, boycott of courts and refusal to offer any defence. It has been pointed out very properly that because he offered no defence, he had to suffer actual imprisonment. Is it not a fact that has to be taken into consideration before one arrives at the conclusion whether he deserves this treatment or not? I would also point out to the Government that in the interests of prudence and statesmanship, they should have taken a different course. What are the circumstances of the case? What are the circumstances under which he did not offer any defence? It was a time when there was boycott of councils and courts. The time has changed. When those particular persons who took an active part in the non-co-operation movement and who probably took part in the boycott of courts, have come forward to work in the Councils, is it fair to refuse them that opportunity? They have practically made up their minds to come to the councils and work for all that is for the best interests of the country. When once they make up their minds and apply for the removal of the disqualification, I do not think it is right or wise statesmanship not to give them the opportunity of taking part in the deliberations of the Council. May I ask what is the fear if Mr. Yaqub Hasan gets into the Council by the vote of the electors? What is the fear you have when a man who does not agree with you and who has a different opinion goes into the Council? No explanation is forthcoming on behalf of the Government. Probably, there may be arguments still in their own hearts; they are still thinking about the matter. I would like to know their arguments. Unless there were grave reasons, there should not have been this order refusing removal of the disqualification. Those who have followed the proceedings in the Assembly when the resolution was moved and considered, would realize that the policy underlying the discussion was that, except in dangerous cases, there must be facility for the disqualification to be removed. What is the effect of the remarks of the Member in charge of the Government of India? It was pointed out that there was no doubt some difficulty as to the definition of the words 'radical removal of disqualification'. But the spirit was there. The whole course of the discussion in the Government of India when the resolution was discussed and the course of the discussion in Parliament shows that they wanted to work these rules in a very liberal manner, that they wanted to give all possible facilities for those who took advantage of this provision and wanted to get into the Councils and that they would not create obstacles in the way of such people. I ask why the Madras Government should not exercise their discretion in a liberal manner. The reply of the hon. the Law Member is proof positive that so long as the power is in their hands they could use it and that they would not allow. . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I thought, Sir, that I made it clear, it was in the exercise of their discretion in this matter."

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I repeated the statement of the hon. the Law Member twice. 'We have no information to the contrary to come to a different conclusion.' On the evidence on record, the printed proceedings from 1921 onwards and the statements made by respectable Members of this House including my hon. Friend Mr. Krishnan Nayar show that Mr. Yaqub Hasan is a gentleman of high character and of high principles. The mere fact that he did not offer any defence led to his conviction. This is the fact that is placed before the House. We are asked by the hon. the Law Member to accept his *ipsi dixit*. I leave the House to judge the matter. I think, Sir, this House owes a higher duty to itself in fighting for the Presidency and its servants. We must leave other considerations apart and other issues somewhat irrelevant to this question; we have only to consider the question of the liberty of the citizens to elect one in whom they have confidence. No doubt, when the Government once make up their mind not to remove the disqualification I can anticipate their reply. Whatever they may do, so far as the House is concerned there is only one course for it to adopt, viz., to express itself unmistakably in favour of this motion."

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—"Mr. President, Sir, we have listened to the amusing speech delivered by the Member for the University. Clever lawyer that he is, no doubt with a full consciousness that he has a losing case and will not win it, he indulged in abuses all round. Secondly, he knew perfectly well that this was not a resolution that the disqualification that exists against people who have been convicted and who have served a term of imprisonment that they shall not enter the Councils unless they have been through a period of probation, should be removed. It is not a recommendation to the Government or a resolution that the Government shall be bound to automatically permit any person who has been convicted to stand for election to the Council. His appeal to the House did not enter into the merits of the case. As the rule stands—the rules are framed by the Government of India in pursuance of the Government of India Act—it is open to the Government to remove that ban on a period of probation, a period of rumination for the person who has come out of jail as to how he shall conduct himself and what has been the effect of his action which took him to jail."

* Mr. J. A. SALDANHA :—"The word 'probation' does not appear in the rules."

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—"It is to be implied or imported and I am surprised that this inspiration should come from a gentleman who has occupied a judicial position (laughter)."

* Mr. J. A. SALDANHA :—"On a matter of personal explanation, Sir."

The hon. the PRESIDENT :—"The necessity for a personal explanation would arise if the hon. Member's remarks had been misunderstood by other hon. Members."

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—"Sir, in dealing with this motion the hon. Member for the University said that it was a motion of censure on the Government for not removing the ban. We have to consider the fact that they have exercised a discretion and in the exercise of that discretion the facts of that particular case will have to be borne in mind."

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However much the hon. Member Mr. Krishnan Nayar might have said about Mr. Yaqub Hasan that he was a Member of the Legislative Council, a congenial and pleasant gentleman to deal with in ordinary affairs, it is not the only consideration in dealing with the case whether the ban should be removed or not. Several years have passed since that statement was made by the hon. Member Mr. Krishnan Nayar. Mr. Yaqub Hasan proceeded to a country where there are ignorant Mappillas, with his Khilafat programme and non-co-operation movement inflaming those people. Innocent and misguided people were carried away by religious fanaticism; the result of it was a terrible conflagration and persecution; rivers of blood have flown and many innocent lives have been lost. If it terminated there, it would have been all right. The result of the inflammation and the result of the persecution was that various other people were converted to Islam. There came various religious preachers with their counter-movements; the result of it was not confined to Malabar alone; it spread all over the country, the whole country except the Madras Presidency where Mr. Yaqub Hasan's activities were not permitted. Except the Madras Presidency all over Northern India what do we see—the persecution of the Hindus by the Muhammadans and the persecution of the Muhammadans by the Hindus. They have been speaking of Hindu-Muslim unity which has proved to be a mere moonshine. Under these circumstances when this Presidency was thoroughly fit for the grant of further reforms, this tension between the Hindus and the Muhammadans has made it impossible to reach that goal of which we are more anxious than the so-called Swarajists. Under these mischievous activities of Mr. Yaqub Hasan can we say that the Government in exercising their discretion have acted improperly? Sir, he has sown the wind and the country is reaping the whirlwind. You cannot set aside Mr. Yaqub Hasan's mischief to the whole country apart from Malabar. He would have been guilty of foul conduct to the constitution, of setting up men to murder others. Has not his act been one of abetting murders and been responsible for wholesale squalor throughout India? Even to-day in Northern India there has been much bloodshed between Hindus and Muhammadans. How can we say that the use of the discretion on the part of the Government been in any way improper? In these circumstances, I have no doubt that the House will have no hesitation in rejecting this motion which involves, as it were, a censure on the exercise of discretion by the Government."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, I think that my hon. Friend Mr. O. Tanikachala Chettiayar is not accurate in his facts. The arrest of Mr. Yaqub Hasan was in February 1921 and the Malabar rebellion took place on 25th August 1921. Mr. Yaqub Hasan was convicted for disobeying the order preventing him from entering Malabar and for one of his speech at Tanjore, if I remember right. It was never the case of the Government that the Malabar rebellion was the result of Mr. Yaqub Hasan's visit to Malabar. The ingenious way in which the hon. Member connected the conviction of Mr. Yaqub Hasan which took place long before with the outbreak of the Malabar rebellion is most unwarranted; and I do not think that this House can feel convinced of the arguments advanced by the hon. Member. The hon. the Law Member said that the Government had used their discretion and did not find it desirable to permit Mr. Yaqub Hasan to stand for election for one of the Legislative bodies. When such a false

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statement is made by the Government it is not possible for us to understand really what the Government mean. When anybody—even the Government—is expected to use discretion, it must have some materials before it; when the Government want to justify that they have used their discretion properly, I think it is the duty of the Government to say what were the various elements that were taken into their consideration and what prevented them from exercising their discretion in favour of Mr Yaqub Hasan. I do not think that there is anything confidential in the nature of the various elements that were taken into consideration by the Government for their not being placed before this House. And what were the elements that weighed with the Government in disposing of this application? We the outside public who are acquainted with Mr. Yaqub Hasan have got our own impressions of him as to the reasons why he should be allowed to stand for election to the Legislative bodies. He was, as has already been pointed out, a Member of this House for a period of nearly five years from 1916 to 1920. I had the good fortune of being his colleague for two years and during that period he was always commanding the respect of this House. If we refer to his various speeches we will see the reasonableness and the sweetness with which he used to present his case, and that his abilities are of a high order. He never impressed this House as a revolutionary. His position in the House was very respectable and I do not think any Member can point out to any of his speeches and say that he was a revolutionary. From my association with him previous to that, if I remember right, he was always of a moderate temperament. He was a very active member of the Liberal Party of Madras and till he resigned his membership on account of his *khilafat* faith for a short period from 20th May to 21st February or March, his activities do not show that he made any violent speeches. I cannot speak anything regarding his Tanjore speech because there is a conviction against him regarding that speech though he was undefended. We have to take into consideration his conduct with reference to that speech and also his conduct subsequent to his coming out of jail. I do not think any of the Members can point out that there was anything of a violent nature in his speeches after he came out of jail. When he was leading a peaceful life, his public speeches on the platform were not at all of a violent nature. That would, by itself be a sufficient factor for the Government to exercise their discretion in his favour. If the Government have got any material to show that subsequent to his coming out of jail his speeches were of a nature as to inflame the country, perhaps that may be a ground for consideration. But I do not think the Government have got any material of that nature. Of course, large fears have been expressed by Sir K. V. Reddi Nayudu that if he gets into this Council he may make violent speeches and that he may be the cause of. . . .

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I did not refer to him at all, Sir. In fact, I stated that I was not speaking about Mr. Yaqub Hasan. What I was saying was that the principle he enunciated would involve those consequences."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"It was only a question of inference. The hon. Member said that instead of one Satyamurti there would be more Satyamurtis if men of this stamp are allowed to get into the

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Legislative Councils. I only inferred from that that my hon. Friend was referring to Mr. Yaqub Hasan and the probable effect of the speeches that he would make in this Council. In order to satisfy yourselves, if only you refer to the speeches of Mr. Yaqub Hasan in this Council for a period of five years you will find that they were always well-reasoned, sober and full of convincing arguments. Is it good that the electorate should be made to lose the opportunity of having a man of that type to represent them in this Council? We know for the last two years, I say this with due respect to my Muhammadan friends, that it is highly desirable that that community should have a leader of such outstanding personality and ability. ('Hear, hear') Sir, I may be permitted to refer to the view held by your distinguished predecessor. While the Village Panchayats Act was under consideration in the previous Council, the question of removing disqualification on ground of conviction was also considered, and he took a very liberal view and said that it was necessary that we should leave it to the discretion of the electorate, and not enter any disqualification on that ground in the Statute Book. That was the liberal view he took, and I hope the Government will also take a similar liberal view and exercise their discretion properly in this case and will not tell this House simply that they used their discretion and were satisfied about it. They must come forward with all the elements that weighed with them in coming to that decision and try to satisfy this House instead of giving us that bald answer."

* The hon. Mr. T. E. MOIR :—"Sir, the complaint has been made that the hon. the Leader of the House offered no reasonable explanation of the attitude of the Government towards this question. It is true that his remarks were commendably brief, but I am prepared to maintain that they contained everything of moment that could, so far as the Executive Government are concerned, be said on this question. And if I merely amplify what he said, it is partly in the hope of removing any impression that we as a Government desired in any way to burke this question or minimise our responsibility in the matter. Much of what fell from the hon. the Member for the University seemed to me in this connexion entirely irrelevant. He displayed a familiarity with the debates which took place in another Legislature which I do not profess to possess. But what has that to do with the Madras Government? He made quotations from the proceedings of that Legislature. He made quotations from the speeches of the hon. the Leader of the House in the Legislative Assembly and said that there you find guidance and the interpretation of your instructions. Now, Sir, if we had desired to evade our responsibility, it would have been open to us too to hunt through the proceedings of another Legislature to find some quotation on which we might base our attitude and possibly defend it. Or we might and possibly in this instance, it might have saved us a good deal of trouble, if we had expressed our readiness to accept any interpretation that the hon. Member for the University was prepared to put on the rules as they stand. The hon. Member from South Kanara also appealed to certain principles which he laid down. Unfortunately those principles belong to that constitution of the future, that Utopia which he spends his time in fabricating and equally unfortunately, Sir, we as an Executive Government are not able to dispose of such matters with reference to such an Utopia. We have to deal with them with reference to rules and

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instruction under a constitution which is laid down in this book which is familiar to every Member of this House, and I would simply call attention to the rule with which we have to deal:

'A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting shall, unless the offence of which he is convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.'

"The hon. Member for the University appealed to us to import into that rule phrases which do not occur in it. I am afraid that he being a lawyer, if we attempted in other matters to introduce into the Act and the rules under it matter which does not exist there, he would call us to order and ask us how we dared to import into a written constitution matter of which no provision was made in it. The rule goes on to say:

'Provided that on application made by a person disqualified under the sub-rule and with the previous approval of the Governor-General in Council the local Government may remove the disqualification by order in this behalf.'

"Now, it is admitted that the gentleman concerned in this case did make such application, and the position, therefore, before the local Government was that with the previous approval of the Governor-General in Council it might remove the disqualification by an order in this behalf. Very well, Sir, that was the issue as I understand it, and we as a local Government are responsible not for evading the issue to which such rule and such a case gives rise to but for performing our statutory duty. There is no indication there either as to the lines on which or the rules by which we should determine such a case; and therefore there is only one rule which the Government could follow. We were not concerned with the private life of the individual concerned, or with his personal good qualities. We are not concerned with personal issues of that kind at all. What were we concerned with? The public good and the public interest. And it was with reference to that consideration and that consideration alone that we had to determine our attitude towards this case. It is again the case and possibly our misfortune that under the existing constitution that responsibility rests with us and with us alone. It is not a responsibility which we as an Executive Government can share either with this Council or with our hon. Colleagues the Ministers. It is a responsibility which we must shoulder and we alone; and we have done so. It is perfectly true that hon. Members of this House are at liberty to say that we decided wrongly and that if we had taken the view of the case which they now take, we would have decided otherwise. Apparently even on that point, opinion is not entirely unanimous in this House, but at any rate, as I have said, the responsibility is ours and ours alone and we cannot share it. But one thing we are entitled to do and that is to ask the House to believe that we as an Executive Government did exercise that responsibility without malice, without any regard to our personal interests and solely looking to what we considered to be the best interests of the country and of its people."

Mr. K. Uppi Sahib:—"Mr. President, Sir, the hon. Member Mr. O. Tanikachalam Chettiyar was referring to Mr. Yaqub Hasan's behaviour in Malabar and he alluded, as so many others have already alluded, to Mr. Yaqub Hasan having been the cause of the Malabar conflagration. It is not true to facts and nobody has so far seen the

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real cause of the rebellion. He was in the last Council. He did not care to ask the Government to make an enquiry into the real cause of the Malabar conflagration. I say that it is not true to facts, because Mr. Yaqub Hasan when he went to Malabar, was about to proceed to Ernad, but then he got an order not to proceed there. He obeyed that order and proceeded to Calicut. There he was asked not to make any public speech. Then the situation in Calicut was such that about 60,000 people had assembled there to see him and to hear him. He saw that if he did not make a speech, something might happen there. He said in so many words to the Collector that he was not going to say anything about politics, anything about non-co-operation but that he was going to say to the people that they should be non-violent, that non-violence was the foundation of the whole non-co-operation movement and that if they were to violate that rule, then the whole edifice would fall down. The Collector did not hear that and Mr. Yaqub Hasan said that he could not but make a speech and he was arrested and sent to jail. On account of this, it is said that Mr. Yaqub Hasan is responsible for the Malabar conflagration. In this House and outside it, I have heard so many people throwing this calumny against Mr. Yaqub Hasan. I say it is not true and if you would not object, Mr. President, I would say it is a lie."

* The hon. the PRESIDENT:—"Order, order. 'Lie' is certainly an unparliamentary term."

Mr. K. Uppi Sahib:—"I only referred to the statements made outside this House, to a pamphlet issued to the Members of this Council."

* The hon. the PRESIDENT:—"We have enough to do to deal with arguments that are floated on the floor of this House."

Mr. K. Uppi Sahib:—"Well, Sir, that statement is not true. With regard to this, we have not been told on behalf of the Government any reasons for disallowing Mr. Yaqub Hasan to come to this Council. Why? Perhaps they are reasons which Government are not prepared to reveal. What has Mr. Yaqub Hasan done? Is it because Mr. Yaqub Hasan was a non-co-operator, or because he felt, and felt with the millions of Muhammadans in India, that the British Government have betrayed, that the British Government have deceived the Mussalmans after the war in the matter of the Khilafat? I felt it and my Friend the hon. the Home Member felt it. You should know that he was a Khilafatist and he was speaking in so many Khilafat meetings."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I was not a Khilafatist, Sir."

Mr. K. Uppi Sahib:—"I believe the hon. Member was a Khilafatist."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir."

Mr. K. Uppi Sahib:—"Then Mr. Yaqub Hasan non-co-operated with the Government, because he felt that—and perhaps except the hon. the Home Member—the whole Mussalman community of India and of the whole world have been feeling it equally with him."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I question that statement, Sir."

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Mr. K. UPPI SAHIB:—"Then Mr. Yaqub Hasan non-cooperated and gave out as his feelings what the whole of India felt and at a time when the masses in the whole of India did not know what to do. Then Mr. Yaqub Hasan, as a man of thought, said: 'We cannot do anything, we shall not be violent, we shall non-violently agitate and ask Government to redress our grievances.' He was preaching non-violence. Perhaps in his preachings, in giving out his feelings, he might have been violent; and for that he has suffered. Now here is another party. My hon. Friend, Sir K. V. Reddi said that if there was any ray of their giving us their support, it had been dispelled by the hon. the Member for University's speech. I say personally that I had no hope of getting their support in this matter. (Hear, hear.) I say personally I had no hope, perhaps some others thought that they might give support. Sir, Mr. Yaqub Hasan and these people from the very beginning for several years past could not agree in the matter of politics or on any matter of opinion. I know Mr. Yaqub Hasan; he went to jail and he suffered because he placed his community, he placed Islam before everything else, before even his own personal interest. He suffered and is still suffering. He does not want to come to the Council; he does not want to become a Minister but he wants to serve the country. I know Mr. Yaqub Hasan was always serving and is the one Mussalman who has served and who has done the greatest service for the Mussalman interests in this Presidency and he has been the beacon light for the Mussalmans for the past several years. I wish and hope that he will be so for the future. I was surprised when I heard that Mr. Yaqub Hasan had not been fairly treated by the Government in which the hon. the Law Member was present and in a matter for which the hon. the Law Member had the portfolio in his hands, because Mr. Yaqub Hasan was his comrade and the hon. the Law Member knows what sort of man Mr. Yaqub Hasan is. He was his comrade in the fight, the result of which is the present Council. I wish to know what my hon. Friend the Home Member's opinion in this matter was when the matter came up before the Government—I mean his opinion as a representative of the Mussalmans."

* The hon. the PRESIDENT:—"Order, order; I do not think these questions can be put to individual Members of the Government. There is a collective Local Government and hon. Members must deal with it."

Mr. K. UPPI SAHIB:—"I never asked the question of the hon. the Home Member. I only expressed my desire to know his opinion. He may not tell us. All that I now suspect is that it is nothing but vindictiveness. Mr. Yaqub Hasan is not a conspirator, and the whole world knows that he is not; he is not a rebel and he is not now in politics for aught I know. I know also that he is not very desirous of coming to this Council but for the entreaties and requests made by thousands of members of his own community. I am afraid that His Excellency Lord Geschen has been ill-served by some of his colleagues."

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I likewise am not without the least doubt as to what my attitude is going to be on this question. The hon. Member for the University has made it so clear in his brilliant and very effective speech from his own point of view what the attitude of any Member of this House ought properly to be on such a question. My friends have referred to the activities of Mr. Yaqub Hasan. The question before us is not a general question of principle. It is not that

12th July 1926] [Mr. A. Ramaswami Mudaliyar]

an unmistakable law should be passed that all those who have suffered should *ipso facto* have the disability removed from them. We are not suggesting to the Government that they should so exercise their discretion as to practically divest themselves of that discretion and we are not asking the Government to excuse all those who have suffered imprisonment. My hon. Friend's motion is confined to a particular individual and when he comes before the House and asks us to vote on that particular question, we are bound to examine the credentials of the individual. If my hon. Friend had addressed himself to the general question of policy and had stated that political prisoners who had suffered imprisonment ought not to have this disability placed on them, I perhaps should have had a different answer to give. But my Friend has chosen to come forward with an individual case and to ask this House to say that the discretion which the Government have exercised in that individual case has not been properly exercised and I for my part do not think it will be fair to come to the conclusion that the discretion has not been properly used. My Friend Mr. Tanikachalam Chettiyar and my Friend Sir K. V. Reddi have already referred to some of the activities of Mr. Yaqub Hasan. Mr. Narasimha Raju told us that there was no connexion at all between Mr. Yaqub Hasan's speech and the Mappilla rebellion. I know there are people who go about saying that the whole of the revolution was due to Mr. Yaqub Hasan"

Mr. K. UPPI SAHIB:—"Mr. Yaqub Hasan never made a speech in Malabar at that time"

Mr. A. RAMASWAMI MUDALIYAR:—"We know that Mr. Yaqub Hasan does not deserve so much credit as all that and that any particular individual could not inflame the minds of the Mappillas and could not be solely and wholly responsible for the rebellion; but we know at the same time that while there was the material ready, it was his actions more than anything else that set ablaze Malabar and landed that country in all that horrible disaster. My Friend suggested that at the time of the motion to adjourn the House on the question of the arrest of Mr. Yaqub Hasan brought forward by Mr. Krishnan Nayar, there could not have been any possibility or any contemplation of the Mappilla rebellion. May I remind my Friend that at that adjournment motion in this very House, my late leader Sir P. Tyagaraya Chettiyar used words which were prophetic in their nature and which, in the next few weeks, translated themselves into actual practice? Sir Tyagaraya Chettiyar told us that Mr. Yaqub Hasan had gone with a lighted match to a powder magazine, that he would inflame every material which was found in the district, that he would set ablaze the whole land, by his acts and by his speeches. And as a matter of fact, it did take fire. Now with such evidence before us, could we say that Mr. Yaqub Hasan's speeches were not contemplated to have some effect in that direction? My hon. Friend talks of the non-violent speeches of Mr. Yaqub Hasan. We have heard a great deal during the last six years of non-violence and of non-violent speeches; but surely, Sir, some of you must be familiar with the events that have taken place all over India and, in the face of the statements made by the most respectable leaders that the speeches, however non-violent in their nature, have violence in their effect, could we possibly say that these speeches were non-violent? The results prove more satisfactorily, whatever the intentions might have been, what the effect of those speeches was. But I am not going to dilate to-day on the actions of Mr. Yaqub Hasan either before the Mappilla

[Mr. A. Ramaswami Mudaliyar] [12th July 1926]

rebellion or afterwards when he had that unfortunate sentence passed. I should confine myself to one aspect of the case that strikes me as putting Mr. Yaqub Hasan absolutely out of court so far as I am concerned. That an attempt has been made and an insidious attempt has been made, during the last four months to rehabilitate Mr. Yaqub Hasan, to build up his character again, to make him respectable in the eyes of the bureaucracy. I know that Mr. Yaqub Hasan who led thousands and millions astray with his wrong notions of things has gone about this country during the last four months preaching against the vicious policy of non-co-operation. We have read his articles in the newspapers, we have seen and watched the attempt being made under our very eyes to build up a halo of perfect and sweet reasonableness which he now is supposed to have, to build about himself a halo of constitutionalism which all his past life for the last six years belies. And we know also that there were other means also resorted to by him to build up that sort of artificial respectability. I can recollect at this time his addressing meetings, delivering lectures, etc., under the respectable auspices even of Members of Government. When all that is stated, could a man like me feel that there is something going on which it is not possible for a common-sense man to understand, that there is some game at work? I, Sir, refuse to be myself a party to that game. If he had plainly stated that he had those principles, that he believed in those principles, it would have been one matter. If he had plainly stated that he had given up those principles, it would have been another matter. Could I feel, therefore, Sir, that there is a genuine conversion in this case, that there has been a genuine change of heart? I do not know how others have been convinced—and I should like to know whether my Friend the hon. Member for the University is convinced,—that Mr. Yaqub Hasan has given up his non-co-operation principles, has given up his Khilafat principles and is now the sweet reasonable man that he appears, that his statement of his principles makes him out to be. Therefore, Sir, when my Friend asks me to go on bended knees before the hon. the Law Member because that is what this adjournment motion means”

* Mr. S. SATYAMURTI :—“Certainly not.”

Mr. A. RAMASWAMI MUDALIYAR :—“I will explain that this is clearly so. And when he asks us, Sir, as a party to go on bended knees before the Government and ask the Government to remove the ban on this gentleman who had one set of principles at one time and declares that he has another set of principles at another time, and the genuineness of whose conversion is very much open to doubt, I certainly think that it is not my duty, either as a patriot or as a politician, to be a party to this sort of manœuvre. My hon. Friend says that it is certainly not the case. Then, what is the purpose of this adjournment motion? My hon. Friend hopes—and let me do him justice though he emphatically denies it—that it is not a question of passing a censure on the Government; but that it is a question of trying to put pressure through this Council on the Government to re-open this question, to upset the finding which has been arrived at, to make the Government review its own decision, and remove the ban on Mr. Yaqub Hasan. That is the purpose of my hon. Friend. Now, Sir, I say that all these credentials of Mr. Yaqub Hasan and his activities in the past show that he is a person of rather shady political opinions, opinions the genuineness of which I fail to be convinced about. I said that I would not be a party to that manœuvre.

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I shall not go on bended knees either directly or indirectly, either directly forwards or indirectly backwards upon bended knees and ask the Government to remove the ban on Mr. Yaqub Hasan and try to re-habilitate his political character.

“More than once it has been suggested that we are anxious to keep Mr. Yaqub Hasan out of the Council. My hon. Friend seems to think and wants the House to think that the millennium may come directly Yaqub Hasan is brought into the Council. I do not believe it. Neither do I believe that the Muslim community in the whole of the Madras Presidency is so poor, so wanting in good men, so wanting in leaders, so wanting in patriotic men that barring Yaqub Hasan among 2½ millions of Muhammadans they cannot get a single individual to guide them. It is a statement which cannot be made and which ought not to be made. It is a reflection on the character of the Muhammadans in the Presidency. It must be remembered that Mr. Yaqub Hasan himself is an intruder, an outsider in this Province. There are hosts of men, hundreds of men as amiable in manners and as presentable in appearance—Mr. Saldanha is so keen on presentableness—as sweet in manners and as elegant in gait as Mr. Yaqub Hasan himself. I refuse to believe, whether on physical considerations, whether on moral considerations, whether on intellectual or patriotic considerations, that there are not scores of Muhammadans in whom the constituency can place faith and who will be ornaments of the first order whether in this Council or any other Council. To say that it is not so is a bolt from the blue. We are certain that it will be a bolt from the blue direct from the mist before the rising sun of the Justice party.

“My hon. Friend was then speaking towards the end, of vain glory. I have been watching for the last two months my hon. Friend's newspaper propaganda. My friend read out an interesting extract from an excellent journal—the more he reads it the more would he profit by it (Mr. S. Satyamurti: ‘I have no doubt about it.’) You have now a statement from the hon. the Finance Member giving the lie direct to the insinuation that was given in another newspaper. You have had the statement that they on the reserved side were largely, were solely and wholly responsible for any attitude of Government with reference to Yaqub Hasan. We have not in any way exaggerated. Anyhow, in an unceasing way, the mudslinging has been going on by rival newspapers and any honest man placed in a similar situation would have been indignant and could not but reply in the same manner. My friend will go on and have another mudslinging. We have given him material for another beach oration. Let him go there again and speak what he has been saying. I have just gone over several parts of India and I know what the country stands for. I know we have got rival meetings. I was and am a firm believer in beach meetings. I have taken a page from my hon. Friend in going to the beach meetings. You have your propaganda in newspapers. You tell the people that the Justice party is the Government party supporting the Government in all things. I have little doubt that the country will judge for itself.”

* Mr. S. SATYAMURTI :—“As I am very anxious that this matter should be pressed to a division, I will reply very, very briefly. I speak more in sorrow than in anger. I congratulate the hon. the Law Member and the hon. the Finance Member for having been shown to be paragons of light

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and progress in this matter, compared with the exhibition of moral turpitude, political obscurantism and narrow vision of the hon. Members below the gangway"

Mr. A. RAMASWAMI MUDALIYAR :—" On a point of order, Mr. President. Is 'moral turpitude' parliamentary?"

* The hon. the PRESIDENT :—" It is certainly not parliamentary."

* Mr. S. SATYAMURTI :—" I withdraw, Sir, with great pleasure. But, Sir, I repeat that it is past my understanding how elected hon. Members of this Council could get up and say that, because Mr. Yaqub Hasan's nose does not satisfy their ideas of nasal dimensions, therefore he ought to be debarred from seeking the franchise of the electorate, and entering this Council. I fancy that if the reins of administration were in their hands they would hang, draw, quarter and disembowel him. I thank God on my knees that these gentlemen are not yet in power. I hope the day will never come when such primitive politicians will administer law in the unjust, barbarous and ante-diluvian fashion, in which they would like the law to be administered."

" Having dealt with them, I want to say one word. The hon. Member said that they made up their minds after my speech. May I say that they made up their minds in a meeting yesterday evening and it is a terminological inexactitude to say that their minds were changed after my speech? I will now come to the hon. the Law Member and the hon. the Finance Member. The hon. the Finance Member asked me what Sir Alexander Muddiman's speech had to do with this. I may be permitted to tell him as briefly as I can what it has to do. He will notice that the Madras Electoral Rules are made by the Government of India and are amended by the Government of India. He will also notice that that Government is composed of Sir Alexander Muddiman, the Home Member. The portfolio of these rules is in the hands of the Home Member. When a rule is promulgated by the Government of India, and when the prime author speaks from his seat in the Assembly and says that the rule means that as far as possible exemption should be granted, the meaning is clear. I grant that this is not binding on him. But I suggest that it is too much to say that it is irrelevant for himself and his colleagues. As for the hon. the Law Member, he simply stated that the Government have exercised their discretion properly in the matter. He did not say anything else. If a motion like this is brought forward, it is up to him and to the House to say what are the grounds on which the Government came to the conclusion that in Mr. Yaqub Hasan's case the exemption ought not to be granted. I am afraid he concerned himself more with seeing about the necessity of applying the general rule. He is too shrewd a lawyer to know that provisos are not always exceptions. The spirit of the proviso is that if a person applies and Government feels that there is no gross moral turpitude, Government should automatically grant the exemption."

" One word more. The hon. Member below the gangway talked of my going to the constituencies and the country and placing the facts. I will do it. I have done it. I invite him also to do it. I am glad he is present in the beach meetings. I am glad he is profiting by it. I respectfully invite him to take a few more pages from my book which will profit him immensely. Let him go to the country and say we are the party which carried political vindictiveness so far as to want Government to penalise a man for his life, because he has got certain political opinions which he does

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[Mr. S. Satyamurti]

not like, and ask whether he deserves the confidence of a self-respecting democracy, or, whether the constituency wants him to be in this House to stand up for the rights not only of himself, but of every one else whatever his political opinions may be. I place my motion in the hands of the House."

The motion was put and declared lost.

A poll was demanded and the House divided as follows :—

Ayes.

- | | |
|---|--|
| 1. Diwan Bahadur P. Kesava Pillai. | 15. Mr. T. Adinarayana Chettiyar. |
| 2. Rao Bahadur C. V. S. Narasimha Raju. | 16. " P. Anjaneyulu. |
| 3. " T. A. Ramalinga Chettiyar. | 17. " Muhammad Meera Sahib. |
| 4. Mr. J. A. Saldanha. | 18. " G. Rameswara Rao. |
| 5. " P. Siva Rao. | 19. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. " A. Ranganatha Mudaliyar. | 20. Rai Bahadur T. M. Narasimha Chariu. |
| 7. " Abdul Hye Sahib. | 21. Sriman Sasibushan Nath Mahasayo. |
| 8. " A. Chitambara Nadar. | 22. Mr. Sami Venkatachalam Chetti. |
| 9. " M. Ganga Raju. | 23. " L. K. Tulasiram. |
| 10. " C. Gopala Menon. | 24. " Uppi Sahib. |
| 11. " K. Koti Reddi. | 25. " C. V. Venkataramana Ayyangar. |
| 12. " S. Muttayya Mudaliyar. | 26. " Naganna Hegde. |
| 13. " B. P. Sesha Reddi. | 27. " C. Venkatarangam Nayudu. |
| 14. " S. Satyamurti. | |

Noes.

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|--|---|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 29. Mr. A. Ramaswami Mudaliyar. |
| 2. " Mr. N. E. Marjoribanks. | 30. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 3. " Khan Bahadur Muhammad Uman Sahib Bahadur. | 31. Rao Sahib P. V. Gopalan. |
| 4. " Mr. T. E. Moir. | 32. Mr. L. C. Guruswami. |
| 5. " Diwan Bahadur Sir T. N. Sivaganam Pillai. | 33. Zamindar of Kallikote and Atagada Estates. |
| 6. " Rao Bahadur Sir A. P. Patro. | 34. Rao Bahadur K. Krishnaswami Nayudu. |
| 7. " the Raja of Panagal. | 35. Mr. R. Madanagopal Nayudu. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 36. " T. Malleappa. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 37. Rao Bahadur B. Muniswami Nayudu. |
| 10. Mr. G. T. Boag. | 38. Mr. C. Muttayya Mudaliyar. |
| 11. " V. Pandrang Row. | 39. " K. S. Ponnuswami Pillai. |
| 12. " J. F. Hall. | 40. " K. Baghuchandra Ballal. |
| 13. Khan Bahadur Abdulla Ghattala Sahib. | 41. " P. Sagarani. |
| 14. Mr. S. Arpudasmami Udayar. | 42. Diwan Bahadur M. Krishnan Nayar. |
| 15. Rao Sahib T. C. Tangavelu Pillai. | 43. Mr. P. L. Rajan. |
| 16. Mr. G. W. Chambers. | 44. Rao Bahadur P. Raman. |
| 17. " C. E. Wood. | 45. Mr. J. D. Samuel. |
| 18. Capt. E. G. Windle. | 46. " Sarabha Reddi. |
| 19. Mr. Manjappa Heggade. | 47. Rao Sahib R. Srinivasan. |
| 20. Sir Alexander MacDongall. | 48. Mr. K. Sitarana Reddi. |
| 21. Mr. J. A. Davis. | 49. " R. Veerian. |
| 22. " H. B. Ari Gowder. | 50. Diwan Bahadur K. Suryanarayaramurti Nayudu. |
| 23. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 51. Mr. K. Venkatachala Padayachi. |
| 24. Diwan Bahadur O. Tanikachala Chettiyar. | 52. " Muhammad Ghouse Mian Sahib. |
| 25. Rao Bahadur C. Natesa Mudaliyar. | 53. " T. M. Moidu Sahib Bahadur. |
| 26. " M. C. Raja. | 54. " Qadir Muhi-ud-din Elyas Khan Sahib. |
| 27. Mr. P. K. S. A. Arumuga Nadar. | 55. " Muhammad Abdul Wahab Sahib. |
| 28. " N. Devendrudu. | |

27 hon. Members voted for the motion and 55 against it.

The motion was lost.

The House then adjourned to meet again at 11 a.m. the next day.

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

[12th July 1926]

APPENDIX I.

[Vide answer to question No. 1973 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 12th July 1926, page 158 supra.]

LIST OF ADVISORY COMMITTEES.

(1) Excise Advisory Committee—

President.

The hon. Rao Bahadur Sir A. P. Patro, *Kt.*

Members.

M.R.Ry. A. V. Bhanoji Rao Garu, M.L.C.
 „ C. V. Venkataramana Ayyangar Avargal, M.L.C.
 „ Diwan Bahadur P. C. Ethirajulu Nayudu Garu, M.L.C.
 „ H. B. Ari Gowder Avargal, M.L.C.
 „ C. Ponnuswami Nayudu Garu, M.L.C.
 J. D. Samuel, Esq., M.L.C.
 A. E. Rencontre, Esq., M.L.C.
 M.R.Ry. A. Ramaswami Mudaliyar Avargal, M.L.C.
 „ Rao Bahadur A. M. Murugappa Chettiyar Avargal, M.L.C.
 The Secretary to Government, Revenue Department (ex-officio Member).

(2) Local and Municipal Advisory Committee—

President.

The hon. the Raja of Panagal.

Members.

M.R.Ry. Rao Bahadur O. Tanikachala Chettiyar Avargal, M.L.C.
 „ B. Ramachandra Reddi Garu, M.L.C.
 „ Rao Bahadur B. Muniswami Nayudu Garu, M.L.C.
 „ Diwan Bahadur K. Suryanarayanamurti Nayudu Garu, M.L.C.
 „ Bhaskara Raja Rajeswara Setupati *alias* Mutturamalinga Setupati Avargal, Raja of Ramnad, M.L.C.
 „ Rai Bahadur T. M. Narasimhacharu Garu, M.L.C.
 „ Rao Bahadur Cruz Fernandez, M.L.C.
 „ V. Madhava Raja Avargal, M.L.C.
 „ R. Veerian Avargal, M.L.C.
 Khan Bahadur Haji Abdullah Haji Kasim Sahib Bahadur, M.L.C.
 The Secretary to Government, Local Self-Government Department (ex-officio Member).

(3) The Public Health Advisory Committee—

President.

The hon. the Raja of Panagal.

[12th July 1926]

Members.

M.R.Ry. Diwan Bahadur M. Krishnan Nayar Avargal, M.L.C.
 „ P. C. Ethirajulu Nayudu Garu, M.L.C.
 „ Rao Bahadur A. S. Krishna Rao Pantulu Garu, M.L.C.
 „ K. S. Ponnuswami Pillai Avargal, M.L.C.
 „ N. Devendradu Garu, M.L.C.
 „ Rao Sahib P. V. Gopalan Avargal, M.L.C.

Mr. J. A. Davis, M.L.C.

Janab T. M. Moidu Sahib Bahadur, M.L.C.

The Surgeon-General with the Government of Madras,
 The Secretary to Government, Local Self-Government Department,

The Deputy Secretary to Government, Local Self-Government Department,

The Director of Public Health, Madras.

M.R.Ry. Rao Bahadur C. Natesa Mudaliyar Avargal, M.L.C.

Ex-officio members.

(4) The Advisory Committee on the administration of the Agricultural Co-operative and Veterinary Departments—

President.

The hon. Diwan Bahadur Sir T. N. Sivagnanam Pillai, *Kt.*

Members.

M.R.Ry. V. C. Vellingiri Goundar Avargal, M.L.C.
 „ Chavadi K. Subrahmanya Pillai Avargal, M.L.C.
 „ K. Prabhakaran Tampam Avargal, M.L.C.
 „ Rao Bahadur B. Muniswami Nayudu Garu, M.L.C.
 „ G. Premayya Garu, M.L.C.
 „ K. S. Ponnuswami Pillai Avargal, M.L.C.
 „ Rao Bahadur A. S. Krishna Rao Pantulu Garu, M.L.C.
 „ K. Sarabha Reddi Garu, M.L.C.
 „ Sahib Mehrban-I-Dostan-Sri Ramachandra Mardaraja Deo (Zamindar of Kallikota and Atagada Estates, M.L.C.)

(5) Advisory Committee on Industries and Fisheries—

President.

The hon. Diwan Bahadur Sir T. N. Sivagnanam Pillai, *Kt.*

Members.

M.R.Ry. Rao Bahadur Cruz Fernandez Avargal, M.L.C.
 „ Diwan Bahadur P. C. Ethirajulu Nayudu Garu, M.L.C.
 „ Arpudawami Udayar Avargal, M.L.C.
 „ Rao Sahib P. V. Gopalan Avargal, M.L.C.
 „ Rao Bahadur A. M. M. Murugappa Chettiyar Avargal, M.L.C.
 „ B. Ramachandra Reddi Garu, M.L.C.
 „ C. V. Venkataramana Ayyangar Avargal, M.L.C.

The Council Secretary to the Minister for Development and the Secretary to Government, Development Department } Ex-officio members.

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(6) Advisory Committee on Forests—

President.

The hon. Khan Bahadur Muhammad Usman Sahib Bahadur.

Members.

M.R.Ry. Rao Bahadur B. Muniswami Nayudu Garu, M.L.C.
 „ C. V. Venkataramana Ayyangar Avargal, M.L.C.
 „ A. Ranganatha Mudaliyar Avargal, M.L.C.
 „ K. Sarabha Reddi Garu, M.L.C.
 „ Diwan Bahadur M. Krishnan Nayar Avargal, M.L.C.
 „ A. Ramaswami Mudaliyar Avargal, M.L.C.
 „ Rai Bahadur T. M. Narasimhacharlu Garu, M.L.C.
 „ G. Premayya Garu, M.L.C.
 „ Rao Sahib S. Ellappa Chettiyar Avargal, M.L.C.

(7) The Public Works Advisory Committee—

*President.*The hon. Rao Bahadur Sir A. P. Patro, *Kt.**Members.*

M.R.Ry. K. Prabhakaran Tampan Avargal, M.L.C.
 Hajee M. Abdulla Sahib Khan Bahadur, M.L.C.
 The Raja of Ramnad, M.L.C.
 M.R.Ry. K. Sarvarayudu Garu, M.L.C.
 „ Rao Sahib R. Srinivasan Avargal, M.L.C.
 „ Rai Bahadur T. M. Narasimhacharlu Garu, M.L.C.

(8) The Depressed Classes Advisory Committee—

President.

The hon. Khan Bahadur Muhammad Usman Sahib Bahadur.

Members.

M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal, M.L.C.
 „ Rao Sahib R. Srinivasan Avargal, M.L.C.
 „ „ P. V. Gopalan Avargal, M.L.C.
 „ „ P. V. S. Sundaramurthi Avargal, M.L.C.
 „ N. Devendrudu Garu, M.L.C.
 „ Rao Bahadur M. C. Raja Avargal, M.L.C.
 „ L. C. Guruswami Avargal, M.L.C.
 The Commissioner of Labour
 The Secretary to Government, Law Department } *Ex-officio*
 members.

(9) The Advisory Committee on Education and Registration—

*President.*The hon. Rao Bahadur Sir A. P. Patro, *Kt.*

12th July 1926]

Members.

M.R.Ry. S. Arpudaswami Udayar Avargal, M.L.C.
 „ Rao Bahadur Cruz Fernandez Avargal, M.L.C.
 „ P. N. Marthandam Pillai Avargal, M.L.C.
 „ Rao Bahadur O. Tanikachalam Chettiyar Avargal, M.L.C.
 „ R. Veerian Avargal, M.L.C.
 „ K. Sarvarayudu Garu, M.L.C.
 Muhammad Ghouse Mian Sahib Bahadur, M.L.C.
 M.R.Ry. D. Manjappa Heggade Avargal, M.L.C.
 The Secretary to Government, Law Department (*Ex-officio* member).

APPENDIX II.

[Vide answer to question No. 1976 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 12th July 1926, page 161 supra.]

Statement of the tours made by the hon. the Raja of Panagal during the months of November and December 1925 and January and February 1926.

Serial number.	Date.	Places visited.	Cost.	Purpose of the tour.
			Rs. A. P.	
1	From 12th November 1925 to 18th November 1925.	Nuzvid	966 8 0	Interviews. Visit to Veterinary hospital and Local hospital. Address by Taluk and Union Boards, Nuzvid. Laying the foundation stone of the Nuzvid Taluk Board office building. Visit to R.R. High school.
		Ellore .. ..	....	Visit to Government Hospital and Municipal High school. Laying the foundation stone of the Tammilera bridge.
		Gudivada .. ..	....	Prize distribution in the Board High school. Visit to Girls' school. Laying the foundation stone of the hospital in-patients' ward at Kaikalur and address by Taluk Board, Kaikalur. Inspection of Angalur New Road.
		Bez wada and back to Madras.	....	Inspection of water works, visit to the Ram Mohan Ayurvedic Free Dispensary and Kalasala Taluk Board Address.
2	From 6th December 1925 to 9th December 1925.	Trichinopoly and back.	827 8 0	Opening of the Municipal Public hall, Trichinopoly. Opening of the vegetable market at Srirangam. Unveiling the portrait of the late Mr. T. S. Ponnuswami Tevar at the Municipal Council hall.

[12th July 1926]

Statement of the tours made by the hon. the Raja of Panigal during the months of November and December 1925 and January and February 1926—cont.

Serial number.	Date.	Places visited.	Cost.	Purpose of the tour.
			Rs. A. P.	
3	From 4th January 1926 to 6th January 1926.	Kuppam and back.	460 0 0	Opening of the Cattle show and the Agricultural exhibition.
4	From 19th January 1926 to 21st January 1926.	Tanjore, Orathanad, Pattukottai, Tanjore and back.	* 64 1 0	Inspection of District Board chattram, High school and Boarding house. Laying of the foundation stone of the Pattukottai Taluk Board office building.
5	From 31st January 1926 to 1st February 1926.	Walajapet, Ambur and back.	226 0 0	Visit to Hospital. Opening of the Industrial and Agricultural exhibition. Union Board address. Opening of the national health week exhibition. Opening of the District Co-operative Conference.
6	From 13th February 1926 to 20th February 1926.	Dindigul and Palni. Madura .. Tuticorin .. Tinnevely and back to Madras.	* 50 0 0	Visits to Public institutions. Municipal address. Inspection of water works. Laying of the foundation stone of the new District Board and District Board Engineer's offices. Inauguration of the pearl fisheries. Visit to Headquarters hospital and women and children's hospital.

Statement of the tours made by the hon. Sir T. N. Sivagnanam Pillai during the months of November and December 1925 and January and February 1926.

Serial number.	Date.	Places visited.	Cost.	Purpose of the tour.
			Rs. A. P.	
1	From 20th November 1925 to 23rd November 1925.	Cuddapah and back.	843 8 0	To open the Co-operative Conference in response to an invitation from the District Co-operators.
2	From 9th January 1926 to 19th January 1926.	Bombay, Poona and back.	* 1,320 8 0	To attend the conference of the Registrars of Co-operative Societies at Bombay. Halted at Poona on his way back to visit the Agricultural College there.
3	From 15th February 1926 to 19th February 1926.	Tuticorin, Tinnevely and back.	* 85 0 0	To take part in the inauguration of the pearl fisheries at Tuticorin and to attend a Conference of certain leading Agriculturists at Tinnevely.

* Railway requisition awaited by the Accountant-General.

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Statement of the tours made by the hon. Sir A. P. Patro during the months of November and December 1925 and January and February 1926.

Serial number.	Date.	Places visited.	Cost.	Purpose of the tour.
			Rs. A. P.	
1	From 12th November 1925 to 16th November 1925.	Nuzvid, Ellore and back.	227 10 6	....
2	From 19th November 1925 to 20th November 1925.	Katpadi, Vellore, Katpadi and back.	117 4 0	....
3	From 26th November 1925 to 10th December 1925.	Berhampur, Ichchapuram and back to Berhampur, Mandasa and back to Berhampur, Aska, Russellkonda, Chattrapur and back to Berhampur, Naupada, Tekkali, Parlakimedi, Naupada, Chiescole and back to Madras.	766 9 6	To be in touch with public opinion on the administration of departments in charge of the hon. Minister.
4	From 29th January 1926 to 1st February 1926.	Renigunta, Kalarahasti and back to Madras.	* 48 6 0	....

* Railway requisition awaited by the Accountant-General.

APPENDIX III.

[Vide answer to question No. 1997 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 12th July 1926, page 172 supra.]

Madras Acts and Regulations.

1. Land Registration Regulation, XXVI of 1802.
2. Karnam Regulation, XXIX of 1802.
3. Madras Collector's Regulation, II of 1803.
4. Endowments and Escheats Regulation, VII of 1817 (so far as Endowments other than Hindu Religious Endowments are concerned).
5. Revenue Recovery (Military Proprietors) Regulation, VIII of 1817.
6. Revenue Malversation Regulation, IX of 1822.
7. Revenue Malversation Amendment Regulation, III of 1823.
8. Subordinate Collectors and Revenue Malversation Amendment Regulation, VII of 1828.
9. Revenue Malversation Amendment Regulation, III of 1832.
10. Revenue Commissioners Act, X of 1849.
11. City Land Revenue Act, XII of 1851.

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Madras Acts and Regulations—cont.

12. Revenue Recovery Act, II of 1864.
13. Irrigation Cess Act, VII of 1865.
14. City Land Revenue Amendment Act, VI of 1867.
15. Land Revenue Assessment Act, I of 1876.
16. Madras Forest Act, V of 1882.
17. Village Courts Act, I of 1889.
18. Proprietary Estate Village Service Act, II of 1891.
19. Hereditary Village Offices Act, III of 1895.
20. Malabar Land Registration Act, III of 1896.
21. Court of Wards Act, I of 1902.
22. Impartible Estates Act, II of 1904.
23. Land Encroachment Act, III of 1905.
24. Estates Land Act, I of 1908.
25. Decentralization Act, VIII of 1914.
26. District Municipalities Act, V of 1920.
27. Local Boards Act, XIV of 1920.
28. Madras Survey and Boundaries Act, VIII of 1923.

Government of India Acts.

1. Stamp Act, II of 1899.
2. Court Fees Act, VII of 1870.
3. Religious Endowments Act, XX of 1863 (so far as endowments other than Hindu Religious Endowments are concerned).

APPENDIX IV.

[Vide item II. Communication to the Council at page 176 supra.]

G.O. No. 558, Development, dated 9th April 1926.

RE:-the following papers:—

I.

Letter from E. F. THOMAS, Esq., C.I.E., I.C.S., Director of Industries to the Secretary to Government, Development Department (through the Accountant-General), dated Madras, the 2nd February 1926 No. 423-E/25.

I have the honour to forward herewith the Balance Sheet of the Fruit-Preserving Institute, Coonoor, for the quarter ending 30th September 1925 together with the relative Profit and Loss Account

[12th July 1926]

received from Messrs. Fraser & Ross with their letter, dated the 23rd January 1926 (copy enclosed), from which it will be observed that the Institute has sustained a loss of Rs. 4,103-12-2 during the quarter.

My remarks on the Balance Sheet, etc., will be forwarded to Government separately.

ENCLOSURE

Letter from Messrs. FRASER & ROSS, Chartered Accountants and Auditors, Madras, dated 23rd January 1926.

[Government Fruit-Preserving Institute, Coonoor]

We have the honour to hand you herewith, in duplicate, the Balance Sheet of the above Institute as at 30th September 1925, duly certified, together with the relative Profit and Loss Account for the quarter ending that date, one copy of which please forward to the Secretary to the Government of Madras, Development Department.

Kindly acknowledge receipt of the enclosures.

There are no points calling for special remarks in the accounts except that a sum of Rs. 233 has been written-off being the value of stores (sugar) so as to bring it down to the market price.

SUB-ENCLOSURES

GOVERNMENT FRUIT-PRESERVING INSTITUTE, COONOR.

(1)

Balance Sheet as at 30th September 1925.

CAPITAL AND LIABILITIES.		RS.	A.	P.	RS.	A.	P.
Capital—							
Government of Madras—							
Balance as per balance sheet as at 30th June 1925.		1,54,116	10	10			
Add Share of travelling allowance paid in June 1925.		159	8	0			
		1,54,276	2	10			
Add Withdrawals as per contingent bill.		2,689	9	5			
		1,56,965	12	3			
Less Remittances into Treasury ..		3,552	7	9			
		1,53,413	4	6			
Add Reserve for expenses—							
Direction charges ..		250	0	0			
Audit fee ..		450	0	0			
		1,54,113	4	6			
Liabilities—							
For expenses ..		1,393	3	0			
For customers' credit balances ..		1	1	0			
		1,394	4	0			
PROPERTY AND ASSETS.							
Fixed capital expenditure—							
Land—							
As per balance sheet as at 30th June 1925.							
Buildings—							
As per balance sheet as at 30th June 1925.		45,355	12	2			
Less Depreciation to date ..		4,742	12	2			
		40,613.	0	0			
Plant and Machinery—							
As per balance sheet as at 30th June 1925.		20,658	9	7			
Less Depreciation to date ..		3,936	9	7			
		16,722	0	0			
Office Furniture—							
As per balance sheet as at 30th June 1925.		2,793	15	4			
Less Depreciation to date ..		437	15	4			
		2,356	0	0			
Water-supply—							
As per balance sheet as at 30th June 1925.		3,036	15	6			
Less Depreciation to date ..		478	15	6			
		2,558	0	0			
Road, at Original Cost ..		387	14	0			
Less Depreciation to date ..		59	6	0			
		71,615	7	3			
		328	8	0			

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Utensils, as per valuation ..	627	10	0
Laboratory as per valuation ..	655	4	0
Library as per valuation ..	100	0	0
Garden account at cost ..	521	8	0
Loose tools as per valuation ..	139	0	0
Stores stock at cost or under ..	11,962	6	10
Stationery stock at cost ..	347	12	0
Stock-in-trade—			
11,842 lb. at As. 7 per lb. in containers at the Factory ..	5,180	14	0
78 lb. at As. 7 per lb. in containers at the Agricultural Show Room ..	33	4	0
123 lb. at As. 7 per lb. in containers at the Local Depot ..	53	13	0
Book debts—			
Considered good ..	878	1	3
Considered doubtful ..	10	8	0
Cash and other balances—			
Stamps in hand ..	41	3	0
Cash in hand ..	63	1	9
Imprest cash ..	215	0	0
Less Amount spent ..	158	14	6
	56	1	5
Profit and Loss Account—			
As per balance sheet as at 30th June 1925.	58,619	13	9
Add Share of travelling allowance paid to Travelling Agent in June 1925.	159	8	0
Add Loss as per Profit and Loss Account.	58,779	5	9
	4,103	12	2
	62,883	1	11
	1,55,507	8	6

Examined and found correct.

FRASER & ROSS, Chartered Accountants,
Commercial Accountants and
Auditors to the Government of Madras.

Profit and Loss Account for the quarter ending 30th September 1925.

	LB.	PER LB. Annas.	RS. A. P.	RS. A. P.
To Stock on 1st July 1925	..	14,356	..	6,280 12 0
By Sales—				
In July 1925	..			
In August 1925	..			
In September 1925	..			
Less Returns	..			
Samples	..			
Stock	..			
Loss	..			
Note—				
Cost per lb. as per Profit and Loss Account.	..			
Less Cost per lb. of Opening Stock.	..			
Cost of production per lb.	..			
Other expenses—				
Rates and taxes	..			
Repairs and renewals	..			
Petty balances written off	..			
Samples	..			
Experimental charges	..			
Values of stores written off.	..			
Direction charges	..			
Audit fee reserved	..			
Loose tools, Laboratory, utensils, library, road, etc., written off.	..			
	..	10-68	..	1,238 8 0

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II

Letter from E. F. THOMAS, Esq., C.I.E., I.O.S., Director of Industries, to the Secretary to Government, Development Department (through the Accountant-General), dated Madras, the 26th February 1926, No. 423-E/25.

In continuation of my letter No.-423-E/25, dated the 2nd February 1926, I have the honour to forward herewith my remarks on the accounts of the Fruit-Preserving Institute, Coonoor, for the quarter ending 30th September 1925.

Production.—The production during the quarter under review was limited to such of the products as were out of stock and to products of fruits of short season that would be available during the quarter. Products of other fruits that were available in large quantities were also not made as there were stocks of jams, etc., made of such fruits.

Sales.—The poor sales during the quarter were due to the following reasons :—

(1) The season visitors were few in Coonoor. Consequently the local sale was affected.

(2) Stoppage of credit to merchants.

(3) Influx of "bountyfed" Australian and Holland jams favoured by cheaper exchange.

(4) Prejudice against the quality and flavour of the products of the Institute.

Outstandings.—Out of the amount of Rs. 883-9-3 shown as book debts, a sum of Rs. 467-2-9 has since been collected leaving a balance of Rs. 421-6-6 the major portion of which, viz., Rupees 405-4-6, is due from Mr. E. M. Manekji. Steps are being taken to recover this amount as well as other amounts.

Value of stores written off—Rs. 233.—This amount represents the difference in the value of sugar on 30th September 1925. The cost of sugar during the previous quarter was valued at Rs. 20 a cwt. but as the market price of the same on the 30th September 1925 fell to Rs. 17-4-0 a cwt. it was revalued at that price by the auditors as per rules in force. Hence the difference.

III

Endorsement of the Accountant-General, No. Nil. 1-840, dated 20th March 1926.

Forwarded.

[12th July 1926]

2. It is suggested that some effective measures are necessary for the early recovery of Rs. 421-6-6 shown under 'outstandings.'

M. SUBRAHMANYAM,
Deputy Accountant-General.

To the Secretary to Government, Development Department.

Order—No. 558, Development, dated 9th April 1926.

Recorded.

2. The attention of the Director is invited to the Accountant-General's suggestion in paragraph 2 of his endorsement, dated 20th March 1926, and he is requested to take effective steps to recover the debt.

(By order of the Government, Ministry of Development)

V. PANDRANG ROW,
Secretary to Government.

To the Director of Industries.
 „ the Accountant-General (through the Finance Department).
 „ the Finance Department.
 „ the Auditor-General (with C.L.).
 „ the Secretary, Legislative Council, for placing the order on the Council Table.
 „ Messrs. Fraser & Ross.

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 13th July 1926.

The House met at 11-30 of the clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.
 Marjoribanks, The hon. Mr. N. E.
 Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.
 Moor, The hon. Mr. T. E.
 Raja of Panagal, The hon. the.
 Patro, The hon. Rao Bahadur Sir A. P.
 Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.
 Abdul Hve Sahib, Mr.
 Abdul Wahab Sahib, Mr.
 Abdulla Ghatela Sahib Bahadur, Khan Bahadur.
 Adinarayana Chettiyar, Mr. T.
 Anjaneyulu, Mr. P.
 Ankinedu Prasad Bahadur, S. R. Y.
 Appavu Chettiyar, Mr. D.
 Ari Gowder, Mr. H. B.
 Arpudaswami Udayar, Mr. S.
 Arumuga Nadar, Mr. P. K. S. A.
 Biswanath Das Mahasayo, Sriman.
 Boag, Mr. G. T.
 Chambers, Mr. G. W.
 Chidambara Nadar, Mr. A.
 Davis, Mr. J. A.
 Devendradu, Mr. N.
 Ethirajulu Nayudu, Diwan Bahadur P. C.
 Ganga Raja, Mr. M.
 Ghouse Mian Sahib, Muhammad.
 Gopal Menon, Mr. C.
 Gopalan, Rao Sahib P. V.
 Guruswami, Mr. L. C.
 Hall, Mr. J. F.
 Hegde, Mr. Naganna.
 Heggude, Mr. D. Manjappa.
 Kesava Pillai, Diwan Bahadur P.
 Khadir Mohiddin Alyas Khan Sahib Bahadur.
 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
 Koti Reddi, Mr. K.
 Krishnan Nayar, Diwan Bahadur M.
 Krishna Rao Pantulu, Rao Bahadur A. S.
 Krishnana Achariyar, Rao Bahadur V. T.
 Krishnaswami Nayudu, Rao Bahadur K.
 MacDougall, Sir Alexander.
 Madanagopal Nayudu, Mr. R.
 Madhava Raja, Mr. V.
 Madurai, Hon. Lieut.
 Malleappa, Mr. T.
 Marthandam Pillai, Mr. P. N.
 Meera Sahib Bahadur, Muhammad.
 Moida Sahib Bahadur, Mr. T. M.
 Muniswami Nayudu, Rao Bahadur B.
 Muttayya Mudaliyar, Mr. C.
 Muttayya Mudaliyar, Mr. S.

Narasimhachari, Rai Bahadur T. M.
 Narasimha Raju, Rao Bahadur C. V. S.
 Narayanan Nambudiripad, Rao Bahadur O. M.
 Narayanaswami Pillai, Mr. T. M.
 Natesa Mudaliyar, Rao Bahadur C.
 Obalesappa, Mr. B.
 Pandrang Row, Mr. V.
 Ponnuswami Nayudu, Mr. C.
 Ponnuswami Pillai, Mr. K. S.
 Prabhakaran Sampan, Mr. K.
 Premayya, Mr. G.
 Raghuoandra Ballal, Mr. K.
 Raja, Rao Bahadur M. C.
 Raja of Ramnad.
 Rajan, Mr. P. T.
 Ramachandra Ayyar, Diwan Bahadur T. R.
 Ramachandra Reddi, Mr. B.
 Raman Menon, Mr. K. P.
 Raman, Rao Bahadur P.
 Ramalinga Chettiyar, Rao Bahadur T. A.
 Ramalinga Reddi, Mr. C.
 Ramaswami Mudaliyar, Mr. A.
 Ramaswara Rao, Mr. G.
 Ranganatha Mudaliyar, Mr. A.
 Sagaram, Mr. P.
 Saideeba, Mr. J. A.
 Samuel, Mr. J. D.
 Sarabha Reddi, Mr. K.
 Sarvarayudu, Mr. K.
 Sasibhushan Rath Mahasayo, Sriman.
 Satyamurti, Mr. S.
 Sesha Reddi, Mr. B. P.
 Sitarama Reddi, Mr. K.
 Siva Rao, Mr. P.
 Srinivasan, Rao Sahib R.
 Subramania Pillai, Mr. Chavadi K.
 Sundaramurti, Rao Sahib P. V. S.
 Suryanarayanamurti Nayudu, Diwan Bahadur K.
 Tangavelu Pillai, Rao Sahib T. C.
 Tanikachala Chettiyar, Diwan Bahadur O.
 Tulasiram, Mr. L. K.
 Uppi Sahib Bahadur, K.
 Veerian, Mr. R.
 Vellingiri Goonder, Mr. V. C.
 Venkatachala Padayachi, Mr. K.
 Venkataramana Ayyangar, Mr. C. V.
 Venkatarama Sastri, Mr. T. B.
 Venkatarangan Nayudu, Mr. C.
 Venkataratnam, Mr. B.
 Venkatarreddi Nayudu, Rai Bahadur Sir K.
 Windle, Capt. E. G.
 Zamindar of Kallikota.
 Zamindar of Mandasa.

[13th July 1926]

I

NEW MEMBER.

The following Member made the prescribed oath or affirmation of allegiance to the Crown and then took his seat :—

The Zamindar of Mandasa.

II

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Criminal Justice.

Use of reproachful suffixes as Pariah, etc., in Law Courts.

*2003 Q.—Mr. R. VEERIAN : Will the hon. the Law Member be pleased to state whether in the Law Courts and in the police stations reproachful suffixes as Pariah, Palla, Chucklie, etc., are being recorded in the case of depressed classes?

A.—The Government have issued instructions that these terms should not be used; but their attention has been drawn to instances of their use in two criminal courts and one police station. They are not however aware that there are many such instances. If, however, specific instances are brought to their notice, the Government will be prepared to investigate and take suitable action.

Mr. R. VEERIAN :—“ May I know whether the Government have received any acknowledgments, with reference to the instructions issued by the Government, from the various subordinate officials to the effect that the instructions were already carried out; because, issuing instructions is one thing and giving proper effect to them is another thing?”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The officers of Government are bound to obey the instructions issued to them, and we are not in the habit of waiting for acknowledgments from them.”

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Panchayat Courts.

Judicial powers of village officers.

*2004 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state whether in villages where village panchayat courts are established under Act 2 of 1920 the village officers have also got the power to try petty cases under section 10 of Regulation II of 1816 and under Regulation IV of section 6 of 1821?

A.—Yes.

Mr. A. RANGANATHA MUDALIYAR :—“ May I know the reason for allowing concurrent jurisdiction on the part of the panchayat courts and village officers in regard to certain cases?”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The practice has gone on for a long time.”

Mr. A. RANGANATHA MUDALIYAR :—“ Will they consider now whether or not they should continue this practice inasmuch as they are working the village panchayat courts?”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The question will be considered.”

Police.

Accidents by motor cars and buses.

*2005 Q.—Mr. G. GOPALA MENON : Will the hon. the Law Member be pleased to state—

(a) what measures are now in force to avoid accidents by motor cars and buses in loops and crossings of roads;

(b) what are the principles guiding the Police Commissioner in the choice of places for stationing constables and sergeants; and

(c) whether the Police Commissioner is satisfied that the rule with regard to protection from glare head-lights is observed?

A.—(a) At all important junctions where there is heavy cross traffic, Point Duty Police are posted to regulate the same.

(b) The Commissioner of Police chiefly takes into consideration the volume of, and congestion caused by, both wheeled and foot traffic, inadequate street lighting and other causes which denote the need for guidance and assistance to motorists in particular and the public in general. Sergeants are posted at the very important centres where traffic is heaviest.

(c) The rules on the subject are being enforced by the Commissioner of Police as far as is possible and every effort is being made by him to impress on car-owners the importance of the rules. Weekly inspections are held of cars reported for defective or excessively bright head-lights.

The RAJA OF RAMNAD :—“ May I ask the hon. the Law Member whether he is aware that most of these accidents are directly due to inexperienced men driving motor-buses, and licences being freely issued to people who have no

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experience or proper training in the art of driving motor-cars? Will the hon. the Law Member investigate the matter and also consult the district magistrates and the district superintendents of police and take such steps as to prevent inexperienced men driving these motor-buses? My question is with reference to clause (a) of the question."

The hon. Sir C. P. RAMASWAMI AYYAR :—"The particular point raised by the Raja of Ramnad is a wide question. The department took it that this question was directed to the City of Madras, because clauses (b) and (c) relate to the Commissioner of Police. But I have no doubt that in certain cases absence of skill on the part of drivers has been responsible for certain accidents. But the matter will have to be investigated. We have no materials just now."

The RAJA OF RAMNAD :—"The hon. the Law Member has not given an assurance that he will investigate the matter. He simply says that it will have to be investigated. If he gives me that assurance, I will be satisfied."

The hon. Sir C. P. RAMASWAMI AYYAR :—"Instructions were issued some time in the course of last year, impressing upon the district magistrates the expediency and necessity of being very careful in this matter of issuing licences in view of the increase of accidents, and if we find that these instructions are not obeyed or have not been properly carried out, a case would arise for investigation. At the present moment, whenever an accident occurs, the matter is looked into."

The RAJA OF RAMNAD :—"Arising from the statement made by the hon. the Law Member that instructions were issued so early as last year, I may tell him that the instructions are either defective or are not carried out properly. Because, I know instances where in the last two or three months thoroughly inexperienced men have been given licences. To illustrate my position, I will give an instance, if you will permit me. The Madura Technical Institute gives training for men in motor-driving. For demonstration purposes they have got an old Ford car. Every one who knows anything of motor-driving will recognise that the gearing arrangement in the Ford car is different from the gearing arrangement in other cars, particularly British cars."

The hon. the PRESIDENT :—"The hon. Member is making a speech."

The RAJA OF RAMNAD :—"I am afraid I will not be able to illustrate my point unless I explain fully by an instance. If you do not permit me, I shall resume my place. My answer to the statement made by the hon. the Law Member does require an illustration, and with your indulgence I shall proceed further."

The hon. Sir C. P. RAMASWAMI AYYAR :—"May I suggest to my hon. Friend that he can let me have one or more of such instances, and I shall forward them to the district magistrates. If the case is as bad as is represented, steps will be taken to prevent a recurrence."

Mr. J. A. SALDANHA :—"May I ask what steps have been taken to prevent excessive speed, which is responsible for most of the accidents?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"I cannot continue answering with regard to the mufaasal, because, as I said, this question relates to the city of Madras. In the city of Madras, there are constables

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stationed at various places; there are also inspectors and superior grades of officers, who from time to time come to these crossings and see at what rates they are travelling. Their instructions are not to flinch from prosecuting persons who are guilty of exceeding the speed limit."

The RAJA OF RAMNAD :—"My complaint, Sir, is a general complaint. I only wanted to illustrate by a specific instance. I have no specific complaint to make against any particular driver or company proprietor. So the hon. the Law Member need not think that I have any personal grievance to ventilate."

The hon. Sir C. P. RAMASWAMI AYYAR :—"I did not suggest for a moment that a complaint was made against any particular driver or functionary. If instances are brought to my notice where accidents occurred directly due to the want of skill on the part of drivers, the matter will be investigated and steps will be taken to prevent a recurrence."

Mr. J. A. SALDANHA :—"There have not been any prosecutions, so far as I know, for driving at excessive speed. I want to know what steps are taken to prosecute such persons."

The hon. Sir C. P. RAMASWAMI AYYAR :—"I am afraid my hon. Friend has not attended the police court. There are a number of prosecutions for excessive speed and for rash driving."

Land Revenue.

Arrears of land revenue in Bellary district.

* 2006 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased—

(a) to furnish a list of villages by taluk in the district of Bellary in which there are land revenue arrears to be collected of previous fasli or faslis (to be specified) and also instalments of loans granted under the Thakkavi Acts; and

(b) to state the villages out of them where the arrears of land revenue of previous faslis, together with the amounts of the loan instalments due for payment this year, amount to more than a year's assessment payable by the defaulters?

A.—(a) A list of villages in the Bellary district in which the land revenue of previous faslis was postponed and has to be collected in fasli 1335 is laid on the table. The Government have issued orders suspending the collection of the loan instalments due in these villages for the current fasli.

(b) Because of the orders referred to in clause (a) of the answer there are no such villages.

The above answers are given on the assumption that by 'arrears' the hon. Member refers to amounts the collection of which has been suspended. If however he refers to amounts that had to be paid in previous faslis but were not paid even though the collection was not suspended, the details asked for have not been reported to the Government.

[13th July 1926]

Malikhana Allowances.*Malikhana allowances of the Banger family in South Kanara.*

* 2007 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

- (a) whether it is a fact that the family of the Jain titular chief called the Banger in South Kanara was formerly receiving malikhana allowance from the Government and if so, what was the amount paid annually;
- (b) when such payment was stopped and for what reasons;
- (c) whether the same reasons held good even now; and
- (d) whether the Government have any objections to restore the said grant to the present representative of the said Banger family?

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

Temples receiving tasdik or other Government allowances.

* 2008 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

- (a) how many temples and mosques in the Madras Presidency receive tasdik or other allowances from the Government and what is the amount of such allowance which each is receiving;
- (b) which of these institutions have not been paid such allowances for the last 3, 6, 9 and 12 years;
- (c) what are the reasons for such non-payments; and
- (d) whether the Government have any objections to pay the arrears and also continue to pay the allowances as before?

A.—(a) A complete and up-to-date list is not available but is being prepared.

(b), (c) & (d) The Government are not aware that there are any such cases.

Recipients of malikhana allowances in the Presidency.

* 2009 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

- (a) what is the number of the recipients of malikhana allowances in the Madras Presidency;
- (b) what is the amount which each of such recipients draws annually;
- (c) what are the reasons for granting such malikhana allowances to the respective individuals;
- (d) whether those reasons still hold good;
- (e) whether the Government are bound by any instrument to continue such grant and if so, whether a copy thereof may be placed on the table; and
- (f) what are the sources from which such grants are met?

A.—(a) to (c) A complete and up-to-date list is not available but is being prepared.

(d) So far as the Government is aware the answer is in the affirmative.

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- (e) Without an examination of the circumstances of each case a complete answer cannot be given. But, generally speaking, there are no instruments binding Government to continue the grants which were made and are continued on grounds of equity and public policy.
- (f) From general revenues.

Jails.*Supply of dhall to prisoners.*

* 2010 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

- (a) whether rule 347 of the Jail Manual requires that dhall supplied to prisoners should be freed from husk;
- (b) if so, whether in contravention of this rule the prisoners are being given dhall gram in many of the jails;
- (c) whether he is aware that on the remarks of the sub-jail non-official visitor, Calicut, the Inspector-General of Prisons has remarked that he approves of the issue of dhall gram as it is cheaper and more wholesome than split dhall?

A.—(a) Yes.

- (b) It is understood that germinating dhall has been in use in some of the jails instead of split dhall with satisfactory results, as it is rich in vitamins and more nourishing than split dhall.

(c) No.

Mr. A. RANGANATHA MUDALIYAR:—“Sir, is dhall gram substituted for split dhall with the consent of the prisoners, or is it forced on them whether they like it or not?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“As far as I know, it is not objected to, Sir.”

Mr. A. RANGANATHA MUDALIYAR:—“The case is otherwise, Sir. Apart from that, are they increasing the quantity of dhall gram where they are issuing it, because there is plenty of husk in it, which does not exist in the case of split dhall? I want to know whether they are allowing the same quantity of dhall gram or issuing a larger quantity of dhall gram than when they were issuing split dhall.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“I do not think there is much difference.”

Mr. A. RANGANATHA MUDALIYAR:—“If dhall gram is issued, they get the whole grain, including the husk. The split dhall was prescribed after an investigation of the needs of the people and they have specified the quantity on scientific lines. If they are substituting it by unsplit dhall, are they taking into account the husk which is contained in the dhall gram?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“I should like to have notice of the questions.”

[13th July 1926]

Non-official visitors to jails.

* 2011 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

- (a) the duties and privileges of the non-official visitors to jails;
- (b) whether the rules do not permit the non-official visitors to call for and inspect any book or record pertaining to the administration of jails;
- (c) whether the Government orders relating to jail administration do not come under the category of records that the non-official visitors are entitled to call for; and
- (d) if the answer to (c) is in the affirmative, whether he is aware that a non-official visitor to the sub-jail, Calicut, was refused permission to look into them under the orders of the Inspector-General of Prisons?

A.—(a) & (b) The hon. Member is referred to the rules in Chapter III of the Madras Jail Manual and Chapter IV of the Madras Subsidiary Jail Manual. Under rule 24 (2) of the Jail Manual, a visitor may call for and inspect any book or other record in the jail, provided that the Superintendent may decline to produce any book, paper or record for the inspection of any non-official visitor if, for reasons to be recorded in writing, he considers their production undesirable.

- (c) All Government Orders do not come under this category.
- (d) The Government understand that the visitor in question asked that all orders received from Government should be placed before visitors as soon as they were received. Such a general requisition is not within the scope of the rules laid down in the Jail Manual.

Local Boards.*Presidentship of the Malabar District Board.*

* 2012 Q.—MR. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the presidentship of the Malabar District Board has become vacant since the first week of February 1926; and
- (b) whether it is a fact that the said vacancy is intended to be filled up by the nomination of a Muhammadan gentleman?

A.—(a) The presidentship fell vacant on the 9th January 1926.

- (b) The Government have nominated T. M. Moidu Sahib Bahadur, M.L.C., President of the Malabar District Board.

Nominations for election to Bellary Taluk Board.

* 2013 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) the names of the persons who were nominated for election to the Bellary Taluk Board, Bellary district, which is to be reconstituted this year;
- (b) their respective castes and sub-castes;
- (c) the names of those finally returned as members of the taluk board?

A.—The Government have no information.

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MR. A. RANGANATHA MUDALIYAR:—"May I know, Sir, whether among the persons now constituting the Bellary Taluk Board there are any Adi-Andhras?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The answer is already given in the paper that the Government have no information."

MR. A. RANGANATHA MUDALIYAR:—"May I ask whether they will call for the information and furnish it to us?"

The RAJA OF RAMNAD:—"May I ask the hon. the Minister whether it is usual to nominate all the members for election to the taluk board when it is reconstituted? The question says 'the names of the persons who were nominated for election to the Bellary Taluk Board'. May I ask whether they have not conceded election in the case of reconstituted taluk boards?"

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

MR. J. A. SALDANHA:—"May I inquire why such an answer is given by Government as 'The Government have no information'? The question was sent to you on 4th March 1926 and the department had it on 8th April 1926. After such a long time, why is such an answer given, while they could have obtained the information?"

The hon. the RAJA OF PANAGAL:—"The Government have no information. It is quite possible for the hon. Member to get it from the board concerned."

MR. A. RANGANATHA MUDALIYAR:—"In the case of this particular board, Sir, there is no representation for Adi-Andhras. Castes which are already over-represented by means of election have been further represented by means of nominations."

The hon. the PRESIDENT:—"That question does not arise."

MR. J. A. SALDANHA:—"My point is this. It is a matter of importance to this House that we do not get such answers as this from the Government. It was discussed and understood that Government should try to get every possible information on such important points as this, and now we are asked to get the information from the Bellary Taluk Board, which is very unfair. I think it defeats the very object of interpellation. Therefore, I request you to give some sort of ruling on the matter."

The hon. the PRESIDENT:—"No ruling of any President can force the Members of Government to give information which they do not possess."

Nominations for election to the Hospet Taluk Board.

* 2014 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) the names of the persons who were nominated for election to the Hospet Taluk Board, Bellary district, which is to be reconstituted this year;
- (b) their respective castes and sub-castes;
- (c) the names of those finally returned as members of the taluk board?

A.—The Government have no information.

[13th July 1926]

Mr. J. A. SALDANHA :—"The question was sent as early as March to the Council office, then it was passed on to the department in April. Since April to July, surely there was sufficient time to get the information. We put this question so that Government might get the information. Government is bound to get the information. To tell that Government have no information is not only unfair, but is defeating the very object of interpellation."

The hon. the RAJA OF PANAGAL :—"The Government do not complain of want of time, but it is a matter in which the hon. Member has to move himself and get the information from the local body concerned."

Nominations for election to the Harpanahalli Taluk Board.

* 2015 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the names of the persons who were nominated for election to the Harpanahalli Taluk Board, Bellary district, which is to be reconstituted this year;

(b) their respective castes and sub-castes;

(c) the names of those finally returned as members of the taluk board?

A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR :—"Sir, the Government have issued a rule that defeated candidates should not be nominated. But I know that this rule has been violated. That is why I want information."

The hon. the RAJA OF PANAGAL :—"The Government have not in the first place issued absolute orders not to nominate defeated candidates. The question of nomination is a matter entirely within the discretion of the President of the District Board. In this case the information can be easily had from the board concerned. That was why Government did not call for it."

Mr. A. RANGANATHA MUDALIYAR :—"Arising from the answer of the hon. the Minister, is it not a fact that the presidents of district boards have been advised not to nominate defeated candidates as far as possible?"

The hon. the RAJA OF PANAGAL :—"Yes; as far as possible. That is why the answer was given. It was not an absolute order."

Mr. A. RANGANATHA MUDALIYAR :—"Whether they have followed that rule even as far as possible can only be known after information is furnished. If, for example, in any of these boards that rule has been violated, surely there is some ground for the Minister to inquire."

The hon. the RAJA OF PANAGAL :—"Yes; whenever it is necessary, the inquiry is made."

Mr. J. A. SALDANHA :—"Is it not due to this House as supervising over the actions of the taluk boards that the information should be got by the hon. the Minister? This House claims to have some sort of supervision over them."

The hon. the PRESIDENT :—"Under what Act?"

Mr. J. A. SALDANHA :—"Under the Government of India Act. I can quote from May's Parliamentary Practice. One of the objects of interpellation is to exercise a sort of supervision over the actions of the local bodies which are under their control."

The hon. the PRESIDENT :—"Under their control?"

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Mr. J. A. SALDANHA :—"Yes. Instead of allowing this question to be sent to the department, the hon. the President might as well say this is not the primary concern of the hon. the Minister and shut us up. Once the question is admitted and passed on, is it not due to the House that it should have information on the point raised? I think this House ought to know exactly how these presidents exercised their discretion. If they exercised it in a wrong manner, the Council should have some sort of liberty for amending the Act."

The hon. the RAJA OF PANAGAL :—"I am afraid my Friend from South Kanara is labouring under a mistake. The reply was that the information could be had from the board itself. If the hon. Member tried to get that information and after getting the information found something wrong, he could go to the Government for redress. But he has not got the information which he could have from the board. In this case, the nomination was to be made by the president of the board. My Friend is wrong in saying that the Government can, in the matter of nomination, exercise control over the actions of the presidents of the district boards. There is no provision in the Act giving power to the Government to exercise that control. What all the Government can do is only to advise them."

Mr. J. A. SALDANHA :—"May I ask whether this House cannot advise or take the necessary action of legislation if it found that this law was abused constantly?"

The hon. the PRESIDENT :—"That question does not arise from this question."

Mr. J. A. SALDANHA :—"Then are we to be precluded from putting such questions?"

The hon. the PRESIDENT :—"The hon. Member may put such questions. If they are admitted, they will be sent on to the department concerned for reply."

The hon. the RAJA OF PANAGAL :—"The only remedy for the hon. Member is to introduce an amendment to the Act. It is only then by giving power to this House the hon. Members can exercise control over local boards. If he get that amendment passed in this House, I have no doubt the House can then exercise control over local boards. At present the House cannot exercise any control over the actions of the district boards in the matter of nomination."

Mr. A. RANGANATHA MUDALIYAR :—"If the hon. Minister had cared to do so and obtained the materials to convince him that all is not well in the matter of these nominations, would it not be easier for him to introduce such a piece of legislation himself?"

The hon. the RAJA OF PANAGAL :—"The Government would have gladly called for the information if the information could not easily be available to the Member. But this is a case where the information is available to the Member much easier than to the Government. That is the reason why the Government did not get the information."

[13th July 1926]

Dissolution of Tekkali Union Board.

* 2016 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 the District Board of Ganjam appointed a committee to investigate into several charges of mal-administration by the President, Union Board, Tekkali;

(b) whether it is a fact that the District Board passed unanimously a resolution on 22nd September 1923 for dissolution of the union board under section 45 of the Local Boards Act on the recommendation of the committee; and

(c) whether it is a fact that the Government vetoed the resolution of the District Board and if so, the reasons therefor?

A.—(a) In May 1923 the Ganjam District Board appointed a sub-committee to consider the levy of profession-tax in Tekkali Union recommended by the Union Board in its resolution No. 1, dated 26th February 1923.

(b) The District Board approved the proposals of the sub-committee that the elections to the Tekkali Union Board, including the election of the president, should be set aside and that a new Board should be formed at the earliest opportunity. The Government have no information as to whether the District Board's resolution was unanimous.

(c) The Government decided that the Union Board could not be held responsible for the acts of its president and could not therefore be dissolved under section 45 of the Madras Local Boards Act, 1920. They also held that the president could not be removed, as the conditions required by section 44 were not satisfied.

Conduct of elections to Tekkali Union Board.

* 2017 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has received representations from respectable people of Tekkali (Ganjam district) that the president of that union board held the elections without giving an opportunity to the voters to contest the elections; and

(b) whether he has caused any inquiry to be made into the allegations and whether the district board has been asked to submit a report after inquiry; and if so, whether he will be pleased to place copy of the said report on the table of the House?

A.—(a) & (b) The attention of the hon. Member is invited to the answers given to questions Nos. 1034 and 1389. The report received from the President, District Board, Ganjam, on the subject is laid on the table.

* Vide Appendix II on pages 319-320 infra.

13th July 1926]

Representation of depressed classes in Salem Taluk Board.

* 2018 Q.—Mr. R. VEERIAN: With reference to question No. 1413 answered on 13th February 1926 regarding representation of depressed classes in the Salem Taluk Board will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the information said to have been called for has already been received; and

(b) if so, whether the same will be placed on the table of the Council?

A.—(a) & (b) The President, District Board, Salem, reports that two members belonging to the depressed classes (one Adi-Dravida and one hillman) have been nominated to the Salem Taluk Board.

Mr. R. VEERIAN:—"May I know whether these nominations referred to in the answer are made after my representation or before my representation?"

The hon. the RAJA OF PANAGAL:—"The nominations were made before the representation."

Mr. R. VEERIAN:—"May I know to which sub-sect the Adi-Dravida candidate nominated belongs?"

The hon. the PRESIDENT:—"If he is an Adi-Dravida, that is quite enough?"

Mr. R. VEERIAN:—"I want to know particularly with reference to this Adi-Dravida to which sub-sect he belongs?"

The hon. the RAJA OF PANAGAL:—"It is not the concern of the Government to know which sub-sect the particular candidate belongs to."

Mr. R. VEERIAN:—"My difficulty is that some members simply for the sake of nomination come under the category of depressed classes (laughter)."

The hon. the PRESIDENT:—"Order, order. The Adi-Dravida candidate is an Adi-Dravida whatever sub-caste he might belong to."

Nominations to Mannargudi Taluk Board.

* 2019 Q.—Mr. R. VEERIAN: With reference to question No. 1444 answered on 13th February 1926 regarding nominations to the Mannargudi Taluk Board, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the information said to have been called for has already been received; and

(b) if so, whether the same will be placed on the table of the Council?

A.—(a) & (b) The President, District Board, Tanjore, reports that a member of the depressed classes, a Muhammadan and a Christian have been nominated to the Mannargudi Taluk Board.

[13th July 1926]

Medical.*Stipends for students in Government Medical Schools.*

* 2020 Q.—Mr. R. VEERIAN: With reference to question No. 1189 answered at the meeting dated 18th December 1925, will the hon. the Minister for Local Self-Government be pleased to state—

- (a) to whom or on what principle stipends are generally given and what is the amount of stipends;
- (b) whether stipends are given in the case of students belonging to the forward communities also;
- (c) whether there is a list of forward, backward and depressed classes;
- (d) if so, whether the Government will be pleased to place the same on the Council table; and
- (e) under what rule fees are levied at half the standard rate and under what rule school fees are exempted in full?

A.—(a) The attention of the hon. Member is invited to the answers given to questions Nos. 1120 and 1307 on the 16th December 1925 and the 9th February 1926, respectively.

(b) All women students and military students are eligible for stipends irrespective of the community to which they belong. The stipends given by the Government to civil medical pupils in the Men's medical schools are restricted to candidates belonging to the backward and depressed classes.

(c) & (d) The attention of the hon. Member is invited to Appendix 17-A of the Madras Educational Rules.

(e) The half-fee concession is granted under rule 92 of the Madras Educational Rules. Stipendiary students in medical schools are exempted from the payment of fees under rule 27 of the rules for the training of L.M.P. pupils in medical schools.

Mr. R. VEERIAN.—“With reference to clause (e), I want to know whether any exemption could be made with reference to the school fees?”

The hon. the RAJA OF PANAGAL :—“I think, Sir, it is left to the discretion of the Principal. If the candidate happens to be a member of the backward or depressed classes, then it is open to the Principal or the authority concerned to exercise the discretion in his favour.”

Religious and Charitable Endowments.*Inquiries by the Endowments Board.*

* 2021 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) the number of applications by interested persons under section 58 of the Madras Hindu Religious Endowments Act I of 1925;
- (b) the cases of inquiry as to the proper management of any endowment within the jurisdiction of the said Act;
- (c) any aid that the Government was pleased to render the Board to make such inquiries; and
- (d) the results of such inquiries?

[13th July 1926]

A.—(a) 44.

(b) 503.

(c) Section 58 of the Madras Hindu Religious Endowments Act, 1923, does not contemplate any assistance from the Government and no such assistance was applied for or given.

(d) The results of the inquiries are classified below :—

(1) Number of cases in which schemes were settled for the proper administration of temples.	72
(2) Number of cases in which petitioners were directed to the High Court for modification of the existing scheme.	1
(3) Number of cases in which sanctions for instituting suits under section 69 of the Act were granted or refused.	17
(4) Number of cases in which additional, new or interim trustees were appointed.	22
(5) Number of cases in which committees were directed to fill the vacancies in the offices of trustees.	25
(6) Number of cases in which other administrative orders such as directions for the maintenance of proper accounts, etc., were passed.	18
(7) Number of cases in which the applications were dismissed.	5
(8) Pending cases	343
Total	503

Mr. J. A. SALDANHA :—“May I humbly enquire if this Religious Endowments Act requires another Bill to validate it.”

The hon. the PRESIDENT :—“That question does not arise.”

Jain temples in the Presidency.

* 2022 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government and the hon. the Member for Revenue be pleased to state—

- (a) how many Jain temples there are in the Madras Presidency and in which places;
- (b) which of them are ancient ones;
- (c) which of the said institutions are in receipt of tasdik allowances from the Government, and what is the amount which each of them is receiving;
- (d) whether any of them have not been paid such allowances for the last 3, 6, 9 and 12 years and if so, what are the reasons for such non-payments; and
- (e) whether a list of the endowments which each of them has will be placed on the table?

A.—(a), (b) & (e) The Government have not the required information.

(c) A complete and up-to-date list of the institutions which are in receipt of tasdik allowances from the Government is not available, but is being prepared.

(d) The Government are not aware that there are any such cases.

[18th July 1926]

Appointments made by the Hindu Religious Endowments Board.

* 2023 Q.—The RAJA OF RAMNAD: Will the hon. the Minister for Local Self-Government be pleased to place on the table a statement showing the appointments made by the Hindu Religious Endowments Board since its creation up to date regarding both the staff attached to the Board's office and the staff entertained in various places in the mufassal under the following heads:—

Name,
Designation,
Place of work,
Pay,
Qualifications?

A.—A statement has been obtained from the President, Hindu Religious Endowments Board, and is placed in the Council Library.

The RAJA OF RAMNAD:—“Sir, this is a question which was sent some time in March and is answered very leisurely. There is no use in adverting to it now. It is a starred question and the information asked for is placed in the Council Library. I am asking whether this was done with a view to avoid supplementary questions. Usually it takes the form of an appendix to printed questions and answers. Now it is placed in the Council Library, I am deprived of the opportunity of putting supplementary questions.”

The hon. the RAJA OF PANAGAL:—“It was not with the object of avoiding supplementary questions, but I think, Sir, it is the usual practice.”

The RAJA OF RAMNAD:—“I am seeking enlightenment as to how I am to put further questions which I am entitled to because it is a starred question.”

Mr. J. A. SALDANHA:—“May I enquire whether the document is so big that it cannot be placed on the Council table?”

The hon. the PRESIDENT:—“It is an administrative difficulty. The document itself consists of four pages. But with regard to the argument of the Raja of Ramnad, surely he will have the right to put supplementary questions soon after he gets the document into his hands.”

The RAJA OF RAMNAD:—“I can get the very information privately by the courtesy of the Minister. But what about the procedure? By the information being placed in the Council Library I am denied the opportunity of putting supplementary questions.”

Mr. J. A. SALDANHA:—“This appears to be the first time that such a document is placed in the Council Library. I have never heard of it before. Is it proper to say that the document is placed in the Council Library? It is a departure from regular practice.”

Appointment of Commissioners to Religious Endowments Board.

* 2024 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state whether the principle of communal representation was observed in appointing the Commissioners to the Religious Endowments Board?

A.—The answer is in the negative.

[18th July 1926]

Mr. R. VEERIAN:—“May I know why an Adi-Dravida was not appointed on the Endowments Board?”

The hon. the RAJA OF PANAGAL:—“I think there was no application from any Adi-Dravida. A committee was appointed to recommend names and that committee did not recommend any Adi-Dravida.”

Mr. R. VEERIAN:—“May I know whether there was any Adi-Dravida Member on the committee? I think there was one member Mr. Madurai Pillai.”

The hon. the RAJA OF PANAGAL:—“There are 127 members in this House and it was not the idea of Government to put every one of these members in the committee.”

Education.*Application of rule 72 (1) of the Madras Educational Rules.*

* 2025 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether rule 73 (1) of the Madras Educational Rules applies only to the case of schools run under the management of public bodies and Government or whether this rule applies to the case of Mission and Non-Mission aided schools also;

(b) whether production of poverty certificates are also necessary in the case of elementary schools run either by Government or under public management or by Mission and Non-Mission agencies for allowing concession in the case of poverty for depressed classes and other poor classes of pupils;

(c) whether this poverty certificate is intended for getting the concession of only half the rate of standard fees or remission of full fees as per rule 92 of the Madras Educational Rules;

(d) why school-fees are demanded, either half, one-fourth or full in Government elementary schools, public schools (elementary ones) and aided Mission and Non-Mission schools;

(e) what the difficulty is in making remission of school-fees in full in the Government and public schools in the case of depressed classes; and

(f) how fees are charged in elementary sections attached to Secondary and High schools?

A.—(a) Rule 73 (i) of the Madras Educational Rules applies only to schools under the Government and local bodies and not to those under private management.

(b), (c), (d) & (e) The question of the levy of fees in elementary schools under private management is left to the discretion of the managers. As regards the grant of fee concessions in elementary schools under public management, the hon. Member is referred to the proviso to rule 73 (i) of the Madras Educational Rules and to Circular Memorandum No. 141 A-1, dated 24th January 1925, which was communicated to him. Rule 92 of the Madras Educational Rules does not apply to elementary schools.

(f) The hon. Member is referred to rules 83 and 89 of the Madras Educational Rules.

[13th July 1926]

Mr. R. VEERIAN :—" With reference to clause (a), may I know whether according to rule 73 (i) of the Madras Educational Rules, where the elementary schools are under public management or Government, they could admit pupils without payment of fees at any time? "

The hon. Rao Bahadur Sir. A. P. PATRO :—" The rule itself is quite clear."

Mr. R. VEERIAN :—" From the rule I understand that unless they are declared backward they cannot be exempted from school fees. The difficulty is in getting the certificate they are poor. May I know whether there is any recent circular for the removal of this disability? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That question does not arise from the answer given."

Excise.

Experimental closure of arrack shops.

* 2026 Q.—Mr. C. GOPALA MENON : Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the taluks in which the experimental closure of arrack shops has been carried out are either on the borders of the Native States or of the French territory; and

(b) whether more licences for foreign liquor shops have been granted during the experimental period for the consumption of foreign liquor?

A.—(a) Of the five taluks of Shiyali and Tiruturaipundi in the Tanjore district, Tiruvadanai in the Ramnad district, Tenkasi in the Tinnevely district and Attur in the Salem district in which the experimental closure of arrack shops has been carried out, the Tiruvadanai taluk borders on Pudukkottai and the Tenkasi taluk on Travancore.

(b) One foreign liquor retail shop was newly licensed in the Shiyali taluk during the experimental period, the residents of the place having demanded and submitted a mahazar to the Board of Revenue for a retail shop.

Mr. J. A. SALDANHA :—" In answer (b) it is stated that a liquor shop was newly licensed 'the residents of the place having demanded and submitted a mahazar to the Board of Revenue'. I want to know whether because the residents of the place demanded a shop the Government sanctioned it."

The hon. the PRESIDENT :—" That question was answered yesterday."

Mr. J. A. SALDANHA :—" Here the word 'residents' is used. I want to know whether that is a sufficient ground for giving licence for a European liquor shop."

The hon. Rao Bahadur Sir A. P. PATRO :—" The answer is there. I can add nothing to it."

Number of arrack shops closed in Shiyali and other taluks.

* 2027 Q.—Mr. C. GOPALA MENON : Will the hon. the Minister for Education be pleased to state—

(a) the number of arrack shops in each taluk which have been closed down in the Shiyali, Tiruturaipundi, Tiruvadanai, Tenkasi and Attur taluks;

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(b) the number of toddy shops before and after the experimental closure of arrack shops in each taluk; and

(c) the number of foreign liquor licences issued before and after the experimental closure of shops in each taluk?

A.—(a) The number of arrack shops closed is 10 in Shiyali, in Tiruturaipundi, 8 in Tiruvadanai, 14 in Tenkasi and 31 in Attur.

(b) The number of toddy shops in the five taluks before the closure of arrack shops was (in 1923-24) 62 in Shiyali, 99 in Tiruturaipundi, 90 in Tiruvadanai, 40 in Tenkasi and 43 in Attur. The number after the closure of the arrack shops was (in 1925-26) 62, 99, 89, 39 and 43 respectively.

(c) Before the closure of the arrack shops, there was one retail foreign liquor shop in each of the taluks of Tiruturaipundi, Tiruvadanai and Tenkasi and none in the Shiyali and Attur taluks. After the closure of the arrack shops a new retail foreign liquor shop has been opened in Shiyali.

Resolution regarding closure of liquor shops.

* 2028 Q.—Mr. C. GOPALA MENON : Will the hon. the Minister for Education be pleased to state—

(a) the district and taluk boards and municipalities that have adopted resolutions for the closure of all liquor shops within their areas; and

(b) the action taken on such resolutions?

A.—(a) The hon. Member is referred to the answers to clause (c) of question No. 683 answered on 20th March 1924, clause (a) of question No. 309 answered on 20th August 1924 and clauses (c) and (d) of question No. 100 answered on 4th February 1925.

(b) No action has been taken pending orders on the Excise Advisory Committee's report. The Excise policy was discussed by the Legislative Council in considering the report of the Advisory Committee and the recommendations of the Legislative Council are under consideration.

Mr. A. RANGANATHA MUDALIYAR :—" May we have an idea as to when action is likely to be taken on these resolutions? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I cannot say at present; the matter is under consideration."

Rules governing the location of liquor shops.

* 2029 Q.—Mr. C. GOPALA MENON : Will the hon. the Minister for Education be pleased to place on the table of the House the rules governing the location of liquor shops both in urban and rural areas?

A.—The rules * are laid on the table.

* Vide Appendix III on page 320 infra.

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Deputation to study the working of the Rationing system in the Bombay Presidency.

* 2030 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Education be pleased to state—

(a) whether at the Excise Consultative Committee meeting held at Ootacamund in May 1925 a proposal was made to send an officer of Government to the Bombay Presidency to study the working of the Rationing system;

(b) if so, whether an officer has been deputed; and

(c) whether any report submitted by him will be published for the information of the public?

A.—No proposal was made at the Excise Consultative meeting held at Ootacamund in May 1925 to send an officer of Government to the Bombay Presidency to study the working of the Rationing system.

Registration.*Registration of the gift of a minor child by a Hindu father to a Christian.*

* 2031 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Education and the hon. the Law Member be pleased to state—

(a) what is the nature of the document whereby a certain Hindu gave away his minor daughter for a small consideration to a Christian as shown under the heading "Registration" in the Administration Report of the Madras Presidency for 1924-25 and who are the parties to it;

(b) what were the reasons for the passive attitude taken by the Government in not sanctioning a criminal prosecution of the parties concerned; and

(c) whether the Government obtained the opinion of their Law officers in the matter, and if so, whether the same will be placed on the table; and if not, what are the reasons for not obtaining such opinion?

A.—(a) The document is a deed of gift by which a Hindu mendicant gave over his minor child to another on the ground that he was not able to maintain the child. A sum of Rs. 5 was paid for the travelling expenses of the mendicant.

The names of the parties are—

(1) Mari Chetti, son of Viran Chetti, of Palatholai village, Palghat taluk, and

(2) M. D. Paul, Proprietor, British India Press, Pollachi.

(b) & (c) The Government considered all the facts and found that there was no need to take any action in the matter.

Co-operative Societies.*Honorary organizers of co-operative credit societies.*

* 2032 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Development be pleased to state—

(a) what was the nature of work the honorary organizers of co-operative credit societies were doing;

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(b) what are the qualifications that are required for the honorary organizers;

(c) whether there are no such honorary organizers in any of the districts at present; and

(d) whether the Government will be pleased to call for the information?

A.—(a) Honorary organizers explained the benefits of co-operative societies and obtained the applications for societies from the ten or more persons required before a society can be started. They also assisted at the starting of societies.

(b) The only qualifications required were a capacity to understand the working of co-operative societies and the possession of influence in the locality.

(c) There are no honorary organizers at present.

(d) Does not arise.

III**COMPLAINT REGARDING DELAY IN ANSWERING QUESTIONS.**

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

* The RAJA OF RAMNAD:—"It may be within your recollection, Sir, that I complained of the great delay in answering a very urgent question sent by me some time in February or March relating to certain plague preventive measures adopted in my district. The hon. the Minister for Local Self-Government was good enough to say that an urgent report will be called for from the Collector and the information placed before the House. This was supplemented by a statement by Mr. Noyce, the then Secretary for that department, that he would send a telegram, obtain the information and place it before the House. Now, I find that this question has not been answered these three days and I am doubtful if the answer has been received at all. If the few questions which escape your pruning knife are to be treated thus there is no purpose in our putting questions at all. On a matter of life and death I asked a question some time in February or March and it has not been answered till this day, the 13th July. I am leaving Madras to-day and therefore I will have practically no opportunity of hearing the answer if it is going to be given at all before the House adjourns this month. I request you to investigate and find out why the question is being delayed without being answered. I can personally see no reason."

11-30
a.m.

* The hon. the PRESIDENT:—"I understand the question was answered by the Government last March. Of course the Government's answer was not satisfactory to the hon. Member, because they said that they had no information."

* The RAJA OF RAMNAD:—"On that, there was a discussion. You, Sir, probably do not remember it, if I may say so with respect. If you will kindly turn to the proceedings, you will see that a statement was made by Mr. Noyce that he would telegraph and obtain the information."

* The hon. the RAJA OF PANAGAL:—"I am very sorry to learn that the hon. Member is leaving Madras this evening. But all the same, if the information is obtained, the Government will be glad to place it at the disposal of the hon. Members."

* The RAJA OF RAMNAD:—"I must repeat my observation though you summarily disposed of the point of order I raised."

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* The hon. the PRESIDENT:—"What was the point of order the hon. Member raised?"

* The RAJA OF RAMNAD:—"I asked whether a question can be answered by placing a statement in the Council Library. I may say, Sir, questions are never asked for the information of the interpellator. It is in the interests of the public that questions are generally asked. In this case my question was about the preventive measures the Government were adopting in my district against plague and the public were deeply interested in the answer. Personally, I know what measures had been adopted. Therefore it is not for my information that I asked that question. By the answer which the hon. the Chief Minister has given, viz., that he will communicate the information to me later on, the whole purpose of putting that question is lost."

* The hon. the RAJA OF PANAGAL:—"I said that because the hon. Member said that he could not stay here longer than this evening. In the first place, I am not sure if the report which has been called for has been received in the office. If it has been received in the office there can be no objection to placing it on the table."

* Mr. J. A. SALDANHA:—"Since this question has been raised, may I point out to you that when a supplementary question is asked and the Government says: 'we will enquire and get a report,' whether it is not fair that that report should be placed before the House rather than given privately or semi-officially to the Member concerned? I will make myself clear, Sir. Once I raised a question regarding the Mettur project asking whether certain churches, temples and villages in a particular locality were being demolished. Then the hon. Member was good enough to order an enquiry to be made. An elaborate enquiry was made and a full report submitted to the Government and a copy of it was sent to me, but no copy of it was placed on the table of the House."

* The hon. the PRESIDENT:—"If answers are to be placed before the House, the questions to which they relate must be put in the proper form and addressed to hon. Members of Government. It is only then that the answers can be published. But when Government gives an undertaking that they will furnish the information without a question having been put, Government can only send their answer through private channels."

* Mr. J. A. SALDANHA:—"The question was put in this House and we were promised a report on the subject. But that report was sent to me and was never placed before the House."

* The hon. the PRESIDENT:—"Did the Government give an undertaking that they will place the report on the table of the House?"

* Mr. J. A. SALDANHA:—"They simply said: 'we will enquire and get a report'."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"In that particular case, the hon. Member interpellated Government as to whether certain churches and villages were going to be submerged. I said I would enquire into the matter. An enquiry was made and a report consisting of about 4 pages of printed matter was sent to the hon. Member. I did not undertake to place the report on the table of the House. I thought the constituents who apparently prompted the question would be satisfied with that proceeding."

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* The RAJA OF RAMNAD:—"You have not disposed of the point of order raised by me, Sir."

* The hon. the PRESIDENT:—"I was going to tell the hon. Member that he is free to put any supplementary question on the document which has come into his hands now."

* The RAJA OF RAMNAD:—"Within the time allotted for a question it will not be possible for me to read the answer in detail. It is a matter relating to about 100 appointments. About 100 persons have been appointed under the Board. The pay and the educational qualifications of these men will take at least an hour to read."

* The hon. the PRESIDENT:—"Well, the hon. Member may put the question at the next meeting."

* The RAJA OF RAMNAD:—"Now, I am asking about another question which has not been answered and even if it is answered, which I very much doubt, before we adjourn this month, I will not have the opportunity of putting supplementary questions. It may be, as the hon. the Chief Minister has assured me, that the answer will be communicated to me if I do not happen to be here to-morrow and the next few days when the Council will be in session. But what I am submitting is that the information is not wanted by me only. If that is the case I could have written to the hon. the Minister and I do not think he would have denied me the information. It is not after all a confidential matter. I wanted the whole House and the public to know the answer and that is why I took my chance of getting it admitted and waited all these months. If all these facts are not taken into consideration on a point like this, then I can only repeat, I feel sorry for having availed myself of the opportunity given to the Members."

* The hon. the PRESIDENT:—"There is procedural difficulty in regard to the suggestion made by the Raja of Ramnad. A question can be answered by the Government only if it is put by a Member. Here is an undertaking by the Government that they will furnish the report when it is available. Unless there is on the other side the challenge of a question, I do not think under our Standing Orders the Members of Government can furnish answers."

* The RAJA OF RAMNAD:—"I have put a question. . . ."

* The hon. the PRESIDENT:—"And that question has been answered. If the hon. Member wants any other information, he must put another question."

* The RAJA OF RAMNAD:—"That is against the undertaking given at the last meeting. The answer then was that a report had been called for by telegram and that the moment it was received it would be placed on the table of the House. That was the answer of the hon. the Raja of Panagal; and it has not been done so far."

* The hon. the RAJA OF PANAGAL:—"Does the hon. Member know that a telegram was not sent? The report can be placed on the table only when it is received here. We cannot place a report on the table when it has not been received here. As regards the reply assuring him that the report would be sent to him, I may say that reply was given because the hon. Member said that he could not continue to stay here longer than this evening."

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* The RAJA OF RAMNAD:—"May I ask a further question now, whether a telegram was sent and a report called for and, if so, on what date? If the hon. the Minister wants notice even for this question, I shall wait."

* The hon. the RAJA OF PANAGAL:—"I daresay if the hon. the Secretary had assured him that he would send a telegram he must have sent it. However, I am not sure about it. I will enquire and let him know."

IV

THE MALABAR TENANCY BILL—cont.

Clause 6—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I beg to move:

'In line 2, for the words "is in possession" substitute the words "has been in continuous possession".'

"This amendment is to be read along with amendment No. 88. So far as my notice is concerned, I clubbed these two (Nos 82 and 88) together under one head. It has been split up. Therefore with your permission I beg to move amendments Nos. 82 and 88 together which really form part of the same amendment. Amendment No. 88 reads:

'In line 3, after the word "lease" insert the words "for a period of twelve years on" and omit the words "made before or after".'

"In the first amendment I ask that for the words, 'is in possession' the words 'has been in continuous possession' be substituted. In the second amendment I ask that for the words 'made before or after' the words 'for a period of twelve years on' be substituted. The clause as amended would read 'A cultivating kanamdar or a kuzikanam or other tenant who has been in continuous possession under a demise or lease for a period of twelve years on the date of the passing of this Act, shall have a permanent right of occupancy in his holding and shall not be evicted therefrom except as provided in this Act'. I thought that after the House came to a decision yesterday not to omit clause 6, it would be possible to amend the clause in such a way that there may be a satisfactory solution of the conditions under which the rights of occupancy can be conferred on the tenants. I am not able to understand the attitude of the hon. Member, Mr. Prabakaran Tampan, who does not want to move the amendment to clause 6 that stands in his name. The House having come to the decision that clause 6 should not be omitted, and that some occupancy rights should be conferred on the cultivating tenants, the only reasonable course would be to make such modifications in the clause as would tend to make it the next best thing. Simply for the reason that the clause was allowed to remain, it should not be allowed to remain as it is.

"It was clear to one section of the House at least that new rights are being granted to the tenants; when that is the case the persons concerned should have been in possession and enjoyment of the holding for a particular period at least. In the original Bill of Mr. Krishnan Nayar it was six years—it is a very short period. The well-known period for the acquisition of title is twelve years. I therefore move that rights of occupancy should be given to those who have been cultivating tenants at least for a period

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of twelve years. This is the way in which we can reconcile the different views which have been expressed with regard to the grant of the right of occupancy."

* Mr. J. A. SALDANHA:—"I second the amendment. I have also given notice of an amendment to the effect that the period of enjoyment or possession should be fixed at 36 years. In Mr. Krishnan Nayar's original Bill it was only six years for verumpattam tenants. There should be some period of enjoyment before granting permanent rights of occupancy. The amendment of Mr. K. P. Raman Menon fixes the period at six years for verumpattam tenants; but evidently he is not going to move it. If some period of enjoyment is not fixed, the result will be to bring in a sweeping change. A person has simply to come and take possession of the land as a tenant and he becomes a permanent tenant. Even in the Estates Land Act, the presumption is that a tenant who has been for long in possession gets the right of occupancy. In the Bengal Tenancy Act, the period is twelve years. In order that the landlord might not defeat the object of the provision by evicting the tenant at the last moment, the Government of Bengal have provided that it is enough if the tenant has been cultivating a portion of the land in the same village. I might have introduced that clause here, but as it stands, twelve years is a reasonable period. Prescription of some kind is necessary for creating new title. In the Limitation Act, the period fixed is twelve years for adverse possession and twenty years for easements. It is but just that a man to be entitled to get permanent right of tenure either by adverse possession or by enjoyment should at least have enjoyed it for a particular period. I strongly support the amendment. Otherwise if we pass this Act without this amendment, simply because there is a majority for it, it will be resented by a large number of landholders not only in Malabar but also in other parts of the country. Great alarm is felt in other districts also. If verumpattam tenants in Malabar should get permanent rights of occupancy simply because they come and squat on the land, why should not the tenants in South Kanara and Tanjore and other places be given permanent rights? (Mr. T. R. Venkatarama Sastri: 'Hear, hear'). This will be regarded as a sweeping change. Even the verumpattamdars never expected the Council to give this. They would be surprised to see that the House has granted them this right. They would find; (The hon. Sir A. P. Patro: 'One fine morning') whether it is fine morning or fine evening, that they have got more than they wanted. In Cochin a period of thirty years is considered to be necessary. Considering the equity and justice of my hon. Friend's amendment, I am prepared to forego my amendment and support that of my hon. Friend."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Sir, if anything would have induced the Members of the Government to participate in the particular debate raised by the amendment, it is the speech of my hon. Friend, the Member for South Kanara; because, I think, he has practically conclusively demonstrated that most of the arguments used by him yesterday were faulty. In spite of that circumstance, Mr. President, I think it is due to the House for me to mention that the Government is definitely against the idea accepted by the House yesterday. Therefore, they do not propose to intervene any further in the discussion of this clause."

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Mr. K. P. RAMAN MENON:—"Sir, it would be necessary to point out the differences that exist between the two classes of tenants. The words are, 'cultivating kanamdar, or a kuzhikanam or other tenant'. 'Cultivating kanamdar' is a well-known term. The term 'kuzhikanam tenant' seems to be not well understood by the House. I think I should explain the difference between a kuzhikanam tenant and the verumpattam tenant or other tenants contemplated in this section. A kuzhikanam tenant is a tenant who raises plants or garden trees, fruit trees or others for the purpose of raising a crop. He may be compelled to leave the garden after continuous labour on it for some years. The ordinary kuzhikanam tenant develops his kanam gardens. Especially in North Malabar there are porambokes, and coconut trees are planted thereon. I believe, Sir, you and other hon. Members of this House know that a coconut tree does not begin to bear fruit until after ten or twelve years; if, as a matter of fact, a tenant has broken new ground and planted coconut trees, he is not given occupancy rights unless he has been in occupation for more than twelve years. I want to point out that difference to the House and then the House can make up its mind whether such a person is entitled to protection at the hands of the House."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"I am sorry, Sir, I have to oppose the amendment of my hon. Friend from Nellore. I find, Sir, that from the amendments tabled by the janmi Members, Mr. Prabhakaran Tampian and Mr. Madhava Raja, they are agreeable to give occupancy rights to cultivating tenants who came into possession before or after the passing of the Act. The amendment of Mr. Krishna Rao hits hard on the cultivating tenants. So far as kanam is concerned, it is generally for a period of twelve years. There is no virtue in saying that such tenants should be in continuous possession for a period of twelve years. Under the amendment of the hon. Member Mr. Krishna Rao, a cultivating kanamdar or kuzhikanam tenant will get occupancy rights, but a verumpattam tenant will not unless he has twelve years possession. At the end of eleven years a verumpattam tenant may be turned out. I say that the janmis are sympathetic in so far as the cultivating tenant is concerned. I find that Mr. Krishna Rao's amendment goes too far. I hope that my hon. Friend will think twice before he presses his amendment. This is a Bill in which different interests are concerned; there are the janmis who have to protect themselves against the kanamdars; there are the kanamdars who have to protect themselves against the janmis. It is absolutely necessary on the part of all people who have any interest in the actual cultivator to see that nothing is done to prejudice the interests of the verumpattam tenant and say that the verumpattam tenants shall have occupancy right at any time. I hope that hon. Members who have the interest of the cultivating tenant at heart would not vote for this amendment."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I cannot accept this amendment, and I agree with everything that has been said by my hon. Friend Mr. Muniswami Nayudu with reference to this amendment. If this amendment is carried, two consequences would follow. The section, as it stands, seeks to give fixity of tenure to all classes of cultivating tenants irrespective of the period of occupation. As soon as a person enters into possession of land, whatever may be the nature of his tenure, whether a kanamdar or kuzhikanam holder, he gets occupancy rights. My hon.

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Friend's amendment, if carried, would deprive the ordinary tenant of this right and would give him fixity of tenure only after a continuous period of twelve years. That is one consequence. The result of the amendment would be that persons who come into possession after the date on which this Act comes to force will have no right. I am opposed to my hon. Friend's amendment.

"Before I sit down, I venture to say a few words on the attitude of the Government. The hon. the Law Member has always blamed the people for non-co-operation; the Government have themselves adopted now an attitude of non-co-operation. I am not sorry; I am only glad. If the Government did not, as they did with reference to this clause, adopt an attitude of entire hostility to me, I would not have welcomed this spirit of non-co-operation on the part of the Government. Of course, opposition I do not like at all; co-operation I like very much; if they do not co-operate with me, I am glad that they adopt an attitude of non-co-operation. I hope they will at least adopt that attitude with reference to the other amendments of which notice has been given."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Sir, it is not so much with a view to add anything to what I said but with a view to dispel any prejudice that may be caused by the adoption of a phrase which has many meanings or which may have much significance, that I rise on this occasion. It is not out of want of respect to the hon. Members of the House that the Government have decided not to participate in the debate on this clause; certainly it is not with an attitude of non-co-operation with this Council or with any hon. Member of this Council. The Government have definitely made it clear to this House that they are against the principle of granting occupancy rights to the class of persons referred to in clause 6. Therefore the question whether persons who have been in possession for 12 or 24 or 36 years should get occupancy rights is wholly irrelevant. Most of the amendments are tabled with the object of giving occupancy rights and defining what adjustments may be made. The Government are absolutely opposed to that principle; they do not think they would be right in taking the time of the House any further with regard to that matter because the attitude of the Council is clear; the matter has been decided upon and passed by the Council."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Sir, the position of people outside Malabar with reference to this Bill has been very difficult from the beginning. I prefaced my dissenting minute in the Select Committee report with the statement that most of us, people who have not got personal knowledge of the conditions prevailing in Malabar, were not able to get even the little light that we can by examining witnesses or by sending out a questionnaire, because it was voted down by the vote mainly of the representatives of tenants themselves. As has been remarked yesterday, the Bill has been undergoing changes all in one direction; and people like me with the little knowledge we have been able to gather in the Select Committee and here in the Council and from the literature that has been circulated to us by the courtesy of the Government find it very difficult to follow when changes are proposed like this. Yesterday we were told that what the promoter and his supporters were doing here was to change the whole tenure in Malabar, to take away rights which were admittedly vested in the janmis or

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kanamdars; I thought they were going to legislate only for the purpose of making more or less definite claims that have been urged on one side or on the other. It was said that some injustice was done by some judicial decisions and those decisions were to be got over by this legislation. This, I thought, was the whole limit of the legislation that was before the Council. But to-day I was surprised to see my hon. Friend Mr. Krishnan Nayar asking us not only to recognize rights which were claimed by the one side or the other but also to change the whole of the land tenure in Malabar. He said, Sir, that it was his intention not only to give permanent rights to people who were already on the land but to take away what rights the janmis might have by legislating in this Council that people who might be let into occupation hereafter should also have permanent tenure. That means that the janmi or the kanamdar who may be in possession at the present moment should always be on his guard. The land is not his and all that he can claim the moment he, knowingly or unknowingly, parts with possession of his land is the rent that has been fixed by the Act or otherwise. That is a change in the land tenure of Malabar which, I think, nobody contemplated. It is being tried now to introduce, as if by a side wind, a total change in the land tenure of Malabar and in the rights of possession of the several parties in Malabar. Is that what we contracted for especially in our position, as I said, of almost complete blankness with reference to anything except what we are told in this Council?

"What is the position, Sir? We find that, so far as verumpattamdars are concerned, they enter the land for a particular term of years and that they have to leave the land at the end of the term. So far as the kanamdar is concerned, no doubt after the year 1853 each kanamdar knew, when he entered into the contract, what his contract was. At any rate after the year 1853, he was there only as a mortgagee and nothing more. It is only those people who remained on the land or who had certain rights in the land on account of kanams granted before the year 1853 who can justly claim that they have the right of permanent occupancy and they have been agitating for . . ."

* The hon. the PRESIDENT:—"I am afraid the hon. Member is arguing on the general principle of giving occupancy rights to tenants which was disposed of yesterday."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"We have to decide the question of the actual right of occupancy and whether we can give that right only to those people who are already in possession or to those who are going to be let into possession hereafter. My argument is, we were under the impression that we are legislating for the rights which have been acquired and not for taking away existing rights so as to let in people hereafter and allow them to acquire new rights. It is in that position that I am speaking about these things. We see that this question refers not only to verumpattamdars but also to cultivating kanamdars. So, it is necessary that I should refer to the matter. . . ."

* The hon. the PRESIDENT:—"The general principle having been decided that occupancy rights should be given to various classes of tenants, there is no point in seeing whether those rights will be modified. The hon. Member has been arguing the whole question that was argued out and decided upon yesterday. I would ask the hon. Member to confine himself to the terms of the amendment of Mr. Krishna Rao."

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* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"My position is this; even with regard to the cultivating kanamdar or tenant it is only the tenant or the kanamdar who has already been in possession for a certain time, will come under the principles of this Bill as we understood it. I find there is a change in the whole tenure of Malabar now proposed that anybody who is let into the land hereafter . . ."

* The hon. the PRESIDENT:—"That was the implication of the decision that the House came to yesterday."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"The object of the amendment is that those who were in possession for twelve years should be given tenure. Therefore it goes directly to the root of the Bill."

* The hon. the PRESIDENT:—"Is the hon. Member speaking for or against the amendment?"

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I am speaking for the amendment. It will also be seen, Sir, that there are three amendments which amount to the same thing, except in regard to the length of the period. Therefore, I beg to submit that here is a proposal made by the oppositionists to the amendment that has been moved which, as if by a side wind, changes the whole tenure of Malabar. I can quite understand the position of my hon. Friend Mr. Muniswami Nayudu. He comes from a zamindari area and he, as I had to remark, Sir, in my dissenting minute, wants to approximate the position of janmi to that of a zamindar, and the position of the ordinary tenant in Malabar to that of the tenant in zamindari tracts. His position I can well understand. It is a danger, Sir, which ought to be avoided, this idea of approximating the position of the janmi to that of the zamindar. It is a very dangerous analogy to apply, and I do not believe that we will be justified in applying this analogy to Malabar and say that the janmi should in all respects be placed in the same position as the zamindar. That will practically mean the taking away of a large bundle of rights which are now vested in the janmi. It is a matter of utter spoliation to which I at any rate cannot be a party. As I submitted, Sir, the object of the present amendment is this: it recognizes the decision that was come to yesterday, namely, that with reference to the people who have already come into the land, their rights ought to be safeguarded to the extent we can do, without doing any damage to other parties. That ought to be the position which I respectfully submit this House ought to take. So far as the kanamdar who is not in possession is concerned, I have said that the conditions of the period before and after 1853 should be considered separately. That is a matter which will come up when clause 7 is taken up. But so far as this clause is concerned, we are in a difficult position. For one thing, the janmi representative in the Council has admitted that the janmi has agreed to give permanent rights in the land. No doubt he claims certain other rights for the janmis; but so long as there is a conditional admission like that, I do not know whether we can take it as a wholesale admission of the right of the tenant. But anyway, Sir, in the face of that admission of the janmi representative in the Council, it is not open to us to say that the cultivating tenant, an ordinary verumpattamdar, who has come into the land by ordinary contract for a few years, should not

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be given the permanent right that is proposed here. But still, Sir, it seems to some of us at any rate that on account of that admission and on account of what has passed in the Select Committee, if we fix a period of say twelve or ten years as I put it in my amendment, and if during that period uninterruptedly a tenant has been in possession, paying a certain rent, he may be allowed permanent tenure. That is a sort of compromise based mainly on the admission of the janmi representative. It is only in that light, Sir, that we have given notice of this amendment. If this amendment is not carried, the only result will be that the whole land tenure of Malabar will be changed and you will find that the position of the janmi is approximated to the zamindar in other places. That is not what we have been told either by the promoter of this Bill or by any other responsible person. For these reasons, Sir, I am very much surprised at the attitude of Mr. Krishnan Nayar and I wholeheartedly support the amendment moved.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I think that those who followed the discussion upon the original motion moved by the Government for the omission of clause 6 must have been struck by the divergence of views expressed regarding the main question. Though by a majority a decision was reached that the clause ought not to be given up altogether, various difficulties were pointed out in the way of giving effect to all that that clause stands for. I am rather surprised, Sir, that the hon. the Mover of this Bill did not see his way to accept this amendment which will go a long way to remove the objections which have been urged against the main provision of the Bill. When it has been suggested, and suggested with some force that the Bill is of a confiscatory character, that it tries to take away the rights vested both by judicial decisions and by customary practice for several decades, and when an attempt is made to modify those rights at least so far as those who are in continuous possession for twelve years are concerned, that the hon. Member, taking advantage of the decision on the previous amendment, should still stick to his position is, I submit, very strange. There is no use of his pressing upon every provision of his Bill when he knows that there are serious differences of opinion in the way

* Diwan Bahadur M. KRISHNAN NAYAR :—"I do not propose to do so."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am glad that he has not proposed to do so; but the course pursued by him in dealing with the amendments raises considerable apprehensions as to his attitude. When objection is taken that you are practically depriving people, even without compensation, of their rights, when any proposal for compensation is brought that he should not at least accept the position that 12 years continuous possession should entitle the tenant to permanent rights, is really strange. I therefore appeal to this House to consider the facts and then vote on this amendment. The fact of it is that, while there is a divergence of opinion regarding the vesting of rights of occupancy on the people whether we should accept the fact of continuous possession or not immediately after the passing of this Act is the main question for consideration when we go into the provisions of the Bill. I would therefore again request the Mover of the Bill to accept this amendment."

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The amendment was put to the House and declared lost. A poll was taken with the following result :—

Ayes—22.

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|---|--|
| 1. Mr. S. Arpudawami Udayar. | 12. Mr. T. Adinarayana Chettiyar. |
| 2. " D. Manjappa Heggade. | 13. " P. Anjaneyulu. |
| 3. " H. B. Ari Gowder. | 14. " Muhammad Moera Sahib. |
| 4. Diwan Bahadur P. Kesava Pillai. | 15. " S. B. Y. Ankineedu Prasad Bahadur. |
| 5. Rao Bahadur T. A. Ramalinga Chettiyar. | 16. " K. Sitarama Reddi. |
| 6. Mr. J. A. Saldanha. | 17. " Chavadi K. Subrahmanya Pillai. |
| 7. " A. Ranganatha Mudaliyar. | 18. " K. Venkatachala Padayachi. |
| 8. " A. Chidambara Nadar. | 19. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 9. " C. Gopala Menon. | 20. Mr. L. K. Tulasiram. |
| 10. " S. Muttayya Mudaliyar. | 21. " K. Uppi Sahib. |
| 11. " S. Satyamurti. | 22. " C. Venkatarangam Nayudu. |

Noes—23.

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|---|--|
| 1. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 14. Rao Bahadur P. Raman. |
| 2. Rao Bahadur C. Natesa Mudaliyar. | 15. Mr. J. D. Samuel. |
| 3. Mr. K. Devendrudu. | 16. " K. Sarvarayudu. |
| 4. " A. Ramaswami Mudaliyar. | 17. Rao Sahib R. Srinivasan. |
| 5. Diwan Bahadur P. C. Ethirajulu Nayudu. | 18. Mr. B. Veerian. |
| 6. Rao Bahadur K. Krishnaswami Nayudu. | 19. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 7. Mr. R. Madanagopal Nayudu. | 20. Mr. B. Ramachandra Reddi. |
| 8. " B. Mallesappa. | 21. " Muhammad Ghouse Mian Sahib. |
| 9. " P. N. Marthandam Pillai. | 22. Sriman Sasibhushan Nath Mahasayo. |
| 10. Rao Bahadur B. Muniswami Nayudu. | 23. Khan Bahadur P. Khalif-ul-Jah Sahib Bahadur. |
| 11. " C. V. S. Narasimha Raju. | |
| 12. Sriman Bikwanath Das Mahasayo. | |
| 13. Diwan Bahadur M. Krishnan Nayar. | |

Neutral—32.

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|---|---|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 17. Mr. G. W. Chambers. |
| 2. " Mr. N. E. Marjoribanks. | 18. Capt. E. G. Windle. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 19. Mr. D. Appavu Chettiyar. |
| 4. " Mr. T. E. Moir. | 20. The Zamindar of Kallikote. |
| 5. " the Raja of Panagal. | 21. " of Mandasa. |
| 6. " Rao Bahadur Sir A. P. Patro. | 22. Mr. V. Madhava Raja. |
| 7. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 23. Hony. Lieut. Madurai. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 24. Rao Bahadur O. M. Narayanan Namudripad. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 25. Mr. K. S. Ponnuswami Pillai. |
| 10. Mr. G. T. Boag. | 26. " G. Premayya. |
| 11. " V. Pandrang Row. | 27. " P. Sagaram. |
| 12. " J. E. Hall. | 28. " M. Gangaraju. |
| 13. " K. P. Raman Menon. | 29. " B. P. Sesha Reddi. |
| 14. Rao Sahib T. C. Tangavelu Pillai. | 30. Rai Bahadur I. M. Narasimbacharlu. |
| 15. Mr. K. Prabhakaran Tampar. | 31. Mr. C. V. Venkataramana Ayyangar. |
| 16. Diwan Bahadur T. R. Ramachandra Ayyar. | 32. Mr. Naganna Hegde. |

The amendment was lost.

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I want to move

'In line 3, omit the words "or after".'

"Sir, I am really sorry, Sir, at the attitude of the Government that is being adopted . . ."

Mr. K. P. RAMAN MENON :—"I want to rise to a point of order. Mr. Krishna Rao in moving his amendment clubbed the two amendments and in effect moved for the omission of the same words. So that this amendment is really a portion of the amendment already disposed of."

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* **Mr. C. V. VENKATARAMANA AYYANGAR** :—" He wanted to move for 12 years as also for the omission of these words. If 12 years were passed, then the words would have been unnecessary. But that has been rejected. But here the principle is different. I was saying, Sir, that the attitude of the Government surprised me very much, as also that of the representatives of the tenants. That is the attitude of Mr. Raman Menon as evidenced by his opposition to my making this motion. So far as Government are concerned, we thought that as a matter of compromise some right will be conceded to some at least of the various occupants of lands in Malabar. But the attitude taken by Government evidently acquiesced in by the janmis

* **Mr. K. PRABHAKARAN TAMPAN** :—" On a matter of personal explanation, Mr. President, I want to say a few words. I have always been endeavouring to make this point clear. I have been advocating the protection of the cultivator, whether a verumpattamdar or kanamdar. Clause 6 has been accepted by the House and made part of the Bill. That is why I do not move my amendments. My only remedy lies in raising the rents. Hon. Members do not understand the subject but they want to charge others with inconsistency."

* **Mr. C. V. VENKATARAMANA AYYANGAR** :—" I do not think the House has accepted clause 6 at all. Otherwise we would not have been moving these amendments. We have rejected the amendment of Government; that is all. Mr. Tampam says clause 6 has been accepted and therefore I have no other way. The House has rejected Government's amendment and we are expecting Mr. Tampam to move his amendments which are qualifications to clause 6. Therefore, Sir, I very rightly thought that the attitude of the Government in this matter had been acquiesced in by the janmis. I will wait to see whether the janmis acquiesced. If the leaders of the janmis, including Mr. Prabhakaran Tampam, did not move any amendment whatever, it shows that they follow the lead given them by the hon. the Law Member, if I may say so. Because we all know what the prospect of the Bill is. Whatever clause we may or may not pass, the Bill is going to be vetoed. If clause 6 is not accepted, much less will clause 7 be accepted. Without clauses 6 and 7 it will be a marriage without a tali. Probably we are going to have discussion after discussion and after much waste of time Government by virtue of their power will veto the whole Bill. In view of that, we expected the tenants' representatives taking some reasonable attitude so that morally at least Government will be bound to accept some of the provisions of the Bill. But what do we see? If we on this side once walked out, the other side, that is the hon. the Law Member's side, practically walked out although we are in. That is what the Government side is doing."

* **The hon. Sir C. P. RAMASWAMI AYYAR** :—" I think the neutrals were in the division list. We did not non-co-operate."

* **Mr. C. V. VENKATARAMANA AYYANGAR** :—" He may add a number of neutrals but it is of absolutely no use. One side have shown what they are going to do in this case. The other side have followed suit. They say 'We have got a majority and we will stick to the Bill whatever it is.' Mr. Raman Menon has given two amendments."

Mr. K. P. RAMAN MENON :—" I wish to draw the hon. Member's attention to the vote that I gave."

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* **Mr. C. V. VENKATARAMANA AYYANGAR** :—" Votes are subordinate. Till yesterday evening the tenants' representatives also were probably prepared to shape this Bill in a reasonable way so that they can have a moral hold on the Government as it were and challenge the Government in every reasonable aspect. But what is the attitude to-day? I am very sorry to see that the attitude of the leaders has changed. Many of us are prepared to follow them to such an extent as we might go. In amendment 78 given by Mr. Raman Menon more than whom there can be no stronger advocate of the tenants, he says in its two parts practically the kanamdars before 1864 shall be given this power and what is more his proviso says, 'The provisions of this section shall not apply to kuzhikanam or verumpattam tenants who have not been in possession of their holdings for a period of six years from before the passing of this Act.' Therefore, Sir, the amendment of Mr. Raman Menon amounted to, at least so far as some of the tenants were concerned, to restrict the provisions of the Bill only if they were in possession for at least six years before the passing of this Act. I am now coming to my amendment. I am only taking the other view, i.e., if Mr. Raman Menon's amendment is not passed—we would have certainly voted for him—the result of that would be there would have been no applicability of this Act for some of the contracts entered into after the passing of the Act. I am only quoting Mr. Raman Menon's amendment in support of my case. Mine does not go so far as his has gone. I am speaking on behalf of the tenants. I appeal to Mr. Krishnan Nayar and Mr. Raman Menon to see whether these words 'or after' will not jeopardise the interests of the tenants. In any case some karams and leases will be forfeited. Even supposing the Act is passed without adding any word, without dotting the i's and crossing the t's, even supposing it is passed as it has emerged out of the Select Committees, there will be a number of cases where various tenancies and karams will be forfeited and they will come into the possession of kanamdars. What does this Bill amount to? The landlord and the tenant may agree that a lease shall be open on particular terms written and agreed upon and that it shall expire after some period. But according to this Bill even if such an agreement is entered into there are no words like 'in the absence of anything to the contrary' or 'unless the lease is specified' and whatever the wording of the contract may be, whatever the understanding between the landlord and the tenant may be, if the Bill is passed in the present form, then the tenant gets permanent occupancy. It need not be mentioned that no janmi outside the lunatic asylum will ever give such a permanent occupancy right. I do not think any janmi will enter into an agreement hereafter with the result that no man who is prepared to take up any lease in Malabar will be able to get any land on any understanding whatever. So that I am appealing to the House on behalf of those who are not tenants but are working in various capacities, who may wish to take up lands unlike Sir K. Venkata Reddi for cultivation, to consider whether they will not be damning their position by preventing them from the possibility of getting any land excepting on terms of permanent lease if this provision is passed without any amendment."

"In the interests of Malabar, in the interests of the general economic state of the country, I am suggesting this amendment. Otherwise, the janmi would rather allow his land to rot, would rather allow his land to be converted into an uncultivated forest than give it to a tenant who will get

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permanent occupancy. ('Hear, hear' from Rao Bahadur V. T. Krishnama Achariyar.) I am glad to see that the Law Secretary is not non-co-operating with us on this question."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"No, Sir, we are all admiring their effort."

* Mr C. V. VENKATARAMANA AYYANGAR:—"They are all here in body but not in spirit. That is my complaint. By the introduction of these two words in this section, you are for ever preventing any landlord in Malabar from giving any land hereafter to any tenant, unless on terms of permanent occupancy. In the interests of the future tenants, therefore, I am anxious that this House should take away those words, and further, it is also in the interests of the general economic well-being of the whole country with a view to preventing lands being kept without cultivation, with a view to preventing lands being converted into forests. So, I would appeal to this House to accept my amendment to remove those words 'or after'. So far as future tenants are concerned, we should not restrict the right or freedom of contract. (The hon. Sir C. P. Ramaswami Ayyar: 'Hear, hear.') Whatever may be the terms of the past contracts, whatever the principles on which those contracts were entered into, it is impossible, after the passing of this Act, for anybody to say 'I entered into that contract and I am going to stick to it.' So, I want that the contract to be entered into hereafter, after the passing of this Act, should be governed by the terms of that contract, so that it may be possible in the future for the janmi, or the kanamdar or the cultivating tenant to enter into an agreement. That is the meaning of liberty of contract or freedom of understanding between parties. Therefore, I say that with a view to have a moral hold upon the Government we should not bind the hands of future contracting parties, and I strongly urge on this House, especially on the representatives of the tenants, to accept my amendment. It may be that morally we have conceded too far from our point of view. But we will have to wait even for three or four years to reap the moral effect of it because the janmi leaders will take some time to effect the change. If this Bill is entirely rejected, whatever may be the majority in this House, the position will be very unfortunate and there will be no change in the land tenure of Malabar. I fear it will be the case so long as the four Members of the Executive Council are there, and, apart from the personnel, so long as the present view of the Madras Government continues. Therefore, my amendment is the best way of compelling Government by our making all possible concessions to the landlords. I therefore appeal to Mr. Krishnan Nayar and ask him to remember the resolutions passed in the Pattambi Tenants' Conference where he was empowered to sacrifice even some of the principles and to accept any reasonable compromise, so that an enactment may be passed on the matter. I appeal to this House not to take a die-hard view, and in spite of the various amendments tabled by Mr. Raman Menon and other tenant leaders, if we insist on having nothing but the Bill as amended by the Select Committee, the result will be that there will be no change in the land law of Malabar, and the people already suffering there will probably suffer much more. I am not one of those who think that Government is the only party that will be responsible for this. We, some of us die-hards here also, will be equally responsible for the state of things. So I appeal to the tenant leaders to take a reasonable view and to accept

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some compromise, and to support my amendment for omitting those words. So far as I am concerned, my point is only to ensure the freedom in regard to contracts that may be entered into hereafter."

* Mr. J. A. SALDANHA:—"I beg to second this amendment and that strongly. There is nothing new in what I have to say in support of this amendment. In a pamphlet I published last year on the subject I have been urging that we should not make any sweeping changes. (The hon. Sir C. P. Ramaswami Ayyar: 'Hear, hear.') And members of the Select Committee might remember the warning I raised against the sweeping changes the Select Committee was making, and it was received with quiet indifference by the Mover of the Bill and the tenant representatives in the Select Committee. When the proceedings of that Committee are published, it will be seen that along with the Chairman of the Select Committee there were other gentlemen who insisted on some of the old features of the land tenure being retained, especially the renewal fee. In spite of that, I regret very much a large majority of the Committee were carried away by zeal and have made changes of a sweeping character in the nature of the tenures. Again, I repeat the same warning before this House. The House having rejected the amendment of my hon. Friend Mr. Krishna Rao Pantulu—I myself have not been allowed my amendment on that ground—I support the amendment of my hon. Friend from Coimbatore. Mr. Venkataramana Ayyangar has been to Malabar and presided over one of the conferences there, and he has been in closer touch with the state of things in his neighbouring district, and I myself to a great extent have been in close touch with a large number of tenants of Malabar. My own experience and my own knowledge, intimate or superficial whatever it be (laughter), is to this effect, that no sweeping changes will be acceptable to the people (Rai Bahadur Sir K. Venkata Reddi Naidu: 'Hear, hear') either to the tenants or to the landlords. It is a very reasonable proposal that my hon. Friend from Coimbatore is making that we should take into account the state of things after the passing of this Act. Let us recognize the tenants that are there. In the majority of cases, in 99 per cent of cases they are all old tenants, and once we recognize their status as it stands and give them permanent tenancy, we shall be doing a great justice to them. At present, we are not concerned with the tenants that may come in the future, and by any calculation we cannot do anything now with regard to them. Probably legislation will have to be brought in for dealing with their case later on. We are bound to consider the status quo and to settle it in a reasonable way as was done in Bombay. There, we have a class of people, called *Khats* just like our zamindars or jaunmis, and in their case after a great deal of agitation and discussion extending over 50 years, an Act was passed in 1881 called the Settlement Act, by which the Government recognized the existing state of things and settled them without affecting those who might come in after the passing of the Act. Thus a serious agrarian trouble was settled by the Bombay Legislature, and I think we should take a similar step in this case. We shall deal with the old tenants by giving them permanent occupancy, and as for the future tenants we shall have a legislation dealing with their special conditions and settle them in an equitable manner. I should warn this House, the hon. the Mover of this Bill and the representatives from the several districts, and the

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Justice Party who have supported this measure throughout against excessive zeal. (Laughter.) I have a shrewd suspicion that there is something wrong in that, something wrong in the over-zealous support that has been given by the party to the hon. the Mover. This excessive zeal is very significant, and I warn my hon. Friend against being led away by the majority he gets for his support. I am sure in a matter like this the majority is not the criterion. My hon. Friend Mr. Krishnan Nayar has seen how in the Select Committee stage excessive zeal has led the Members to make changes of a sweeping character at which Malabar was shocked and astonished. (Laughter.) And now my hon. Friend agrees to make more sweeping changes. Till this morning or till yesterday I was under the impression that Mr. Raman Menon's amendment No. 78 was a final one, and I find to my astonishment that he has not moved it."

* Diwan Bahadur M. KRISHNAN NAYAR:—"May I inform him, Sir, that Mr. Raman Menon has not given it up? In view of the similar amendments to be moved by other gentlemen, he does not want to move it now."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I do not know whether there is any amendment on the paper similar to his."

* Mr. J. A. SALDANHA:—"I will not repeat all the arguments already urged. I think the House will see the advantage of adopting a sort of compromise. In the interests of the tenants, I would appeal to the House to take a moderate view. In justice to them, as well as in justice to the tenants, and without jeopardising the cause of this Bill, let us not make sweeping changes for fear of Government taking a firm stand and rejecting it. I, therefore, appeal to this House to accept this reasonable amendment of my hon. Friend from Coimbatore."

(The hon. Mr. Moir rose to speak.)

Diwan Bahadur M. KRISHNAN NAYAR:—"I am surprised at the hon. the Finance Member rising to speak, after the hon. the Law Member has stated that the Government will not intervene in the further debate on this clause."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"The Government do not propose to intervene in the voting, but if my hon. Friend (*referring to the hon. the Finance Member*) wants to make a speech, I am not going to prescribe to him a self-denying ordinance."

* The hon. Mr. T. E. MOIR:—"I am sorry that the remarks which I intend to make should have caused anticipatory perturbation to the hon. the Mover of the Bill."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I was not at all perturbed, Sir."

* The hon. Mr. T. E. MOIR:—"Sir, I only wish that once again the attitude of the Government should be made clear to the House. When my Friend, Mr. T. A. Ramalingam Chettiyar, got up to speak, it seemed to me that he simply repeated the arguments which have already been put forward by my hon. Colleague and others on behalf of the Government and I said to myself, 'A Daniel come to judgment'. I then listened to the hon. Member, Mr. A. S. Krishna Rao, and I said to myself, 'Another Daniel come to

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judgment'. I then listened to Mr. Venkataramana Ayyangar and I said to myself 'Yet another Daniel come to judgment'. Then my Friend Mr. Saldanha spoke, and here was yet another Daniel; until I became apprehensive that if this process went on we should find before long that the Daniels outnumbered the lions. In the recent division the number was 23 as against 22. Perhaps as a result of this process of conversion which is going on, at the next division the Daniels will number 23 and the lions 22. I think I am perfectly justified in saying that every Member who spoke on this amendment has been a supporter of the attitude taken up by the Government. (Hear, hear.) I do not propose to go over all the arguments, but let me mention one. Mr. Venkataramana Ayyangar referred to the effect that this clause might have on those whom it is intended to benefit. He pointed out to the House what would actually happen . . ."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I said clearly that if the Bill as worded was passed, then it would be against the janmis; otherwise it would be in the interests of the tenants of Malabar."

* The hon. Mr. T. E. MOIR:—"There is no use in the hon. Member trying to get away from the effect of his statement. The argument is exactly the same, only he put it in a form more effective than I myself am capable of. Turning to Mr. Saldanha, his argument seemed most astonishing to me in view of his previous attitude to this Bill. He began to speak about the sanctity of contracts. The hon. Member from Coimbatore assumed a case, say next year, when a landlord and tenant enter into a contract that the tenant shall hold land for so many years at such and such a rent. In that case why, he asks, should we legislate to enable the tenant to repudiate the terms. What is the attitude of the Government? They are opposed to wiping out contracts that have been made. But when is the sanctity of contracts to begin? Is it to begin in 1926? The hon. Mr. Saldanha said that the country is against violent changes, and yet by accepting the clause under discussion he accepted the proposal that contracts made during the period from 1854 to 1926 should be wiped out by a stroke of the pen. Is that not a large change? Seventy years' contracts are to be wiped out and yet to the hon. Member from South Kanara it is nothing . . ."

* Mr. J. A. SALDANHA:—"On a matter of personal explanation. Past contracts, as I have held here, are contracts between the spider and the fly. So far as these are concerned, I am for defending the weaker side."

* The hon. Mr. T. E. MOIR:—"And yet one of the main arguments for this legislation is that you cannot alter the character of the janmi. And the hon. Member now tells us that from 1926 this spider would become an absolutely harmless and inoffensive creature with whom any one may safely enter into contracts, the sanctity of which is to be maintained. Well, I am exceedingly grateful to the hon. Members who have spoken on this amendment and sincerely trust that the process of conversion may continue, but these Daniels have come to judgment 24 hours too late. There are two points as regards the attitude of the Government which has been referred to by the hon. Member from Coimbatore—I pass over the suggestion that we are mere tools in the hands of the janmis."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I entirely repudiate it. I made no suggestion whatever. On the other hand, I said that the janmis

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probably have fallen in with the idea of Government for non-co-operation. I never said that the Government are in their hands."

* The hon. Mr. T. E. MOIR:—"I can only say that the hon. Member has not been as lucid in his use of words as he usually is. He has complained against the Government that we remained neutral in the recent division. Perfectly true. What effect the division has on the attitude of the hon. the Mover of the Bill I do not know. But let me say clearly that our attitude as regards the division arose from the position which has been clearly expressed by the hon. the Leader of the House. We regard the clause as a whole as absolutely and fundamentally bad. From our point of view, it cannot be mended. We are not interested in setting up a standard of some year whether 1926 or 1880 or any date you like to fix, on [the one side of which contracts shall retain their sanctity, on the other side of which they shall become scraps of paper. We do not consider that the Bill can be amended on these lines. If we had chosen to take such a course, it would have been perfectly open to us, if we thought that the amendment proposed was the lesser evil of the two, to use our voting strength in favour of it or to have voted with the hon. the Mover if in a particular case we thought that he had the better of the argument. But we should then have been raising false hopes in the House, we should have given the House the impression that we had receded from our attitude, and that we considered that this clause as a result of the amendments, which have been tabled against it, could be brought into conformity with our position. That is not the case, and I think the House will agree that that being so it would have been unfair to the House if we had used such small voting power as we possess, to get a temporary victory or advantage. We should have given a false impression that we have changed our minds and are prepared to accept amendments on clauses which we have already in our opinion declared to be fundamentally bad.

"We also heard a complaint—I forget whether from Mr. Venkataramana Ayyangar or Mr. Krishna Rao—that by the attitude of the Government the House was being led into useless discussion. Very well, Sir. We can accept no responsibility for that. May I point out how the position now stands? We have just had a division on an exceedingly important point. The question was whether all leases, irrespective of period or date, were to be regarded as permanent or whether they were to be so only if they had continued for a period of 12 years. That is no small matter. The House, by a majority of one (23 against 22) has carried and expressed its adherence to the former very important principle. We are not responsible for any situation to which that may have given rise. Our attitude is clear. I think it is not a question for us whether the House is going to be subjected to useless discussion. It is a question for the hon. the Mover of the Bill and his supporters to consider whether under any such circumstances we should proceed with the Bill."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"I am glad the hon. the Finance Member has joined the debate, whatever be the assertion about non-co operation by the hon. the Law Member. Of course, Government has got its own special duty; it can watch the game or take part in the debate. The first point the hon. the Finance Member raised was that the voting on the previous amendment showed that the division in the House was very

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keen, from which he ought to have inferred that we are all sitting here not with any prejudices (hear, hear) or set-up views. We are all here with open mind. Most of the Members are not well acquainted with the tenures in Malabar. We do realize our responsibility. We have taken the greatest possible pains to study the literature and we are always willing to hold the scales even between the janmi and the tenant; we are trying to discharge our duty to the best of our abilities. When that is the state of things, that Government should come forward and say 'we sit here and we do not take part hereafter in the debate on clause 6' is a very extraordinary position to take, and I do not think that that attitude should be continued by the Government."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I am afraid, Sir, that my statement has been misunderstood. What I said and I wish to repeat is that the Government are so convinced that it is not possible to amend clause 6 in order to produce the result which the Government could accept, and therefore they do not think that they should waste the time of the House by participating in the division. To that I adhere. That is all I said. It is not on any other clause that I spoke."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Once the Government took this attitude that the clause could not be improved, they did not want to co-operate with the House. That was, indeed, the position the hon. the Law Member took. When the House took a different view, he would, however, put forward his amendments in order to present the Government view.

"Then what has the hon. the Law Member done with regard to this clause? It is really, I may be permitted to say, an obstructionist tactics that he has adopted. He said 'Omit the clause'. Is this the attitude which we should expect from the Government? By the time the hon. the Law Member tabled this amendment there were already amendments from the representatives of the janmis themselves. Mr. Prabhakaran Tampan had sent his amendments long ago even in the month of January or February. He has stated in his amendment regarding this clause that it shall be given effect to in the case of kanamdars and kuzhikanamdars. He said further that this clause should be subject to the provision of this Act, whereby he meant that regarding the control of raising the rent there should be some provision. This is the clear intention of the representative of the janmi. The Government have got that view of the janmi before them. The view of the tenants is already before the Government and, during the debate, the views of the Members of the Committee were presented to the Government. The hon. the Law Member cannot, therefore, for a moment deny that every Member of the Committee did his best to present his aspect of the matter. He ought to have taken all those views and presented an amendment to this clause which is clearly acceptable to the Government. Instead of that, what is the attitude he has taken? He simply says: 'Cut out this clause.' How is it possible for any section of this House including the representatives of the janmis to vote with him? What was the attitude of Mr. Prabhakaran Tampan when that amendment of the hon. the Law Member was put to the House? If I remember right, he remained neutral. He did not vote with the Government and that speaks volumes. The Government have taken a very extraordinary view, perhaps depending upon their own responsibility, God alone knows to whom. It is easy for the Government to say: 'we

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have no responsibility to the country; we have no responsibility to the people; we are responsible to the Parliament and to His Majesty's Government.' That is the attitude of the Government and yet they blame us and say that we are not sitting here with equal notions of responsibility. I hope the Government will correct their views of responsibility when they come to this House. When they come here they will have to explain to us and convince us of the reasonableness of their views. They should not say that in the exercise of their responsibility they were going to veto the Bill whatever attitude this House took.

"Now, on the merits of this Bill what is the attitude of the Government? They say, later on, that the rent which the verumpattam tenant has to pay is two-thirds of the net produce. What is to become of the theories of compensation when they put forward that proposition? (Diwan Bahadur M. Krishnan Nayar: 'Hear, hear.') When we fix a rent that rent is to be paid to the janmi. Where is the difference between the two? Government said already that it should be two-thirds. Let them calculate by their theories of compensation."

* The hon. the PRESIDENT:—"I am afraid the hon. Member is speaking of the general attitude of the Government to the Bill. We are now discussing a particular amendment."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Therefore even that theory of compensation is quite inconsistent with the view they have taken in fixing the assessment or rent payable by the verumpattamdar to the janmi."

"Now; the argument of the hon. Member for Coimbatore was that Mr. Prabhakaran Tampan had an amendment standing in his name. But if he carefully reads that amendment, he will clearly see that Mr. Tampan does not want to restrict the vesting of occupancy rights only to the existing cultivating tenants; he says that even in the case of cultivating ryots that are to come into existence hereafter they also shall have occupancy rights. Mr. Venkataramana Ayyangar says that with regard to waste lands if we allow the acquisition of occupancy rights, such lands will be allowed to lie waste by the janmis, and that the janmis will not grant them to the cultivating tenants for cultivation. I may tell Mr. Venkataramana Ayyangar that it is only an imaginary fear. The Estates Land Act was passed in the year 1910 and since then, large areas of waste lands have been leased out by the zamindars and vested with occupancy rights the moment the lease-deed was executed. Therefore such a fear need not be entertained even in regard to Malabar."

"His theory is that regarding contracts that are already entered into, there need not be freedom of contract. We shall give rights of occupancy, but regarding the contracts that are to be entered into hereafter we should not interfere with the freedom of contract. I am not able to understand that peculiar theory of curtailing freedom of contract. Any legislature should respect contracts entered into, but only it should have a right to control contracts to be entered into in future. Therefore I cannot agree with him in his view of control over the freedom of contract."

"The hon. the Finance Member asked: 'Are we to do away with the sanctity of contracts?' I may tell him that previous to the year 1905 the

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High Courts have consistently laid down that in the case of estate lands where there is a stipulation in the Kaddappis executed by the tenants to relinquish the lands at the end of a year, ejectments are allowed; but the sanctity of contract was for the first time interfered with by the Government on public grounds in the year 1905. Therefore I may safely tell him that as interference with the sanctity of contracts was begun by the Government in the year 1905, I do not see any reason why they should again bring forward the theory of sanctity of contract when it affects the janmis."

* The hon. Mr. T. E. MOIR:—"May I say, Sir, that the Government do not accept the two cases as being *in pari materie*?"

Rao Bahadur C. V. S. NARASIMHA RAJU:—"I am not mentioning it either on the merits of the janmi or of the zamindar. We have disposed of that question. Here we are concerned with the interference with the contracts entered into. It is for the first time that we are going to interfere with the sanctity of contracts in this legislature. My submission is that interference by the State in the interests of the public began in the year 1905 and therefore this Government shall not have any difficulty in doing so again. Hon. Members of the House are viewing this problem with a most disinterested attitude and with a highly conscientious sense of duty, and if the Government brings forward reasonable amendments, the House would set at rest this controversy between the janmi and the tenant once for all. Instead of that, if the Government resorts to the extraordinary powers, I think they will stand condemned in the eyes of the public."

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I was somewhat painfully surprised by the nature and the manner of the speech of my hon. Friend from Coimbatore. I am not one of those who will simply vote for the Bill as it has emerged from the Select Committee. I am prepared to make concessions wherever they seem to be reasonable. The hon. Mover will perhaps say that he is not prepared to support the Select Committee's findings in its entirety. But it seems to me that in his over-anxiety to rush this Bill through or in his dread of a coming certification, he for once forgot the party to which he belonged and comes and asks the House to make any amendment that we can, so that that catastrophe may not happen."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I may say that the party has nothing to do with this. In so far as this is concerned, this is the very point that I raised in my presidential address in Ponnani several months ago."

Mr. A. RAMASWAMI MUDALIYAR:—"I do not know what point my hon. Friend refers to. The point I make is that it is Mr. Venkataramana Ayyangar of all people that has chosen to threaten this House with possible certification. We must refuse to contemplate such a contingency so long as we are discussing Bills of this nature. I do not think, speaking either on behalf of the janmi or on behalf of the tenants, that this House need think that the stage of certification is at all possible or inevitable."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"May I know from the hon. Member what he means by certification in connection with this Bill?"

* Mr. S. MUTTAYYA MUDALIYAR:—"Probably the hon. Member means veto."

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Mr. A. RAMASWAMI MUDALIYAR :—"I am very glad that the learned Advocate-General with his overburdened knowledge of law has corrected me. For my part, I am extremely ill-informed and I do not know the difference between certification and veto. At least the hon. the Advocate-General thinks so."

"What I was saying is just this. Let us not contemplate the possibility of veto and let us not make amendments simply for the sake of making amendments. Let us not think that some vested right is going to be safeguarded by an amendment. What does Mr. Venkataramana Ayyangar suggest? The janmis are the proper persons to look after their own interests. My hon. Friend Mr. B. Muniswami Nayudu has already told the House that the only class of tenants who will be affected by the 12 years provision will be the verumpattamdars. Similarly, I venture to think that the only class of people that will be affected by this amendment being carried will be the verumpattamdars. There will not be any case of kanams or kuzhikanams being affected after the passing of this Act."

* Mr. S. MUTTAYYA MUDALIYAR :—"May I know why?"

Mr. A. RAMASWAMI MUDALIYAR :—"For the simple reason that no janmi will give a kanam after the passing of this Act."

* Mr. S. MUTTAYYA MUDALIYAR :—"Will he give a verumpattam?"

Mr. A. RAMASWAMI MUDALIYAR :—"It is much more favourable to the janmi. He will give that with great facility especially in view of the proviso that we are making with reference to the verumpattamdars. That is actually going to be the case. What is the attitude of janmis with reference to this? Are they going to give occupancy rights after the passing of this Act? So much reference has been made to the many amendments of Mr. Prabhakaran Tampan. Of course, he is in the curious position of a representative of the janmis. But let him read the amendments given notice of by the hon. Member who has been returned by the rural constituency of Malabar and who has got as much interest in this Bill as any janmi or any arch-leader of janmis. Mr. Madhava Raja says:

'A cultivating verumpattam tenant who is in possession under a lease made before or after the date of the passing of this Act, shall have a permanent right of occupancy in his holding and shall not be evicted therefrom except as provided in this Act.'

Now, I ask, is Mr. Venkataramana Ayyangar a better judge of the interests of the janmis than either of these two gentlemen?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I never represented the interests of the janmis."

Mr. A. RAMASWAMI MUDALIYAR :—"That is exactly my complaint. Then why rush in where janmis fear to tread? Mr. Venkataramana Ayyangar says that the interests of the janmis will be safeguarded by the power of veto on the part of the Government. I emphatically deny it. And on this question of veto I may say that the Government even if they are anxious to preserve the rights of the janmis will think over this position again before they address themselves to this question of veto."

"Because, after all what does it come to? If this specific Bill is vetoed, legislation like this cannot be put off for ever. In matters pertaining to agrarian legislation the greater the delay, the greater the danger from the point of view of both the tenants and the landlords. I am sure the Government who have an eye to the next Council will not act so easily in the manner

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pointed out by the hon. Member Mr. Venkataramana Ayyangar. This amendment is not intended in the interests of the janmis and they should vote against it. Let us not be stampeded into accepting amendments all and sundry merely because of the possibility of a veto. We know what amendments to accept and what interests to safeguard. I refuse to give my assent to the amendment."

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

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, before I proceed to reply to the various criticisms that have been made both in favour of and against the amendment, I may at once say that I am not going to support the amendment. In addition to what my hon. Friend Mr. Ramaswami Mudaliyar has said, let me point out that my friend Mr. Madhava Raja and Mr. Prabhakaran Tampan, the elected representative of the janmis have in the amendments tabled by them expressly stated that they are in favour of granting occupancy rights to tenants coming into possession after the date of the passing of the Act. The hon. Member Mr. Madhava Raja concedes occupancy rights to a cultivating tenant who is in possession under a lease made *before or after the date of the passing of the Act*. With reference to this, a great deal of argument has been put forward, particularly by my hon. Friend Mr. Moir based on the principle of the freedom of contract. He enlarged upon the sacredness of the freedom of contract. Can it be that my friend has not read the various Acts conferring occupancy rights upon tenants? In every Act dealing with the tenants, in the Bengal Tenancy Act, in the Punjab Act and in the Agra Act, in the Estates Land Act, in the two Regulations of Cochin and Travancore, there are express provisions taking away the freedom of contract. What is tenancy legislation which gives fixity of tenure to any class of persons, if it does not take away the freedom of contract? Let me not hear more of this freedom of contract. Sir Courtenay Ilbert. . . ."

* The hon. Mr. T. E. MOIR :—"I think, Sir, the hon. Member has mistaken my argument. I was only referring to the contracts made before the date of the passing of the Act."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, my hon. Friend is always very careful in the choice of his words; but may I tell him whether he is careful or otherwise in the choice of his words, that the interpretation that others like myself would put upon them will be only the ordinary interpretation of an ordinary listener. I listened to my hon. Friend very carefully and in spite of his personal explanation, even now what I understand him to have said is, "do not interfere with contracts." Sir Courtenay Ilbert, that great man to whom India is much indebted, when he introduced the Bengal Tenancy Bill in 1885 in the Council of the Viceroy, expressly referred to the same arguments which were advanced on the opposite side based on the freedom of contract. He uttered words to this effect; I am not quoting him exactly; I have not got a copy of his speech with me. He said that freedom of contract meant the freedom of the strong to oppress the weak, the freedom of the man with the long purse to oppress the poor man."

"That is what Mr. Logan also says. Let me not hear any more about the freedom of contract when we are dealing with tenancy legislation. My hon. Friend wound up his speech with an advice to me that I might do well,

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not to proceed with the Bill after the result of the vote on the last section, 23 against 22. He asked me whether after this, it would not be wise on my part not to proceed with the Bill. I have known Mr. Moir for some years. I have great respect for his views, except of course his views on the Tenancy Bill. I have great regard for his advice. He is a wise man, and his advice would be of great help. May I tell him that in spite of my respect and regard for him I am not going to accept his advice, his advice on any matter with reference to this Bill? Having regard to the attitude which he assumed on his own behalf and on behalf of his colleagues on the Reserved half, I am not going, whatever the result may be, to accept his advice. I have absolute confidence in the collective wisdom of my colleagues. If the result of that wisdom goes against me, I am content to bow. If I believe that something favourable to the tenants, though not everything I want, will be the result of the discussions of the House I am prepared to accept it. I am not going to take the advice of my very respected friend. Then my friend, Mr. C. V. Venkataramana Ayyangar stated that in the conference over which he presided—I am very thankful to him for having come to Pattambi to preside over the conference—a resolution was passed to the effect that I should make the passage of the Bill as smooth as possible. I was empowered to effect all kinds of compromises. That resolution, which he himself was good enough to give me, I am going to accept. I am prepared to go to the extreme limit possible to render the passage of the Bill easy and smooth not only here but elsewhere.

“In this connection may I expressly say one word with reference to which we have been hearing a great deal impliedly yesterday and the day before and expressly and openly to-day? My hon. friend Mr. Venkataramana Ayyangar referred to it; my hon. friend Mr. Ramasami Mudaliyar referred to it. I do not remember whether any other hon. Members referred to it. In the first place may I say with all respect and in all humility that I have implicit confidence in the wisdom and statesmanship of His Excellency the Governor? I firmly believe that if this Bill emerges as the final result of the deliberations of this Council in some form favourable to the tenants and if the Bill goes to His Excellency the Governor, I feel confident that His Excellency will give his assent. May I say another word to the hon. Members of the Government, leaving alone the person of His Excellency? It is left entirely to the hon. the Government Member in charge of the Bill individually and to his hon. Colleagues collectively to advise His Excellency in whatever way they please with reference to vetoing this measure. May I tell them in all humility that, if the advice is going to be in that direction, it is not going to solve the difficulty. They will be creating more trouble not only for themselves and their successors but also for the people of Malabar, by shutting their eyes to the problem and by postponing its solution. As a matter of fact the problem has already become very difficult on account of the policy the Government have been pursuing for the last fifty years. As Sir Charles Innes has specifically stated in his report, there is no difference between the history of the tenancy legislation in Malabar and the tenancy legislation in other parts of the Presidency and of India generally. The difference lies not in the complexity of the problem but in its treatment. The Madras Government for the last fifty years, in spite of Commissions and Committees they have appointed one after another, have been allowing their policy to drift; they have no policy; they are moving as a ship without

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a rudder. That is the reason why all these difficulties have accumulated and become so very acute. May I tell them that if any such advice is given—I say in all humility that it will be an ill-advice—they will be doing an injustice? After the result of the deliberations in the Council, probably they may not give that advice to His Excellency the Governor. If they give that advice and if it ultimately prevails—which I do not believe—they would not be discharging their responsibility, of which the hon. Member Mr. Moir spoke yesterday, which is vested in them; they would not be discharging their duty to the citizens and the country. Ultimately, even if the advice is given, when it comes to that, His Excellency may not exercise his power of veto.

“If this amendment is not accepted, hereafter no person will get verumpattam tenancy. That was the argument which was urged when the Estates Land Act was passed. I was in the Council when that Bill was passed. I hear now a great deal of that argument. When you want to decide upon the fixity of tenure, do not attach any value to that argument. With these words I oppose the amendment.”

*MR. C. V. VENKATARAMANA AYYANGAR :—“I am sorry to oppose the arguments of both the sides of the front table. So far as the fixity of tenure is concerned and so far as the contracts that have been in existence till the date of the passing of the Act are concerned, it is enough for me to say that there has been this agitation for the grant of some kind of permanent tenancy. Whatever contract has been executed till now, it has been under the impression that the law might be changed giving the tenants the right of permanent occupancy. Therefore the arguments that have been adduced till now cannot apply to the contracts that have to be entered into after some Act is enacted on this matter and after the question is practically once for all decided. I would submit that so far as future contracts are concerned, there is nothing wrong in giving full liberty to all the parties of the contract. I was surprised to see my hon. friend, Mr. Ramaswami Mudaliyar, who generally takes care to understand speeches made, before he attacks anybody and the hon. Mr. Krishnan Nayar, speaking as if I was supporting the janmis and they were quoting some of the janmis against my arguments. Probably they did not hear me or they did not care to remember what I said. I said that in the interest of the tenants themselves I was moving this amendment. I clearly stated that if this amendment was not passed, the position of people who were not tenants now and who might become tenants hereafter might become more difficult. The janmis are all right. Some janmis told me that so far as future contracts were concerned they would have only one class of tenants; they would have only farm-workers. The farms will be given for cultivation on a system of farm cultivation. The janmis will be creating a new kind of farm service. That is the position they are taking. I do not know whether they will be able to get all but to a large extent they will get what they want. It will be a question for the poor people to get more lands for cultivation except on the condition of being farm servants. The hon. Mr. Narasimha Raju's mind is full of the provisions of the Estates Land Act. He says that everything that applied to the Estates Land Act applies to this Bill also; he says nothing else. Even under the Estates Land Act, the land may be reclaimed. Supposing there is a waste land, the landholder may make the land fit for cultivation.

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and give it for lease and not for permanent occupancy. The wording of this section is practically the same as the provision of the Estates Land Act. The land which is to day uncultivated may be brought under cultivation and may be leased out to the tenants. We cannot do so in this case. (Voices:—No.) There is no use of saying 'no'. I believe I am correct. (Laughter.) I believe a land which is reclaimed may be given for cultivation. There is also the other fact. The private land of a zamindar can be leased out for a particular period. All that cannot be done by the janmis if this Bill is passed."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"Section 10 of this Bill provides for this purpose."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Subject to the various qualifications mentioned in section 10. We are not however now dealing with clause 10. We do not know what will become of that clause. If the Bill is passed without any change in clause 6 it will mean that no janmi can hereafter lease out any of his lands, unless it is under a farm system. The result will be very dangerous from the point of view of the tenants. Of course, the present tenants and kanamdars may not care what will happen to the future tenants. It is a well known fact that it will be difficult afterwards to modify this provision. The hon. Member, Mr. Krishnan Nayar, said that he was going to accept many amendments that might be favourable from the janmis' point of view. I am always for compromise. There is no use ignoring facts. It has been made very clear to-day by the hon. the Finance Member's speech that this Bill is going to be vetoed."

* The hon. the PRESIDENT:—"So many references have been made to this Bill being vetoed that I think it is high time to intervene and remind hon. Members that the 'veto' is the prerogative of His Excellency the Governor and we are prohibited by the Standing Orders and the Rules from referring to the conduct of His Excellency the Governor. The hon. Member Mr. Krishnan Nayar has set the example which may be followed by other hon. Members. The Council may refer to the advice that may be tendered by the Local Government to His Excellency the Governor. I hope I shall have heard the last word of the veto."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I thank you, Sir, I shall take up your advice. I think the Government Members have made it clear what their advice will be in this matter to see that this Bill does not become an Act. I say that such an action will be wrong. I believe in sacrifices; I am always for sacrifice if we can pass a Bill which is satisfactory from the janmis' and tenants' point of view. If the provision in the Bill is confined to past contracts, we will wait, give a trial to the provision and see how it works. Then there will be time enough for making provision as regards future contracts. After all this Bill cannot become a permanent one for ever. I appeal to the House from every point of view in the interest of the tenants, in the interest of the janmis also and in the interest of all those people who own no lands at all at present, that this amendment may be carried."

The amendment was put and lost.

Mr. K. P. RAMAN MENON:—"Sir, I do not propose to move any amendment No. 93 now. The necessity for moving it would arise only if another amendment is carried. I do not move it at this stage; I shall postpone it."

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Mr. D. MANJAYYA HEGGADE:—"Sir, I beg leave to move the amendment standing in the name of my hon. Friend Mr. Raghuchandra Ballal."

* Diwan Bahadur M. KRISHNAN NAYAR:—"May I rise to a point of order? Of course it is left to your consent and to the consent of this House to allow any hon. Member of this House to move an amendment that stands in another hon. Member's name. I have never objected to such a procedure and I shall not object to it in future; I am for allowing that practice. But when the hon. Member who has given notice of the amendment is present in the House I ask you to give your ruling whether any other hon. Member is at liberty to move it. I am indifferent about the matter now before us. My hon. Friend Mr. Raghuchandra Ballal is sitting here; he may speak in Kanarese. Perhaps he does not want to do so because it will not be understood by many hon. Members of this House."

* The hon. the PRESIDENT:—"The hon. Member perhaps does not want to place the Council at a disadvantage."

Mr. D. MANJAYYA HEGGADE:—"Sir, I beg to move that the following proviso be added at the end of the clause:

'provided the janmi is paid a premium equal to thirty years michavaram or rent.'

"The rights of the janmis have been taken away by clause 6, and no compensation is provided for. In order to provide some sort of compensation, this amendment is moved. In order to do justice to the janmis, I request that this amendment be accepted."

Mr. K. RAGHUCHANDRA BALLAL seconded the amendment.

* Mr. K. PRABHAKARAN TAMPAN:—"May I move an amendment with your permission and the permission of the House? If necessary, I shall explain the object of my amendment."

"This is an amendment to the amendment under discussion. The question of compensation has now been placed before the House. . . . (A voice: 'May I know what the amendment is?'). The terms of the amendment are: 'Provided the janmi shall be paid a reasonable compensation to be fixed by a court of law'. It is a modification of the amendment; because in the main amendment it is said that the premium to be paid should be equal to 30 years' michavaram or rent. Sir, michavaram is only a nominal rent and will hardly be any compensation at all; whereas rent is the full letting value that could be got from a piece of land. So, the verumpattam tenant will have to pay thirty times the full rent of the land, whereas a kanam tenant will pay only a nominal value of 30 times the michavaram for getting occupancy right. In the former case, the rate is ridiculously high."

* The hon. the PRESIDENT:—"Before the hon. Member proceeds with his arguments, may I ask him how the proviso will read as a result of his amendment?"

* Mr. K. PRABHAKARAN TAMPAN:—"The proviso will read 'Provided the janmi shall be paid a reasonable compensation to be fixed by a court of law', i.e., such premium as the court may fix according to the circumstances of the case. If the House will permit me, I shall move the amendment."

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* Diwan Bahadur M. KRISHNAN NAYAR :—" I very, very strongly object to it, Sir. I do so for the reason that in the first place his amendment is not an amendment to Mr. Raghuchandra Ballal's amendment. It is a new amendment altogether. What he says is, instead of the amendment of Mr. Raghuchandra Ballal that ' Provided the janmi is paid a premium equal to thirty years' michavaram or rent ', another amendment, namely ' Provided the janmi shall be paid reasonable compensation to be fixed by a court of law ' should be substituted. That is a completely new amendment, and not an amendment to Mr. Ballal's amendment. If my hon. friend wanted to move an amendment on this question of compensation with reference to this clause, he had ample opportunities for doing so. As a matter of fact, as my friend here and my friend there have repeatedly said and quite legitimately said, yesterday and on Saturday last, they raised this question of compensation even when the Bill was introduced, i.e., on the 20th August 1924, and we have been hearing a great deal about this compensation subsequently in the Select Committee and even afterwards after the Bill emerged from the Select Committee. The Select Committee's report was over on the 30th November 1925. We had ample opportunities for sending in amendments to your office, Sir, and my friend took very great advantage of that as my friends and myself did, in regard to sending notices. And the Standing Orders and Rules require that amendments should be sent in ten days before the meeting. My friend never thought of sending his amendment till the last moment, and in a matter of vital importance, when he now finds that another Member of the House has given notice of an amendment, he thinks that that amendment is unsatisfactory and wants to introduce, in the guise of an amendment to that amendment, a completely new amendment. There is absolutely no warrant for that amendment. I very strongly object to this, Sir."

* The hon. the PRESIDENT :—" I am afraid it is a new amendment, and it is not an amendment to Mr. Raghuchandra Ballal's amendment. So we shall first dispose of Mr. Raghuchandra Ballal's amendment."

* Mr. K. PRABHAKARAN TAMPAN :—" I have no objection, Sir, to the word ' premium ' being retained there if the word ' compensation ' is objected to."

* The hon. the PRESIDENT :—" It is a new amendment altogether."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, it has been said on behalf of the Government that the question of compensation is a stumbling block in the way of their accepting clause 6 as it is. We have now to examine what this compensation means and then how it is to be granted. According to the theory put forth by the Government, they are willing to fix the maximum rent demandable by a janmi to be two-thirds the net income of the holding. That means that Government is willing to put the maximum leviable rent. When this is the case, what shall be the loss which the janmi sustains according to the present conditions. There may be cases where at present a janmi is levying less than this two-thirds maximum. In all those cases, if the Government amendment is carried, there may not be any difficulty, and in cases where they are realising at present more than the two-thirds net income according to the Statute, the levy would become illegal when this Bill becomes law. Therefore, the janmi cannot get any compensation for that. I am not able to understand how in

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this case when we take it at the maximum rent leviable by the janmi, there can be any question of compensation. Now, the prospective income which the janmi is to get over and above the existing income he gets is the real basis for valuing the compensation awardable to him. When a stop is proposed to be put by the Government, then the question of prospective increase in the income does not arise. As long as the rents are money rents, there is the question of increased values of the produce and increased rents; but I understand in Malabar most of the rents are in the form of payment in kind. Therefore, the increase in the price of produce does not have much bearing on the increase of the value. That is another difficulty which I am myself feeling. Apart from all these considerations, what shall be the basis for calculating the compensation that is to be awarded to the janmi? We have to take into consideration the present janmam value, and out of that we have to deduct the value of the improvements which the tenant is entitled to under the Tenants Improvement Act, and the difference will be the real value which the janmi has to get. But out of this real value, we have to make a further deduction, namely, twenty times or twenty-five times the verumpattam rent which he gets, because that is the capitalized value of the verumpattam rent, and after it is deducted from this, the margin of it is really the compensation amount that is payable. I do not think the janmi is entitled to get anything more than that. Will that be thirty times the michavaram? I do not understand that. Over and above the annual payment of the rent, if the janmi is to get thirty times the michavaram, I think it will be very heavy and bears no proportion to the calculation I have mentioned. My proposition is this. Under any circumstances, the janmi is not entitled to get more than the present value of the janmam *minus* the value of the improvements effected by the janmi *minus* twenty times or twenty-five times the verumpattam rent payable by him. That will be the real compensation payable. Of course, with no practical knowledge of the working of the system in Malabar myself, I will not be in a position to state what that figure will be; but even that figure, according to my humble opinion, will be nothing when we take into consideration the Government theory of fixing the maximum rent payable by the verumpattam tenant. Government are willing to say that in no case hereafter the cultivating tenant shall be subjected to more than two-thirds the net produce. When you are going to fix the maximum rent payable, I hope the Government amendment will be carried. In that case, the question of compensation will not arise at all, and therefore this amendment is to be rejected."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, in opposing this amendment, I should like to add only one word, on the merits, to the excellent arguments advanced by my hon. Friend just behind me. It is thirty times the michavaram or the verumpattam. My Friend Mr. Raghuchandra Ballal who has given notice of this amendment and my Friend Mr. Hegde who has moved it—I must say with all respect to them—they are thoroughly ignorant of the conditions prevailing in Malabar. Mr. Prabhakaran Tampau naturally saw at once the absurdity of this amendment, i.e., thirty times the michavaram and many times the janmam value"

* Mr. K. PRABHAKARAN TAMPAN :—" I did not say so. It is only with regard to the rent and verumpattams that I said so."

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* Diwan Bahadur M. KRISHNAN NAYAR :—"That is exactly what I say. Thirty times the rent. The rent applies to the verumpattam holding. Thirty times the rent is many times the value of the property. My Friend Mr. Prabhakaran Tampan saw it at once as many others did who come from Malabar. That is why my Friend wanted to make an amendment to the amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, this amendment contemplates to pay compensation to the janmi for the deprivation of his rights. There are two classes of tenants dealt with under it, one the verumpattamdar and the other the kanamdar. With regard to the verumpattamdar, I said when I sought the permission of the House to introduce my amendment to Mr. Raghuchandra Ballal's amendment that the rate was very high. That is my opinion; but with regard to the kanamdars, thirty times the michavaram is not a sufficient compensation. In the statement of typical kanams which I placed before this House, I have stated the michavaram on the land, the market value of the janmam land and the diminution in such market value, after the passing of this Act, etc. You will find from there that a land fetching"

* Diwan Bahadur M. KRISHNAN NAYAR :—"My Friend may certainly quote anything from his statements, but I object to his reading from a statement which is not"

* Mr. K. PRABHAKARAN TAMPAN :—"I have made it available to all members of the House. I shall refer to one case, item 12 in it. In the case of a land fetching a rent of 2,450 paras the michavaram is only 115 paras of paddy. The janmam value of the land as it obtains now is Rs. 56,0.0. After the passing of this Act, the value would be only Rs. 2,645. The compensation proposed at the rate of thirty times michavaram will be only Rs. 3,450 at the most. The land is capable of fetching 2,450 paras of paddy. It is hardly any compensation for the rights of the janmi. This is only one typical instance and there are thousands of kanams in my own family."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Is not that statement made with reference to the kanamdars? Or does it refer to verumpattam?"

* Mr. K. PRABHAKARAN TAMPAN :—"I have dropped all reference to verumpattamdars. It is only with reference to the kanamdars that I am speaking now."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I rise to a point of order, Sir. The discussion is with respect to the compensation payable to verumpattam holdings. We have not got before us"

* Mr. K. PRABHAKARAN TAMPAN :—"No, Sir. This clause applies not only to the verumpattamdars, but it applies to the kanamdars as well. One point which Mr. Narasimha Raju raised was that Government propose to fix the rent at two-thirds value. Who knows their amendment will be passed."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"It is only a reply intended for the Government with reference to their theory of compensation."

* Mr. K. PRABHAKARAN TAMPAN :—"What I am saying is that compensation has to be fixed with regard to all the bearings of the question. I do

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request the House that the question of compensation ought to be decided at this stage, and I am glad that an opportunity has been afforded to the House to discuss it in some form or other."

Diwan Bahadur T. R. RAMACHANDRA AYYAR :—"There is a splendid opportunity afforded to the Members of this Council to show that they intend to do justice between the janmis and the tenants. Although some of the members said that they did not understand the condition of Malabar, I find from the discussion that they have now fully understood the situation. If therefore they do injustice, it is not because they do not know the facts, but in spite of the facts. Now what is the position of the janmis. They were told that there was ancient history which says this way or that. Each party produces ancient history one way or the other. If there is one authority on one side there will be ten on the other and vice versa. Look at the real facts and understand the situation. So far as living memory goes the janmi is the absolute proprietor, the owner of the field. There is none who does not know it and does not act upon it. There is none in the world at all. Now take the kanamdar. His renewal is going on from the very beginning. The renewal goes on on the footing that the janmi is the proprietor and the kanamdar is a mortgagee. The kanamdar has his right only as the mortgagee and nothing more. Then we come to redemptions. The kanamdar is always treated as a mortgagee who has got a tenant and redemption takes place on that basis. When the janmi leases his land to a tenant he does it on the distinct understanding put in the clearest possible language that he is the proprietor and the other is a tenant as is understood in the whole of the Presidency. All these tracts are put on a different footing and tracts in the rest of the Presidency are put in a different footing. Why? Because we are ignorant of facts. Now there is such a thing as Improvements Act introduced by this Council so early as 1867. This is being worked for the last forty years and more. It is worked on the basis that the janmi is the proprietor and that the tenant is only a tenant and when improvements are made compensations are given by the janmi to the tenant, improvements being treated as the property of the tenant. After having paid the compensation and redeemed and evicted the tenant the land may be re-let to a kanamdar or a simple tenant. How does he get permanent rights? Here is a man who has paid compensation, in some cases lakhs of rupees. A suit was instituted in the Munsif's Court in North Malabar for a compensation of 50 or 60 thousand rupees. The Munsif's Court is invested with jurisdiction in such cases because they are treated as mortgages. It is the mortgage amount that fixes the jurisdiction. So that the kanam amount may be 50 rupees but the compensation may be a lakh of rupees. The moment he re-lets it, the original tenant must get the compensation. People are talking of justice. We know that the janmi is the owner but there are a number of tenants who have been on the land for a series of years. If a particular family has remained on the property for a number of years it does treat it as its own property. If in that case a permanent right is given, there will be some service done because that particular family is associated with the property. But such holdings are rare. Nor is there such a proposal. But the proposal is that the permanent right should be given to the man who came yesterday. The question of compensation is so obnoxious to all the members that they would not care to listen to it. Suppose the Government say 'fix a compensation', that will have the same fate and will be thrown .

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away. In that case, the attitude of the Government is perfectly reasonable. If they say, 'let compensation be fixed,' I think Government will be prepared to accept it. But nobody wants that. The moment anybody stands up for compensation Mr. Krishnan Nayar is up in arms. He is conscious that he has got a very large support."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am conscious of only the justice of the cause."

Diwan Bahadur T. R. RAMACHANDRA AYYAR:—"Yes, yes. The peculiarity is that everybody says that he stands for justice; when it comes to a question of vote we will find the truth. When we try to act, the difficulty arises. So long as we stop with speeches there is justice and fairness and all that. I think the proper test has not been applied at all. In the Select Committee the question arose, and I believe the Chairman it was who said, 'let us determine this question of giving compensation.' They said 'no'. We find that a number of prominent men are there. Their opinion commands a lot of respect here; so that I know if the question is raised in that form—fortunately in some form the question is now raised—we can see what the temper of the House is. Are they willing to give compensation? As regards the degree or amount of compensation there may be difference of opinion. That may be determined probably reasonably. We have not the least objection to that. But is anybody prepared to recognize that the janmi is a person who has got a right and should be respected? One thing which is not understood is this. There are the thousands of poor janmis with poor holdings (hear, hear). In their case the result will be simply disastrous. They will be simply ruined. But who are the persons who will be benefited? There are no doubt poor tenants. There are a large number of kanamdars who are far superior to many janmis. They are persons who are not even in possession. They simply buy lands. If you give permanent occupancy rights to them you will be making the rich richer and the poor poorer. That will be the principle involved. This situation has not been well understood. Then as regards the janmis it may be that some of them may be unreasonable but you are dealing with a class and not with individuals."

Mr. K. P. RAMAN MENON:—"The class is made up of individuals."

Diwan Bahadur T. R. RAMACHANDRA AYYAR:—"That, all know. A few individuals cannot make up a class. The janmis are a very large class, a respectable class, a permanent force in the country. Now in fact by passing the Bill you will be destroying the class. It will be the gravest disaster to them. Do you know in any history anywhere a civilized Government having deprived persons of their vested rights and property rights which have been enjoyed for a century without paying a pie of compensation? Take the case of Poolimana. Mr. Krishnama Achariar has a lot of experience in Cochin and as Secretary to Government has had splendid opportunities of knowing things. He said that that estate was worth 22 crores. But I think it is a great deal more. That is the position. If Poolimana is now worth 10 crores, the moment occupancy right is given he will be worth only 10 lakhs. That will be the nature of the change. Is it realized? Somebody said in the present state of the country Government ought to support a minority which was devoid of protection and it is only in that way that Government has taken its attitude. That is perfectly reasonable. They don't say further. They say, 'we are here to do justice'. It is not

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too late to say what compensation should be paid. If you think it unreasonable, you can ask the Government to alter it. Then if they refuse to consider your suggestion, you can condemn them, and till then, I find no disposition on the part of the majority of the members to deal with compensation. I think it is not fair."

Mr. K. P. RAMAN MENON:—"Much confusion has been brought in this discussion by importing the question of land purchase in granting a fixity of tenure. If you consider the Irish legislation, you will see that the Land Purchase Act was brought forward a long time after the previous Act was passed. Are we here concerned with any land purchase system that is advocated? We are here concerned with declaring the fixity of rights with regard to certain class of ryots. Do we deprive the janmi of any of his rights? His rights remain unaffected except the right of social oppression which certainly, I do not think, my hon. Friend would defend. What are his present rights? They are three. That is the right to demand his rent and to enhance it as he pleases—I will put it nakedly in that way—the right to receive renewal fee at the end of twelve years or otherwise as may be fixed at the time and thirdly, the right to resume."

Mr. A. RAMASWAMI MUDALIYAR:—"Iespy a stranger in the House, Sir."

(A visitor, who by mistake had taken his seat in the body of the hall, was made to retire and the discussion was then resumed.)

Mr. K. P. RAMAN MENON:—"Now these are three rights; the right to levy rent, the right to receive the renewal fee and the right to resume. With reference to the right to receive rent and to enhance it, I would like you to refer to the provisions of this section and succeeding sections and the amendments that are tabled before you. You will find that the right to receive rent up to a certain extent is conceded. The right is not an illusory right but a right that can take the major portion of the net produce of the land. When the Government amendment says that two-thirds can be taken by the janmi, it means that the whole outturn can be taken by the janmi. Where is that right taken away? Then, secondly, the right to receive the renewal fee has been suggested to be for ten years. Now it is a competitive rent. We want to standardize that. The amendments Nos. 168, 170, 177, 180, 258 and 29 are some of the amendments tabled for the purpose of restoring the right to the janmi of demanding renewal fees."

* Mr. K. PRABHAKARAN TAMPAN:—"May I ask whether the hon. Member is competent to refer in this manner to those amendments which are yet to come up for consideration? The House has not yet given its opinion on those things. How can he presume that these amendments will be passed?"

* The hon. the PRESIDENT:—"He is indulging in a legitimate hope that they will be passed."

Mr. K. P. RAMAN MENON:—"I say that the object of the persons who support the Bill is not to deprive anybody of anything. We want to standardize. We want to level up the mischievous janmi to the standard of the benevolent janmi. I will show how the amendments will work if some of them are passed."

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50 "Then, there is the question as to the right to resume. Is not the right to resume the holding conferred on or preserved to the janmi under the terms of the Bill itself? Now, look to the section of the Act. It is, I believe, clause 27 (b), and it will be seen from that clause that nothing can be more drastic than that. It says (page 92 of the Bill as printed with the Select Committee's Report):

"If a kanamdar or tenant fails to pay michavaram or rent for two years consecutively notwithstanding a demand made by a letter by registered post at any time after the first year's arrears have become due."

"Nothing can be more drastic than that. It presumes that if the tenant is in arrears for two years' rent, he can be turned out. There are other provisions also by which the landlord can resume the land if he wants to cultivate it himself, and of course there are so many other things, to which I need not refer now. This is the most drastic provision. This shows how the mind of the Council was exercised over this question of compensation. Now, are any rights actually taken away? There is the right to receive rent and to enhance it, and there is the right to receive renewal fee, and there is the right to resume. My hon. Friend Mr. Ramachandra Ayyar says it is confiscation, pure and simple. With great respect to the learned gentleman and with great respect to my hon. Friend Mr. Krishnama Achariyar, who was indulging in crores yesterday and saying that crores of rupees are being transferred from one hand to another, I ask, what are we attempting to do? It is not to transfer the land to somebody else, but to remove this engine of oppression, the right of eviction which the janmi has, which pays him to turn on the screw and which acts to the great detriment of the tenant class in Malabar. That this right of arbitrary eviction is a right which ought to be curbed is conceded by Government. I would ask you to look at the explanatory note put up by the Government in introducing the amendments tabled by them. At page 31 of these amendments, you will be pleased to find:

"The amendments are intended to give effect to the principles indicated in the statement of the hon. the Law Member on behalf of the Government at the February meeting of the Legislative Council, viz., the amelioration of the position of the cultivating tenant, the prevention of arbitrary evictions."

"And that is what we want to do. Arbitrary evictions can be prevented only by taking away the right from the janmi to enforce arbitrary eviction. How can you do it without conferring fixity of tenure? That cannot be done except by giving fixity of tenure under certain conditions, and that is all that the present Bill seeks to do. And where is the expropriation of janmi's rights, and what is the Government's proposal with reference to this checking of arbitrary evictions? With great respect to those amendments—certainly it arouses one's laughter when we consider the amendments that have been tabled on behalf of Government—let us see what they want to do, how they seek to check arbitrary evictions. They propose two things. One of them is in connexion with homesteads."

"The hon. the PRESIDENT:—"Is the hon. Member dealing with the question of compensation?"

Mr. K. P. RAMAN MENON:—"I am dealing with the question of compensation. I am showing that the measures formulated by Government are not sufficient, and therefore the question of compensation cannot arise. They do not afford protection to the tenant."

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* The hon. Sir C. P. RAMASWAMI AYYAR:—"We are not permitted to deal with the question of compensation just now."

* The hon. the PRESIDENT:—"The hon. Member says that Government amendments have nothing to do with the question of compensation."

Mr. K. P. RAMAN MENON:—"I am analysing the amendments which Government have tabled to show that Government itself think as a matter of fact that arbitrary evictions ought to be curbed and that compensation need not be given under certain circumstances. Therefore, I shall proceed to show that there are not sufficient safeguards to check arbitrary evictions. I think, as a matter of fact, they are not sufficient safeguards. Now we have to take into consideration what is the proposition made by the Government. If a proper case is made out, the land can be sold to the particular tenant who is sought to be evicted from the homestead."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I rise to a point of order. At the present moment we are discussing the question of a possible compensation to be brought within the scope of clause 6. The Government amendments which are tabled do not purport to deal with the question of compensation at all and have nothing integrally or essentially to do with the question of compensation in lieu of occupancy rights. These amendments may or may not be moved. Therefore, there is no question of dealing with those amendments until they arise for discussion."

Mr. K. P. RAMAN MENON:—"I shall not deal with the Government amendments at all. Because I do not know exactly where the Government stand in connexion with the amendments they have tabled. Anyhow, there is no question of compensation when the Government itself concedes that there is arbitrary eviction. At any rate, some protection should be given against arbitrary eviction, and they do not propose any compensation. Then, where does the question of compensation come in? If the Government thought in proposing their amendments for the purpose of checking arbitrary evictions some compensation should be awarded, why do not Government propose any compensation? Is it not proof positive that the Government itself think that this measure is not a confiscatory measure, and therefore they do not propose compensation. There is nothing tangible put forward by Government in the way of compensation. So far as this question is concerned, I appeal to you, Sir, that the attitude of Government itself shows that eviction is arbitrary. The question is where it is arbitrary and where it is not. It is difficult to say where eviction is arbitrary and how it works hardship for the tenant. Therefore, the only remedy that is possible is to take away that power, that power which is liable to be misused. If I may so put it, it is as it were an appendix to the human system of the janmi, cut it off, remove it, do not allow it to supervene the general constitution, and if you do it the janmi will not suffer from his malady, i.e., to turn out the tenants for nothing. If once arbitrary eviction is rampant, no one is protected. There is no question of compensation. I submit, Sir, this question of compensation has been purposely introduced into this question to cloud the real issue. What is the real issue? It is fixity of tenure to be granted to the tenant and not whether any particular caprice of the janmi is to be satisfied or not. I submit, therefore, that no question of compensation can arise at all on this section."

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Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I am unable to follow the arguments of my hon. Friend Mr. Raman Menon who suggests that this question of compensation has been brought forward by this amendment to cloud the real issue arising in this case. If there is anything which is prominently brought forward in the discussion of the principles of this Bill and of the Government amendments which were discussed at considerable length, it is the justice and the equity of providing for compensation for the right of occupancy conferred upon the tenants. Apart from the discussion which took place while dealing with the amendments, may I point out that a perusal of the various minutes of dissent appended to the majority report of the Select Committee shows that several members attach very great importance to the justice of providing for compensation when such rights are conferred? I shall just refer to the remarks of two or three hon. Members. In a joint minute, my hon. Friends Mr. P. T. Rajan and Mr. K. Sitarama Reddi say at page 19 of the Select Committee Report:

'To take away that right without any adequate compensation is neither fair nor just. If it is said that a fair rent would be a compensation, the question will arise what is fair rent and whether the existing rents are fair rents; we are by no means satisfied that the existing rent is a fair rent.'

"I find neither ancient history nor modern history makes any difference in that matter. I only try to show to this House that, in case where occupancy right is conferred, adequate compensation is found absolutely necessary, and it is considered to be just, as will also be seen from the observations of various other Members who have appended minutes of dissent to the report of the Select Committee. The question is what the amount is and how it should be determined. The objection that was taken in the remarks made by the hon. the Mover of the amendment and my hon. Friend from Vizagapatnam as to the particular method in which compensation is proposed to be awarded. Because, this amendment suggests a premium equal to thirty years' michavaram or rent. I was not able to follow my hon. Friend Mr. Raman Menon in pointing out reasons for denying any claim for compensation, and no arguments were advanced against it. They only objected to the specific mode suggested in this amendment, and suggested that it was not an adequate or proper means of granting compensation. Sir, it will be advantageous to split this amendment into two parts, if you think it is necessary; the first portion as to the premium that is to be paid and the second portion as to the amount equal to thirty years' michavaram or rent. If the House is agreed as to the desirability of paying compensation, then the further question will be whether the amount should be equal to thirty years' michavaram or rent, or not.

"Mr. Raman Menon, in speaking on this amendment, said that no rights have been deprived and there is provision for renewal fee as indicated in the amendment of which notice has been given. May I appeal to this House that in the discussion of this Bill or any other Bill we need not pay so much attention to the amendments of which notice is given? We do not know how those amendments will be disposed of and we have to take into consideration the report of the majority of the Select Committee, and what does it show? It shows clearly this: in paragraph 8, page 4, they say:

'We have decided that janmis are not entitled to renewal fees and have therefore deleted all the provisions in the Bill relating to the payment and enforcement by suits of such fees.'

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[Mr. A. S. Krishna Rao Pantulu]

"On the ground that certain hon. Members of this House have tabled amendments trying to bring in renewal fees, this House cannot, while dealing with this question, anticipate the decision, and vote against the question of compensation raised on this particular amendment. Again, I would ask this House not to draw any inference from the fact that certain hon. Members have given notice of certain amendments. We find that janmi representatives have given notice of certain amendments, and it cannot therefore be argued that they have expressed all the views they hold on this particular question. I think, Sir, various considerations arise in giving notice of amendments. But to draw an inference one way or the other from them as a necessary inference as to the intentions of the movers of those amendments as going in a particular direction is not correct. Again, it was pointed out by Mr. Raman Menon that because the Government have not in their amendments specifically referred to compensation an inference has to be drawn that they are against compensation. Any hon. Member of this House as also the Government may think fit to give notice of certain amendments they consider important or radical and not proceed further. Are we from that circumstance to jump to the conclusion that the other questions raised are questions regarding which they have given their approval? I think it is not correct to draw inferences in that manner. I therefore appeal to this House and ask them to consider this particular question as to the desirability or otherwise of giving compensation to janmis, and it is our duty to express our opinion regarding that point, and if the House expresses its approval as to the desirability of giving compensation to the landlord, then the other question as to the amount and the manner of giving compensation ought to be considered. With these remarks, I support the amendment."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"Much has been said about compensation being paid to landlords. The payment of thirty times the rent by a verumpattam tenant is too high. To accept this amendment would be to stultify ourselves. We have provided for compensation to the janmis in the various sections, and other safeguards are intended to be provided by the various amendments given by the several Members. If it is necessary to provide any further safeguards, the question may be taken up later. Both sides are interested that the janmis should not be deprived of their rights without compensation. So far as that position is concerned, may I point out that in clause 5 it has been specifically provided—

'Nothing in this Act shall apply to the janmam lands of janmis who own 10 acres or less of such lands under cultivation.'

and amendments are tabled for 30, 40 and even 100 acres being exempted? If all these amendments are carried, it will put the janmi in a very good position. So far as the janmi or the landlord is concerned, we are not to consider him merely as owning lands for the sake of owning lands. They are in the position of large owners of estates and they are the trustees for the people who are under them. They can cultivate the land if they want. If they do not, they can get others to cultivate as farm labourers or as tenants. If they cultivate through farm labourers, ample provision is made to safeguard their interest. Section 10 says:

'The provisions of section 6 shall not apply to lands which, being cultivated by a janmi on the date of the passing of this Act, may thereafter be let to a verumpattam tenant.'

"So that all lands actually under cultivation are outside the scope of

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for a period of 12 years, that land is taken out of the scope of this Bill. But if they should commit the mistake of letting in tenants after the passing of this Act, even then they have a right to take back the land, if it is intended bona fide for purposes of their own cultivation or for purposes of residence. That also is provided for in section 27. So that, so far as the janmi's right to own land or cultivate land is concerned, there is ample provision in the Bill. Then there is another provision that if the rent payable by a verumpattamdar is less than two-thirds, it shall be raised up to two-thirds. That what should be paid by a verumpattam tenant should not exceed two-thirds of the net produce is the position taken by the Government and there is an amendment given notice of by the hon. the Law Member to that effect.

"Then as regards the renewal fees. Before we consider as to what should be the compensation payable to a janmi for loss sustained, we must see what is provided in the clause either in the provisions already enacted in the Select Committee or in the provisions of the Bill. I think that the question of what compensation should be paid after all these safeguards are provided may be taken up after the whole Bill is gone through and we know exactly where we are. I feel that the amendment, as it is, is not one that can be accepted, and if it is not accepted it need not be considered that we are against the janmis. I think there should be a sort of understanding between the Mover of the Bill and the janmis. If the matter is approached in the right spirit, then we shall be able to arrive at a formula which will be satisfactory to both parties. Take the case of the Estates Land Act or the Bengal Tenancy Act where the occupancy right is valued at two and a half times the annual rent. To ask for twenty-five times the annual rent is really extraordinary. No one gets more than twenty times the net income. The object of the Mover of the amendment is that the tenant should pay thirty times the rent. I do not think that the Mover of this amendment ever intended such a result. I appeal to the Mover of this amendment not to press it now. So I formally move that this amendment be taken up after other clauses of the Bill are considered."

Mr. A. RAMASWAMI MUDALIYAR :—"I support it."

Mr. D. MANJAYYA HEGGADE :—"I agree to it."

The motion that the further consideration of Mr. Manjappa Hegde's amendment be postponed to a later stage was put and carried.

Rao Bahadur A. S. KRISHNA RAO PANTU :—"May I submit that before this motion is carried the amendments to clause 6 be taken up at a later stage if the House is willing?"

* Diwan Bahadur M. KRISHNAN NAYAR :—"I do not think that was the amendment of my Friends Mr. Muniswami Nayudu and Mr. Ramaswami Mudaliyar. I understood them to say, not with reference to this clause in particular, that the question of compensation may be considered at the end after the whole Bill is considered."

Mr. P. ANJANEYULU :—"If the amendment is not to be considered now, some of us who would vote one way or the other would be in an embarrassing situation. I therefore request that clause 6 may be deferred till the proviso is disposed of."

* The hon. the PRESIDENT :—"I think the House wants that the proviso should be postponed. So clause 6 will also have to be postponed."

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Clause 7 was then taken up.

Clause 7.

* The hon. Sir C. P. RAMASWAMI AYYAR :—"I move
'that clause 7 be omitted'."

"I do not propose to take up the time of the House very long over this motion. If, as has been abundantly manifested already, the view of the Government is that in the case of a cultivating kanamdar or kuzhikanamdar or other tenant who is in possession under a demise made before or after the date of the passing of the Act there should be no permanent right of occupancy, the case now sought to be dealt with, viz., that all non-cultivating kanamdar or kuzhikanamdar under demises executed before the passing of this Act is an *a fortiori* case. Added to that, there have been no equities shown or demonstrated in favour of the non-cultivating kanamdar or kuzhikanam tenant. Such non-cultivating kanam tenures may be open or obnoxious to the arguments which have been very forcibly advanced at various stages in respect of the absentee landlord. Perhaps it may be said and said with some force that in most cases the janmi is not the absentee but the non-cultivating kanamdar would be the absentee. I do not desire to stress this point further, and if it be difficult for the Government, practically impossible for the Government to accept clause 6 in the guise in which it has emerged from the Select Committee, it will be hundred times more difficult for Government to accept this clause."

* The hon. Mr. T. E. MOIR :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, section 6 has been discussed at length and voting on it has been postponed subject of course to the consideration of the substance of the proviso that related to the grant of occupancy right to the cultivating tenants whether they are verumpattam tenants or kuzhikanam tenants. This section 7, Government want to delete. It seeks to grant occupancy right to non-cultivating tenants, whether they are kanamdars, kuzhikanamdars or other tenants. A great deal of the arguments, except a very small portion that was advanced particularly on the Government bench under section 6, seemed to me to refer not so much to that section but to this section, and I shall briefly refer to them. The House will not have the time and patience, nor have I the inclination to go into the historical aspect of this question or to traverse at length all the arguments that have been advanced on the Government side, but very briefly I shall refer not to the arguments themselves but to certain aspects showing why this section should not be deleted, why occupancy right should be granted to these non-cultivating tenants. I shall refer to the reasons why I said that later on. I may say at once, as I said in answer to my Friend Mr. C. V. Venkataramana Ayyangar with reference to the previous amendments disposed of, that I am prepared to go the farthest limits possible and that is this. There are amendments tabled, and these would be moved later on, and I shall be content on behalf of the tenants of Malabar to have occupancy rights for non-cultivating tenants who have enjoyed their tenures for a period of at least 70 years and more. I am content to recede to that position, the utmost position to which I can recede. I wish to state that emphatically at the commencement."

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"What this section says is that all non-cultivating tenants, kanamdars or kuzhikanamdars should be given permanent occupancy right whatever their period of occupation may be. I shall be content to have this tenure granted only to those who have been in enjoyment for at least a period of 72 years, including of course those who were in enjoyment of the land, I mean their predecessors in title.

"Now, this section relates to two classes of non-cultivating tenants, kanamdars and kuzhikanam tenants. Kuzhikanam tenants need not detain us very long. Though the word kanam is common to both of them, kanam tenants as well as kuzhikanam tenants, there is nothing in common between them. Kuzhikanam tenants are really verumpattam or simple tenants except this that they have a right to be in occupation of their holding for a period of twelve years. That is the only thing common between kanam tenants and kuzhikanam tenants. The term kuzhikanam tenure is defined as a tenure under which originally waste lands were granted to the tenants by the janmis for the purpose of planting fruit trees such as coconut, arecanut and so on and that is practically a simple tenure. I submit there is nothing in this section common to them and kanamdars and I hope hon. Members will agree with me that there is absolutely nothing unreasonable in my claiming a permanent tenure for those who are kuzhikanam holders either through themselves or through their predecessors.

"Then coming to the position of kanamdars, their position is more complicated and more difficult. Now, as I said, a great deal has been said both on Saturday and yesterday particularly from the Government benches and to-day by my hon. Friend the expert Member Mr. T. R. Ramachandra Ayyar who represents janmis"

Diwan Bahadur T. R. RAMACHANDRA AYYAR:—"I do not represent the janmis."

* Diwan Bahadur M. KRISHNAN NAYAR:—"If my hon. Friend chooses to put it that way, I do not object. But I do not take him as a representative of the tenants even if he claims it. Mr. Ramachandra Ayyar, in any case, referred to the ancient theory. I do not want to refer to those theories. I perfectly agree with him in saying that much can be said on both sides. But apart from those theories, I shall refer only to a few facts showing that whatever might have been the theory, in practice till the courts made this a redeemable tenure after the year 1853, there was no question of their redeemability. Whatever the theory might have been, in practice they enjoyed freedom of enjoyment (Mr. Prabhakaran Tampan: Question.) Yes, you may question anything. You may question even the existence of the world.

"Now, I shall simply make a statement of facts. Sir Charles Turner who perhaps is the greatest friend of the janmis has stated in explicit terms that kanam tenants were generally not evicted before. They always remained in possession from generation to generation. I have got a reference here to this effect, but I do not want to read it and weary the House probably. Then, i.e., after the British came in possession of British Malabar in 1792, the next year, the Government of India headed by Lord Cornwallis sent a body of commissioners to inquire into the conditions of Malabar, particularly for revenue purposes. Farmer, one of these commissioners, writing in 1793 said that practically the kanam tenants were never turned

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out of their holdings. Again, another similar commissioner, Dr. Buchanan, wrote in that year that redemption of these people was rare and that the same families enjoyed properties for generations together. Then Mr. Warden, the first Collector of Malabar in 1801 says that eviction of kanam tenants was rare. Then again, the Revenue Board writing in January 1815 says that kanam is nearly permanent. Again in 1818 the Revenue Board says that the land is more of the kanamdar than of the janmi. Then, Sir William Robinson who went to Malabar as Collector in 1857, who remained there for a long time and subsequently became a Member of this Council, wrote a long note on this question. In that note he says that kanam was a permanent ryotwari tenure and that kanamdars were not in those days intermediaries or speculators but were absolute proprietors of the soil.

"Then, Sir, there is this further fact that when Tippu invaded Malabar all the Hindu landlords and the Hindus generally fled from Malabar to Travancore. The Mappillas had nothing to fear from Tippu and they remained in the country. It was in their power then without any difficulty to have claimed janmam lands. But they were content to claim only kanam tenures, because they knew well that they could enjoy kanam tenure for long.

"I may now refer to the century old Travancore proclamation of 1829 which was referred to by the hon. the Law Member the other day. It expressly says that kanam tenants should not be turned out and that the custom was that the kanam tenants were enjoying their lands for ever.

"There is another treatise called the Keralolpathi. This is claimed by the Nambudri landlords and by the orthodox people as a record of history. I think it is a forgery and a false document. What this treatise says is that Parasurama granted janmam rights to the janmis and kanam rights to the kudiyaans. The janmis rely upon this and say that the kanam tenure is the creation of the creator of Malabar.

"Reference has been made to the various committees and commissions appointed by the Government from the year 1880. They had been always appointing committees and recording their findings, but they were not taking any action. The report of Sir Madhava Rao's committee recorded that kanam was not redeemable. Then in the year 1914, Sir Charles Innes says deliberately that kanams were practically permanent. Then there is the Cochin Tenancy Commission of which my hon. Friend Mr. V. T. Krishnama Achariyar was a valued Member. It was on the recommendation of that committee that the Cochin Tenancy Regulation was passed. The report of that committee specifically laid down that the custom which in practice gave fixity of tenure to the kanam tenants was in existence in the Cochin State for a very long time. Three paragraphs from that report dealing with this aspect in particular have been quoted by Sir Charles Innes in his report. It was on that report that legislation in Cochin was ultimately based. So that I submit whatever the theory was, the kanam tenants enjoyed their property till the courts decided otherwise. It has been stated over and over again that kanam is a redeemable mortgaga lasting for a period of twelve years. I admit that is the case after 1853. It is very easy to convince my Colleagues in this House that kanam in any way cannot be considered a mortgage and even the High Court with all its judicial decisions has found it difficult to attribute all the incidence of mortgages to kanam.

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"Now there is this thing. It is a notorious fact that the residences of many of the families in Malabar, including at one time even the residence of the biggest janmi, the Zamorin, were built upon kanam lands. Even now the names of many ancient families are derived from the kanam properties on which their houses are constructed. Is it possible that even the biggest people in the land would have built their houses on kanam lands if the tenure of those lands was redeemable, and named their families after those lands if these were considered redeemable? Not only that. In addition to these family names, there are the family deities located there. It is not possible to remove deities. That is one circumstance showing that kanam is not a mortgage.

"Another circumstance is this. Generally, it is considered a disgrace in society for a man to mortgage his land to another. That is an extraordinary step to take and such a step will be taken only when a man is in great difficulties. Generally, a person who mortgages his land to another lives in fear of the mortgagee as it is in the power of the mortgagee to bring the mortgagor into trouble. Now, what is the position here? The janmis are the kanam givers. It is wrong to call these kanams as mortgages because the social opinion is that the larger the number of kanam holdings a janmi has, the greater is his dignity and status. As I said, the ordinary mortgagor lives in dread of the mortgagee, but here the position is the reverse of it. The kanamdar lives in perpetual dread of the janmi. Reference has been made to the social relationship existing between the kanamdar and the tenant. A kanamdar or a mortgagee does not dare to sit in the presence of the janmi, the mortgagor. My hon. Friend, Sir K. Venkatarreddi Nayudu yesterday referred to a gentleman, a kanamdar and a man of position being obliged to stand in the hot sun at a distance of about 20 feet. That will not be the conduct of an ordinary mortgagee. These are circumstances showing completely and proving to the hilt that the kanamdar is not a mortgagee and the janmi a mortgagor. Can you for a moment believe that an extensive portion of Malabar, consisting of thousands and millions of acres, has been mortgaged by their owners to the kanamdars? Can you believe that the biggest landlords, including the Poovulli Nambudiripad and the Zamorin who pays an assessment of 1½ lakhs to the Government has mortgaged their lands for varying sums of Rs. 5, 10, 15 and so on to various persons?

"Then again, Sir, ordinary mortgages are not renewed; kanams are renewed and they have been in the same family for a number of years down to this day. In spite of the oppression of the janmis, there are families which have been submitting themselves to their exactions and living in their kanam holdings for generations and generations, of course after renewals once in twelve years. Of course, the courts have tacked on to the kanam the incidence of redeemability instead of renewability. I submit kanam therefore, is not an ordinary mortgage at all.

"As a matter of fact, there is no word in English Jurisprudence corresponding to the word kanam, and the English Judges, saturated with ideas of English Jurisprudence, understood it to mean a pecuniary right in the land. They understood it to be a mortgage and the janmi as the mortgagor. Once that opinion was accepted by these English Judges, steeped in and dripping with notions of English Law, of course everything, such as

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redeemability, melcharth and others, came in their train. This kanam was never redeemable and was never a mortgage at all. All the writers on this subject—Moore, Wigram and so many others—are of the same opinion. There is also an entire absence of judicial decisions supporting redeemability the year 1853. It was in the year 1854 that the principle of redeemability and the twelve years period came in. There had been a series of Mappilla rebellions, the first of which took place in 1836. Of course, my hon. Friend Sir K. Venkatarreddi also referred to this. Then Mr. Strange, the Judge of the High Court, was appointed in 1852 as a Commissioner to inquire into and submit a report on the matter. I do not now go into the contents of that report. But suffice it for me to say that he recommended the twelve years period. Then the High Court by means of administrative proceedings gave effect to that twelve years period.

"Then, Sir, my hon. Friend Mr. Krishnamachariyar was the chief spokesman on the side of the Government, although the hon. Members Mr. Moir and the Law Member also took part in the debate. I carefully listened to him and tried to analyse his points. He made out three or four important points. According to him, no fixity of tenure should be granted to any class of tenants; granting fixity of tenure would be to stereotype high rates of interest on kanams, assuming thereby that kanam is a mortgage. If you give fixity of tenure to kanam tenants, whether cultivating or non-cultivating, we would be taking crores and crores worth of property—he said 20 or 22 crores, I do not remember the exact figures—away from the janmis. He also stated that there had been no instance of such legislation without compensation. He used the words 'in Europe'. I do not know whether he advisedly did so or not; but if it was advisedly done, he had very good reasons to do so. He also added that the peasant proprietors will have a tendency to sublet the lands. With reference to all these points, may I say with all respect to my Friend that he stands convicted and condemned out of his own mouth? There was a Mr. V. T. Krishnama Achariyar serving in the Cochin State ten years ago, serving under the Maharaja who was in favour of granting fixity of kanam tenure. There was a Tenancy Commission in the Cochin State, appointed by His Highness to go into the question of kanam tenure and submit a report as to whether legislation was necessary for giving fixity of tenure. It consisted of officials and non-officials, representatives of janmis and tenants. The majority of the members of the Commission, of which my hon. Friend Mr. V. T. Krishnama Achariyar was one, submitted a report to the effect that fixity should be given to kanam tenures. They gave reasons for their conclusion and to my mind they seem to be very good reasons. In that report there is not a single word about any of these things, i.e., that giving fixity would be to stereotype the high rate of interest on the kanam debt, that it would be taking away crores and crores of property from the janmis, that there should be no legislation without compensation and that the peasant proprietors would themselves sublet the lands. A period of ten years has elapsed; the scene changes from Cochin to Madras Secretariat. This same gentleman Mr. Krishnamachariyar, my hon. Friend sitting on the other side, is now serving under a Government which is opposed to granting fixity of any kind to any class of tenants. During this period new light dawns upon him and Mr. Krishnamachariyar undergoes a thorough change as if by the touch of a magician's wand. Of course, he did not refer to his report; perhaps he thinks that his former

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report was absolutely wrong. That is, I take it, the argument of my hon. Friend Mr. V. T. Krishnama Achariyar of the Cochin State of 1914 is not the same as my hon. Friend sitting there on the opposite side. (Laughter.) May I say, Sir, that my hon. Friend Mr. Krishnamachariyar of the Cochin State was not content with the original report recommending legislation. When the majority report was submitted, there were, of course, some Members who were opposed to such legislation, just as there are my hon. Friends on the other side, Messrs. Ramachandra Ayyar, Prabhakaran Tampan and others. Some of the members of the Committee wrote minutes of dissent. What did Mr. Krishnamachariyar do? He and Mr. Locke, the Chief Judge of the State, put in another report analysing the whole evidence and stating that legislation was certainly necessary."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"That was drafted by me."

* Diwan Bahadur M. KRISHNAN NAYAR:—"If so, my surprise becomes greater. He himself drafted the report! What a fall, what a fall. (Laughter.) My hon. Friend will excuse me if I say that I pity him. The Cochin Regulation afforded no compensation. I do not know if my hon. Friend drafted the regulation also; I shall be glad if he had done it. The Travancore Regulation on which it was based did not also afford compensation. The Estates Land Act, the various tenancy legislations in the Punjab, Agra and Bengal afforded no compensation. Certain draft Bills submitted by Sir Madhava Rao's Committee afforded no compensation; and in neither of the two Bills submitted by Mr. Master's Committee for the grant of fixity of tenure to the tenants was any provision made for compensation. At no time did we hear so much about compensation. My hon. Friend Mr. Krishnamachariyar again referred to the opinion of Sir Sankaran Nayar; of course, he was good enough to quote his early opinion when he was the champion of the tenants. He also read a portion of his report when he was Judge of the High Court. He did not read the whole of the report. Sir Sankaran Nayar says there that he was not acquainted with the conditions of Malabar as they then stood, for he was residing for a number of years in Madras. However, he stated that if the conditions in Malabar continued to be what they were while he was there, legislation was surely necessary. Then again, after the Reformed Councils came into existence and before he went to England he published an article as a result of the interview with one of the West Coast papers, *The Milavadi*, wherein he stated emphatically that, so long as the present system of tenures existed in Malabar, he and his children would not wish to live in Malabar. That was his statement. Of course, like a careful advocate my hon. Friend has picked out portions that are favourable to him. Certainly, the present opinion of Sir Sankaran Nayar does not support the position that he previously held.

"My hon. Friend again said that there were many loopholes in the Bill enabling the jannmis to evict the tenants. I admit there are loopholes; there again, my hon. Friend is partly responsible for this. I took the main portions of the Bill relating to this question from the Cochin Regulation of which my hon. Friend is one of the parents. If there are loopholes, my hon. Friend is partly responsible for them and when we come to those sections he might help to close them. The mistakes I committed are partly the result of the fact that I paid too much consideration to the rights of the

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jannmis; I now feel I ought not to have done so. I may say with Warren Hastings that I am surprised at my own moderation (cries of 'Oh!') My Friend again says that as a result of the Bill, cultivating tenants will cease to exist. There, again, as my hon. Friend Mr. Narasimha Raju said, this argument has been advanced long, long ago even in connexion with the Estates Land Act and I attach no importance to it. My Friend Mr. Krishnama Achariyar concluded by saying—not that I take any offence in his referring to me—that Mr. Krishnan Nayar wanted to reconstruct Malabar on fancy designs of his own. My ambition is far below that, Sir. I do not want to reconstruct Malabar. I want my own home, or any portion of it or any place on any fancy design. My Friend was not responsible for that expression, but he quoted Sir Madhava Rao. There could not be any reference to my Bill by Sir T. Madhava Rao, for, he died many years before I drafted this Bill. I am content to see that my hon. Friend has got so much respect for the opinion of Sir Madhava Rao; for he it was who enacted the second proclamation in 1867 giving fixity of tenure to kanam holdings in Travancore. It was practically during his time that legislation giving fixity of tenure was placed on the statute book in Travancore. It was during his time that fixity of tenure was given to the tenants when he was in office and not when he retired. This Government was more sympathetic in ancient days. They wanted to do something in that direction. Naturally on such occasions there will be conflicting opinions. There cannot be unanimity of views. There must be jannmis' representatives and tenants' representatives. The Government is an alien Government not knowing the conditions of the district and it has become frightened and nervous. They want to follow the line of least resistance. One commission was appointed. When their reports were received they were circulated to people for opinion. Another committee was appointed and the same process was gone through. I find there was correspondence between the three authorities, the Madras Government, the Government of India and the Secretary of State. The Government of India once asked the Madras Government why they delayed the tenancy legislation. Then Sir Charles Turner intervened. I shall be content with saying that he was for giving fixity of tenure.

"I shall say one word with reference to the remarks made by the hon. Member Mr. Moir more than once. He emphasized in two speeches he made yesterday that the Bill was a piece of private legislation and as such it could not be passed. When the Government themselves are not prepared to bring in legislation, why should not they pass a Bill brought forward by a private Member? That is my point. As I said in the opening speech in August 1924 when this Bill was introduced, 'the Government have been considering this question for the last half a century.' The Government did not want to move their little finger. The Government, thoroughly unconscious or pretending to be unconscious of what is going on, have done nothing to solve this question in any way. The Government have been following a policy of drift. It is like a ship without a rudder. I have specifically stated in the statement of objects and reasons that I regretted that a measure like this, particularly, a complicated measure of this kind, should have to be introduced by a private Member. The Government did not do anything in spite of the opinion of various authorities given from 1880. All the persons who had anything to do with the subject, the Government of India, the Advocate-General of those days and even Sir Charles Turner himself, regarded that legislation of some kind or other was

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necessary. The Government are keeping an open mind; their mind is so open, the doors of their mind are always kept open so that the doors have become rusted on their hinges and will not move. Nothing will get into the mind of the Government, and, even if it gets, there it would not remain there. It has been kept so open for the last half a century.

"A remark was made by the hon. Mr. Marjoribanks. I do not know whether I understood him properly. He will correct me if I am wrong. I understood him to say that with reference to the waste lands in Malabar, they belonged to the janmis. This argument was advanced by way of distinction between the janmis in Malabar and the zamindars in other parts of the Presidency. The hon. Mr. Marjoribanks stated that if the Government wanted to claim the waste lands in Malabar they could do so. If I did not understand him correctly, I do not wish to proceed further. Unless he makes a point-blank denial I shall continue to believe that he made that assertion. My hon. Friend Mr. Tampan is a janmi. I am also in my own humble way a small janmi. I am sure I shall have the support of all the janmis big and small when I say that it was a surprising statement. The hon. Member said that the Government can claim . . ."

Rai Bahadur T. M. NARASIMHACHARLU:—"On a point of order, Sir. Is the hon. Member introducing his Bill or dealing with this amendment? He has been going on with the history of this Bill as if he is introducing the Bill in the Council for the first time. Perhaps he is replying to all the arguments that were put forward for the last three days. May I know if the hon. Member should not confine himself to the particular amendment under discussion?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do not want to exhaust the patience of my hon. Friend, I may say not on account of his advice, but because I was nearing the completion of my speech. I have stated at the outset that I am prepared to go to a period of 72 years back, to the year 1853 about which some amendments have been tabled. I shall be content if fixity of tenure is given to the people who claim that right from that year.

"I wish to refer to the fact that various authorities have fixed various periods. The Travancore legislation granted fixity of tenure to kanam tenants who were in possession for a period of 25 years. The Cochin Regulation gave permanent occupancy rights to tenants who were in possession whether actual or constructive, for a period of 30 years. Madhava Rao's Committee recommended in their report a period of 30 years. Sir Charles Innes fixed a period of 40 years. He said all kanam tenures which have had a life of 40 years and more must be given fixity of tenure. I submit, Sir, that even an ordinary mortgage becomes time-barred after 60 years. I shall end as I began, that I am prepared to any extent of compromise but I want that fixity of tenure should be given to those non-cultivating tenants only in respect of tenures that existed on or before 1853. I therefore oppose the motion made by my hon. Friend to delete the section completely."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"Mr. President, Sir, I should like to make a few remarks with reference to what the hon. Mover of the Bill said about the report of the Committee that was appointed in Cochin and of which I was a member. I thought I had dealt with this yesterday. I explained why in my view conditions in Cochin were so entirely different

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from those of British Malabar that the solution which was arrived at there was not applicable to British Malabar. In the first place, as I said there is universal landlordism in Malabar which is not recognized in Travancore or Cochin. As a result of this, any measure of land legislation would affect much wider interests in Malabar than in Cochin or in Travancore. That is my first point. Secondly, with regard to the ancient kanams, there are two features which differentiate ancient kanams in Cochin from those in Malabar. The system of periodic renewal was not usually prevalent with regard to the old kanams in Cochin. I have seen kanams which had been renewed after 36 years, 48 years and after 50 years in Cochin. I challenge my hon. Friend to say whether that is the state of things with regard to the ancient kanams in Malabar."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Even after longer periods."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"Recently? After 1881? If so, it must be in a very infinitesimal fraction of the total number of kanams. As a member of the Committee in Cochin I found kanams which had never been submitted to renewal from their inception. It was also found that the legislation in Cochin would benefit a large number of cultivating tenants. Lastly, the most material consideration was that the largest percentage of such holdings was under endowments of which the State was the trustee. Now I do not think that the hon. Member Mr. Krishnan Nayar maintains that this condition obtains in the case of ancient kanam holdings which are referred to in the amendments."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"It is for the hon. Member to prove it. If the hon. Member was sure of his ground, why did he not include only such cases in his original Bill? Why did he not include all kinds of tenures?"

* Mr. J. A. SALDANHA:—"On a point of order, Sir. May I know how this matter is relevant?"

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"I tried to explain—as I did yesterday—that the conditions in Cochin were very entirely different from those of British Malabar and that what was suitable in the case of Cochin was not suitable for British Malabar."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, the motion is to omit the clause conferring rights of occupancy to non-cultivating kanamdars and kuzhikanamdars. I take it that the position of my hon. Friend Mr. Krishnan Nayar is that the clause should provide for one case to which alone he is willing to confine occupancy rights. He is willing, so far as he is concerned and so far as it is in his power to settle the language of this clause, that occupancy rights should not be conferred on people who became kanamdars or kuzhikanamdars subsequent to 1854."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Including assignees."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"My hon. Friend, however, wants occupancy rights to be conferred not only on the people who held kanams or kuzhikanams on a date anterior to 1854 and on their descendants"

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but also on the assignees from such kanamdars or kuzhikanamdars. I submit, in the first place, there is no principle on which he can support the claim of the transferee. I take it that after the decision of courts in 1854 he accepts that kanams were only redeemable mortgages and that any transactions after 1854 by which kanams or kuzhikanams were transferred, were entered into on the footing that they were redeemable mortgages, and that the person who accepted the transfer paid the consideration appropriate to the rights which he acquired by transfer of a redeemable kanam.

15 m. "My submission to this House is that in so far as the hon. Member Mr. Krishnan Nayar desires that the assignees of kanams dating from before 1854 should be conferred occupancy rights, his case has nothing really to support it as distinguished from cases in which he himself concedes that that right should not be granted. The only cases that would then be left are cases where kanams were created before 1854 and the kanams or kuzhikanams remained in the same family. Now when my friend Mr. Krishnama Achariyar was referring to the kanams of Cochin without renewal, Mr. Krishnan Nayar said that there were such cases even in British India. I will assume it. Is it his claim that occupancy rights should be conferred upon people who had held properties continuously under titles created by documents dating before 1854, or is his claim also on behalf of the people who have subsequently executed kanam documents after 1854 in accordance with the decision of courts? Ordinarily, excepting the exceptional cases to which Mr. Krishnan Nayar referred, the kanamdars who held from before 1854 might have executed renewals six times until this date, undertaking to surrender properties at the end of a period of twelve years. And if the renewals were granted, they were granted again to the same individuals, no doubt, but on the distinct understanding in accordance with the decision of courts that at the end of a period of twelve years, the kanams should be redeemed as if they were mortgages. The relations between the kanamdars and the janmis have been adjusted many times after 1854, even in the case of transactions before 1854, according to the decision of courts. If kanamdars had executed documents undertaking to surrender the properties to the janmis, is it right, is it just, to ask those people to give up the rights to which they are entitled under the contracts between the parties? What does it really come to? People who have not changed kanamdars, people who on that very footing should be characterized as good landholders and who have dealt with kanamdars and tenants in an equitable way, are the very persons to be affected? People who have been less considerate, people who have changed kanamdars and other tenants are the persons who should escape according to Mr. Krishnan Nayar's suggestion that under this clause, people who have taken kanams and kuzhikanams after 1854 need not be given occupancy rights, but that people who have been continued by the janmis on the footing of their being kanamdars many times after 1854 should be given such rights. There is really no justification for such a claim being put forward against the express contracts between the parties.

"My friend Mr. Krishnan Nayar has often appealed to Sir Charles Turner himself. If I remember right, Sir Charles Turner, whatever he might have said by way of remedies for the existing conditions in Malabar, came to the conclusion that since 1792 at any rate, there has been no non-terminable permanent tenures in Malabar. He says in his report that if there is really

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any case requiring to be dealt with on the footing of ancient history as suggested by those on the other side, it would be the case of transactions dating from 1792. He said they were all terminable tenures from 1792. Now, you have established a new starting point for terminable tenures namely, 1854. Even taking that date, we have subsequently registered many thousands of transactions in Malabar in accordance with the decisions of courts.

"These people might have changed their tenants, if they could have foreseen this proposal? I do not wish to go into the question of the history of kanams. My hon. Friend Mr. Krishnan Nayar said that he was not going into it. He was going to follow, he said, Mr. Ramachandra Ayyar and not say anything about ancient speculation about kanamdars' rights, but he nevertheless quoted a long string of authorities to support the view that kanam transactions were really ancient permanent tenures of the land. But the real truth is that in the early part of the 19th century, and also in the latter part of the 18th century, relations were largely governed by status and not by contract in this country. It is not merely Malabar but every part of the country, perhaps the whole of India, and certainly many parts of southern India, that were governed by relations of status. Vestiges of it can be found in every part of the country even to-day. In Tanjore, I can tell the hon. Member that there are villages where the customary varam for the tenant is even now 1/5th, 1/4th 1/3rd reaching even half. We have now passed into the region of contract in other parts of southern India, but we hear of no claim of the kind that is now set up in Malabar of ancient permanent tenures, rights which they possessed before the advent of the British Administration. In Tanjore there are still villages where the tenants are holding on the well-understood principle of 1/3rd varam being given to them or even 1/4th, 1/5th 1/6th, etc. The truth is that in the whole of the country at the time when status rather than contract settled the terms on which people held property, the tenants had a customary share given to them. And kanamdars and other tenants in Malabar had similar customary rights which they enjoyed continuous holding for terms on relationship settled by status rather than contract would not give permanent rights to persons who held on those terms. In Tanjore, we do not find the tenants setting up any right to permanent tenures. In Malabar the terms which existed during the time that status governed the relations of parties have continued much longer and therefore it has now become easy to set up customary tenures and claim to be permanent tenure holders entitled to a specific interest in property, as distinguished from mere tenants holding under others having absolute rights. The janmi has been held to be the absolute owner in 1854 and no contention was raised about their rights from 1854 to 1881, when for the first time a commission was appointed to investigate the question of land tenures. But whether I am right or wrong as to the nature of the rights of janmis in Malabar, we have the fact that from 1854 onwards we have proceeded on the footing that the janmi is the owner of the property, so much so that Mr. Krishnan Nayar himself has given up his contention in favour of kanamdars who came in after 1854. In regard to those who have held after 1854 under kanams of a prior date, Mr. Krishnan Nayar cannot support the case of assignees on any principle. If so much must be given up, the only remaining case is that of kanams renewed in the same family. Even that,

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must go on the terms on which the kanams were renewed. If that last case also goes, this only tenable conclusion is that the clause should be wholly omitted."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, having tabled a motion of that kind, I support this motion. We have heard the arguments of the hon. Mr. Krishnan Nayar for more than an hour and he has stated those arguments over and again *ad nauseum*. and I feel, even after such a length of time, quite unconvinced of those arguments. A cow grazes longer on a barren field, i.e., a person who has no case argues for a long time, and that has been illustrated in the arguments that we have heard from Mr. Krishnan Nayar to-day (hear, hear.) I may say, in brevity, that it also shows that our case is strong. Therefore, I do not wish to prolong the debate and I simply say that I support the motion."

* Mr. K. PRABHAKARAN TAMPAN:—"Before I proceed, Sir, with my motion to omit this clause, I would like to request you to tell me whether you would allow me to keep the House in my possession for at least some-time to-day I propose to speak for nearly one hour on this subject and it is three minutes to 5 p.m."

The hon. the DEPUTY PRESIDENT:—"Is there any limitation of time? It is said that the hon. the President has ruled that we could extend the time, but certainly not to one hour."

* Mr. K. PRABHAKARAN TAMPAN:—"Then I do not think there is time to continue to-day."

The House then adjourned to meet at 11 a.m. the next day.

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

13th July 1926]

APPENDIX I.

[Vide answer to question No. 2006 asked by Mr. A. Ranganatha Mudalivar at the meeting of the Legislative Council held on the 13th July 1926, page 251 supra.]

List of villages in the Bellary district in which the land revenue of previous fasli was postponed and has to be collected in fasli 1335.

Taluk and name of village.	Fasli 1332.	Fasli 1333.
Rayadurg—		
1. Haresamudram	Nil.	Half the revenue of fasli 1333.
2. Pulakurthi		
3. Ealanji		
4. Udegolam		
5. Brahmasamudram		
6. Bidurukunta		
7. Vyasaapuram		
8. Minahalli		
9. Garudachada		
10. Thunbiganur		
11. N. Hanumanapuram		
12. Solapuram		
13. Rakatla		
14. Peddakowkuntla		
15. Ramapuram		
16. Hanakanahal		
17. Malyam		
18. Hulikara		
19. Kalakurthi		
Alur—		
1. Vandavagali	Half the revenue of fasli 1332.	..
2. Lingadahalli		
3. Kaminabai		
4. Hebbatam	One-fourth of the revenue.	One-fourth of the revenue.
5. Joharapuram		
6. Chinakunta	Half of the revenue.	Half of the revenue.
7. Gummanur		
8. Narahalli	..	Entire revenue.
9. Khajipuram		
10. Degalahalli		
11. Bevinahalli		
12. Gazihalli		
13. K. Balagal		
14. Hounur		
15. Nagarakanior		
16. Kurukonda		
17. Kammarchedu		
18. Machanur	..	Half of the revenue.
19. Chippigiri		
20. Sirugapuram		
21. Sedaratal		
22. Kokkarehedu		
23. Chakibanda		
24. Saliganur		
25. Kotehal		
26. Bandrabai		
27. K. Sagur		
28. Hirebai	Nil.	Half of the revenue.
29. Mudiyanur		
Bellary—		
1. Gajiginabai	Half of the revenue.	Nil.
2. Arliganur		
3. Karabiganur		

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List of villages in the Bellary district in which the land revenue of previous faslis was postponed and has to be collected in fasli 1335—cont.

Taluk and name of village.	Fasli 1332.	Fasli 1333.
Bellary—cont.		
4. Sanavasapuram	Nil.	Half of the revenue.
5. Darur		
6. Utanur		
7. Hagalur		
8. Ular		
9. H. Hosahalli	Half of the revenue.	Nil.
10. Budiguppa		
11. Motasugur		
12. Bagavadi		
13. Upparahosahalli		
14. Balakundi	Entire revenue.	Nil.
15. Mylapuram		
16. Chanakanur		
17. Nitur		
18. Talur		
19. Gosabal	Entire revenue.	Nil.
20. Rhairapuram		
21. Kesavakeri		
22. Ibrampuram		
23. Bogguru		
24. Mauginabalu	Entire revenue.	Nil.
25. Mannaru		
26. M. Sugur		
27. Karuru		
28. Kurijanur		
29. H. Hadagalli	Entire revenue.	Nil.
30. Basarakodu		
31. Gatura		
32. Kallukutikinsalu		
33. Masudipuram		
34. Banapuram	Entire revenue.	Nil.
35. Vananuru		
36. Karichedu		
37. Sindivalem		
38. Benekal		
39. Yeragudi	Entire revenue.	Nil.
40. Moka		
41. Bairadevanohalli		
42. Karakallu		
43. K. Virapuram		
44. Sidiginamala	Entire revenue.	Nil.
45. Chaganuru		
46. Paramatavanahalli		
47. Minohalli		
48. Joladarsi		
49. Challa gurki	Entire revenue.	Nil.
50. Rayapuram		
51. Nulledi		
52. Yemmiganuru		
53. Guthiganuru		
54. Patnasaragu	Entire revenue.	Nil.
55. Voravayi		
56. Chitikinahalu		
57. H. Virapuram		
58. Mushtigatta		
59. Kurogedu	Entire revenue.	Nil.
60. Ganikibalu		
61. Sindigari		
62. Bailur		
63. Kaggallu		
64. Dommeru	Entire revenue.	Nil.
65. Koluru		
66. Soreesamudram		
67. Vaddehatti		

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List of villages in the Bellary district in which the land revenue of previous faslis was postponed and has to be collected in fasli 1335—cont.

Taluk and name of village.	Fasli 1332.	Fasli 1333.
Bellary—cont.		
68. Badanabatti	Nil.	Entire revenue.
69. Sidtanemhalli		
70. Yelubanoobi		
71. Timmanapuram		
72. Kutatini		
73. V. Virapur	Entire revenue.	Nil.
74. Yirengli		
75. Handihalu		
76. Chanahalu		
77. Gudalur		
78. Korlagundi	Entire revenue.	Nil.
79. Aladahalli		
80. Hounohalli		
81. Belagallu		
82. Mendrigi		
83. Haraganadana	Entire revenue.	Nil.
84. Janikunta		
85. Kappagallu		
86. Jalibanchi		
87. B. Gonahalli		
88. Andrabalu	Entire revenue.	Nil.
89. Bisalahalli		
90. Haddinsundu		
91. Bavinahalli		
92. Sankarabanda		
93. Bolbakunta	Entire revenue.	Nil.
94. Ibrampuram		
95. Sirivanam		
96. Sangankallu		
97. Kolagallu		
98. Asundi	Entire revenue.	Nil.
99. Mincheri		
100. Sanjivirayanikota		
101. Burranayanikanahalli		
102. Sidaragadda	Entire revenue.	Nil.
103. Bellary		
104. Gosabalu		
105. Tavginabudihalu		
106. Anarapuram		
107. Kakkabevinahalli	Entire revenue.	Nil.
108. Halakundi		
109. Patrabudihal		
110. Tolamamidi		
111. Yetinabudihal		
112. Chandur	Entire revenue.	Nil.
113. Kammarchedu		

APPENDIX II.

[Vide answer to question No. 1017 asked by Sriman Sasibhushan Rath Mahasaya at the meeting of the Legislative Council held on the 13th July 1926, page 258 supra.]

From the President, District Board, Ganjam, Dis. No. 594/D.B./D. 1926, dated the 13th March 1926.

With reference to G.O. Mis. No. 4042, L. & M., dated the 4th November 1925, and Memorandum No. 37647-1 A-1, L. & M., dated the 28th January 1926, regarding the enquiry into the maladministration of the Tekkali Union Board, Ganjam district, I have the honour to inform you that matters have

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settled in the place, consequent upon the termination of the legal proceedings. I do not think that it is advisable to direct an enquiry in the matter and no useful purpose will be served by it. So I have ordered that the papers should be recorded.

APPENDIX III.

[Vide answer to question No. 2029 asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 13th July 1926, page 265 supra.]

Rules governing the location of liquor shops in urban and rural areas.

Location of shops.—So far as possible sites should be selected for the permanent location of shops and should not be liable to change from year to year. This definite location can be secured in villages by setting aside suitable pieces of poramboke land the use of which will be sold with the licence. In towns the best course to pursue is to agree with the owner of a suitable house that the licence shall be attached to his house so long as he continues to let it at a reasonable rent to the purchaser of the licence in auction. When this is not feasible, a lease of premises and, in extreme cases, acquisition and the construction of buildings on behalf of Government may be resorted to. In the latter case, however, the sanction of the Board must be first obtained. Pending the settlement of definite sites, reasonable and well-defined areas should be selected and it should be notified that the shop may be opened in any unobjectionable site within the notified limits. It should be the exception for these to include any site to which objection can be taken.

2. Sites to be avoided.—Rural shops must not be located without permission within a furlong of a metalled road. When shops on a roadside are sanctioned in rural areas, the minimum distance between such shops should ordinarily be five miles. So far as possible proximity to the following are to be avoided:—

Places of worship, schools, hospitals, factories, bathing places, market places, and other places of public resort. Generally speaking, the business under each licence must be done in a separate place.

3. Essentials of sites to be selected.—The sites selected should be so far public that persons entering the shops do not escape observation but not so prominent as to compel attention. It is desirable where possible that they should be on Government land. The shop sanctioned for the supply of a village should be located within a furlong of the village-site. Town shops must be placed in the quarters in which the demand for them exists. Proximity to a police station is desirable.

4. Within the municipal limits of the City of Madras, the Excise Licensing Board will determine the number and location of abkari and opium shops subject to the general control of the Commissioner of Excise. No change in the sites should be made during the currency of a lease except with the special sanction of the Commissioner of Excise. In exceptional cases in which difficulties arise in the securing of suitable premises for abkari or opium shops, the Licensing Board may recommend to the Collector the leasing, acquisition or construction of suitable premises, to be let to the successful bidders from year to year.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 14th July 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.
Marjoribanks, The hon. Mr. N. E.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.
Moir, The hon. Mr. T. E.
Raja of Panagal, The hon. the.
Patro, The hon. Rao Bahadur Sir A. P.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.
Abdul Hye Sahib Bahadur.
Abdul Wahab Sahib Bahadur, M.
Abdalla Ghatala Sahib Bahadur, Khan Bahadur.
Adinarayana Chettiyar, Mr. T.
Anjaneyulu, Mr. P.
Ankinedu Prasad Bahadur, S. R. Y.
Appaya Chettiyar, Mr. D.
Ari Gowder, Mr. H. B.
Arpadaswami Udayar, Mr. S.
Arumuga Nadar, Mr. P. K. S. A.
Biswanath Das Mahasayo, Sriman.
Boag, Mr. G. T.
Chidambaram Nadar, Mr. A.
Davis, Mr. J. A.
Devendrudu, Mr. N.
Ellappa Chettiyar, Rao Sahib S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Gangaraju, Mr. M.
Ghouse Mian Sahib, Mr. Muhammad.
Gopala Menon, Mr. C.
Gopalan, Rao Sahib P. V.
Guruswami, Mr. L. C.
Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-Jah.
Hall, Mr. J. F.
Hegde, Mr. Naganna.
Heggade, Mr. D. Manjaya.
Keeava Pillai, Diwan Bahadur P.
Khadir Mohiddin Elyas Khan Sahib, Mr.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Mr. K.
Krishnan Nayar, Diwan Bahadur M.
Krishna Rao Pantulu, Rao Bahadur A. S.
Krishnama Achariyar, Rao Bahadur V. T.
Krishnaswami Nayudu, Rao Bahadur K.
MacDougall, Sir Alexander.
Madanagopal Nayudu, Mr. R.
Madhava Raja, Mr. V.
Madurai, Hony. Lieut.
Mallesappa, Mr. T.
Marthandam Pillai, Mr. P. N.
Meera Sahib, Mr. Muhammad.
Moida Sahib, Mr. T. M.
Muniswami Nayudu, Rao Bahadur R.
Muttayya Mudaliyar, Mr. C.

Muttayya Mudaliyar, Mr. S.
Narasimhaobharlu, Rai Bahadur T. M.
Narasimha Raja, Rao Bahadur C. V. S.
Narayanan Nambudiripad, Rao Bahadur O. M.
Narayanawami Pillai, Mr. T. M.
Natesa Mudaliyar, Rao Bahadur C.
Obalesappa, Mr. B.
Pandrang Row, Mr. V.
Ponnuswami Nayulu, Mr. C.
Ponnuswami Pillai, Mr. K. S.
Prabhakaran Tampam, Mr. K.
Premayya, Mr. G.
Raghuchandra Ballal, Mr. K.
Raja, Rao Bahadur M. C.
Rajan, Mr. P. T.
Ramachandra Ayyar, Diwan Bahadur T. R.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.
Raman, Rao Bahadur P.
Ramalinga Chettiyar, Rao Bahadur T. A.
Ramalinga Reddi, Mr. C.
Ramaswami Mudaliyar, Mr. A.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Sagaram, Mr. P.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Samuel, Mr. J. D.
Sarabha Reddi, Mr. K.
Sarvarayudu, Mr. K.
Sasibhushan Rath Mahasayo, Sriman.
Satyamurti, Mr. S.
Sesha Reddi, Mr. B. P.
Sitarama Reddi, Mr. K.
Siva Rao, Mr. P.
Srinivasan, Rao Sahib R.
Subramania Pillai, Mr. K. Chavadi.
Sundaramurti, Rao Sahib P. V. S.
Suryanarayana-murti Nayudu, Diwan Bahadur K.
Tangavelu Pillai, Rao Sahib T. C.
Tanikaachala Chettiyar, Diwan Bahadur O.
Tulasiram, Mr. L. K.
Uppi Sahib, Mr. K.
Veerian, Mr. B.
Vellingiri Gounder, Mr. V. C.
Venkatachala Padayachi, Mr. K.
Venkataramana Ayyangar, Mr. C. V.
Venkatarama Sastri, Mr. T. R.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkatarreddi Nayudu, Rai Bahadur Sir K.
Windle, Capt. E. G.
Wood, Mr. C. E.
Zaminder of Mandasa.

[14th July 1926]

I
QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.]

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Education.

Appointment of junior deputy inspectors of schools.

* 2033 Q.—Mr. N. DEVENDRUDU: Will the hon. the Minister for Education be pleased to state—

(a) how many hands are to be entertained as junior deputy inspectors of schools and what are the qualifications for appointment;—

(b) whether there is any difference in pay, work, and status between the junior deputy inspectors and the deputy inspectors of schools; and

(c) whether there is any proposal to give to the depressed class people holding only Secondary School-Leaving Certificates a certain number of the posts so created?

A.—(a) Seventy-one junior deputy inspectors are to be appointed. No qualifications have been laid down in the order sanctioning the creation of the posts. The Director of Public Instruction has to make the appointments.

(b) Yes. The pay of the junior deputy inspector is Rs 50—2½—75. He will not be placed in independent charge but will be attached to the offices of deputy inspectors (senior grade) and will work under the supervision of the latter.

(c) If suitable candidates belonging to the depressed classes are available their claims will be considered.

Mr. R. VEERIAN:—“With reference to clause (c) may I know whether the hon. Minister means that no application for the post from the members of the depressed classes was received?”

The hon. Rao Bahadur Sir A. P. PATRO:—“No.”

Mr. R. VEERIAN:—“May I know if the hon. Minister will be kind enough to issue instructions to the departments to get applications from the members of the depressed classes?”

The hon. the PRESIDENT:—“That is a suggestion for action.”

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Rao Sahib P. V. GOPALAN:—“May I ask if the hon. Minister has filled up all the appointments or whether he has reserved any for the members of the depressed classes? The answer is ‘if suitable candidates belonging to the depressed classes are available their claims will be considered.’ May I know whether they have reserved any appointments pending the receipt of applications from the members of the depressed classes?”

The hon. Rao Bahadur Sir A. P. PATRO:—“The appointments are made by the Director of Public Instruction.”

Mr. R. VEERIAN:—“With reference to clause (a) may I know the minimum qualification that is required for the post?”

The hon. Rao Bahadur Sir A. P. PATRO:—“It is stated as Secondary Training Certificate.”

Mr. R. VEERIAN:—“Here it is stated that no qualifications have been laid down in the order sanctioning the creation of posts.”

Non-Andhra deputy inspectors of schools in Andhra districts.

* 2034 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) how many deputy inspectors of schools, who are non-Andhras, are at present serving in the Andhra districts; and

(b) how many of them were posted to districts within the Andhra University area after 31st March 1926?

A.—(a) Out of 130 deputy inspectors serving in the area 26 are non-Andhras.

(b) None.

Special scholarships for girls.

* 2035 Q.—Mr. R. VEERIAN: With reference to question No. 1490 answered on 2nd March 1926, will the hon. the Minister for Education be pleased to state—

(a) why special scholarships awarded to Mappilla girls and Hindu and Muhammadan widows from standard IV are not extended in the case of depressed classes also; and

(b) the principle involved in awarding the special scholarships to Mappilla girls and Hindu and Muhammadan widows from standard IV?

A.—(a) The assumption in the question is not correct. Scholarships tenable from standard IV onwards are awarded to girls belonging to the depressed classes by the Commissioner of Labour.

(b) The Mappillas are a backward community requiring special inducements for education.

The object of the widow scholarships is to attract Hindu and Muhammadan widows to schools so that they may ultimately become teachers.

Mr. R. VEERIAN:—“With reference to clause (b), Sir, may I know whether there are no widows in the conception of the hon. Minister for Education among the depressed classes?”

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The hon. the PRESIDENT:—"Order, order. That is not within the cognizance of the members of the Local Government."

Mr. R. VEERIAN:—"In the answer it is stated that the object of the widow scholarships is to attract Hindu and Muhammadan widows. The depressed classes widows are deprived of that privilege, Sir. Therefore, I hope, Sir, you will kindly allow me to put the question. My object is to elicit some information. That is why I ask something of the widows of the depressed classes. I will be quite satisfied if some suitable answer is given."

The hon. Rao Bahadur Sir A. P. PATRO:—"I do not exclude widows of the depressed classes from the Hindu widows."

Mr. R. VEERIAN:—"In clause (a) it is stated that scholarships tenable from standard IV onwards are awarded to girls belonging to the depressed classes by the Commissioner of Labour. I am asking about the scholarship given by the Education Department from IV standard onwards. In the Education department no scholarship is given from IV standard upwards to the members of the depressed classes as in the case of Mappilla girls. Therefore I very respectfully ask the hon. Minister in charge why the same concession is not allowed to the members of the depressed classes. The members of the depressed classes are not in any way forward in the matter of education."

The hon. Rao Bahadur Sir A. P. PATRO:—"There is already one recognized agency, the Commissioner of Labour, and there cannot be more than one agency to look after their interests."

Mr. R. VEERIAN:—"The members of the depressed classes form one-sixth of the population."

The hon. the PRESIDENT:—"Question please."

Mr. R. VEERIAN:—"According to the figures relating to scholarships, the members of the depressed classes are only about 200 in the whole Presidency who were awarded scholarships by the Labour Commissioner. Therefore, Sir, if the Education department were also to give the same concession there will be enormous number of pupils from the members of the depressed classes receiving education."

The hon. the PRESIDENT:—"I am still waiting for the question."

Mr. R. VEERIAN:—"I wanted to know why the Education Department also is not giving the same concession from IV Standard upwards."

The hon. Rao Bahadur Sir A. P. PATRO:—"In accordance with the special request of the depressed classes a protector of the depressed classes was appointed as Commissioner of Labour. He is in special charge of the depressed classes and he is doing everything possible for the purpose of encouraging education among the depressed classes."

Mr. R. VEERIAN:—"In the papers laid on the table it is stated that this is applicable in the case of the Hindu and Muhammadan widows. They say that they do not give any guardian allowance. I want to know if the same applies to the depressed classes widows also."

The hon. the PRESIDENT:—"The hon. Minister has already said that the depressed classes widows are included in the category of the Hindu widows."

Mr. R. VEERIAN:—"In the gazette we find that the depressed classes widows are not at all included."

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Admission of Adi-Dravida students into a Board Elementary School, Salem taluk.

* 2036 Q.—Mr. R. VEERIAN: With reference to question No. 1510 regarding admission of Adi-Dravida students into the Board Elementary school, Salem taluk, answered at the meeting on 4th March 1926, will the hon. the Minister for Education be pleased to state—

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

(b) if so, whether the Government will be pleased to place the same on the Council table?

A.—(a) Yes.

(b) It is understood that an Adi-Dravida (chuckler) boy is now reading in the Board Elementary school at Rakkipatti-Pudupalaiyam and that the President, Taluk Board, Salem, has issued instructions to the headmaster of the school that Adi-Dravida boys seeking admission should be freely admitted into the school. This information has already been communicated to the hon. Member.

Guardian allowance to depressed classes women undergoing training.

* 2037 Q.—Mr. R. VEERIAN: With reference to question No. 1511 regarding stipends to elementary school teachers belonging to depressed classes answered at the meeting dated 4th March 1926, will the hon. the Minister for Education be pleased to state why the guardian allowance is not yet extended to depressed classes women also while they undergo training for elementary and other grades as in the case of caste Hindus and Muhammadans?

A.—A copy of G.O. No. 2094, Law (Education), dated 9th December 1925, is placed on the table.

Excise.

Location of a tavern shop in Siruvallur village.

* 2038 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that a tavern shop from survey No. 4 is to be shifted and located in survey No. 7 at Siruvallur village, Perambur, Saidapet taluk, Chingleput district, quite close to the Adi-Dravida locality, two Hindu temples near a high school and alongside main roads causing inconvenience to the public;

(b) whether it is a fact that the Adi-Dravidas of the Siruvallur village have petitioned to the Collector, Chingleput district, Saidapet, as well as the Secretary to the Commissioner of Excise, Board of Revenue, Madras, objecting to the location of the tavern in survey No. 7; and

(c) why this is to be shifted from survey No. 4 which is not an objectionable place?

A.—The Government have called for information.

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Public Works.*Coimbatore water-supply scheme.*

* 2039 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education and the hon. the Minister for Local Self-Government be pleased to state—

(a) when the Executive Engineer for the execution of the Coimbatore water-supply scheme took charge of his work;

(b) the period estimated for its completion and on the basis of which the establishment was sanctioned; and

(c) whether since then work adequate for the staff sanctioned by the Government and proportionate to the time that has elapsed has been executed and if not, why not?

A.—(a) 11th March 1925.

(b) Five years.

(c) Information is not available.

Progress of the Hagari Water-works.

* 2040 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education and the hon. the Minister for Local Self-Government be pleased to state—

(a) when the foundation stone for Hagari Water-works was laid;

(b) when the work was actually commenced;

(c) the period within which the work was proposed at first to be finished;

(d) the amount spent every quarter since the inception of the works;

(e) the approximate date by which the work is expected to be completed; and

(f) the total cost of the work according to the sanctioned estimate?

A.—(a) On 23rd January 1924.

(b) In April 1925.

(c) Four years.

(d) & (e) Information is not available.

(f) Rs. 9,41,270.

Mr. A. RANGANATHA MUDALIYAR:—“As regards clauses (d) and (e) will the Government be pleased to call for the information. For I see that for a long time the staff there were drawing pay without adequate work. Will the hon. Minister be pleased to call for the information?”

The hon. Rao Bahadur Sir A. P. PATRO:—“Progress reports of works are submitted periodically and if on a review of these reports it is found that the work has not been adequately provided with funds it will be attended to.”

Mr. A. RANGANATHA MUDALIYAR:—“May I know the result of the review of progress reports of this work; whether it has always been uniformly satisfactory?”

The hon. Rao Bahadur Sir A. P. PATRO:—“It may not be uniformly satisfactory. But it may not be such as to require further investigation.”

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Registration.*Appointment of probationary sub-registrars.*

* 2041 Q.—Mr. N. DEVENDRUDU: Will the hon. the Minister for Education be pleased to state—

(a) how many probationary sub-registrars have been appointed since the present Inspector-General assumed charge of the department;

(b) how many persons of the depressed classes have been taken as probationary sub-registrars, or as clerks; and

(c) whether any undergraduates have been entertained and whether the B.A. Degree is a necessary qualification for a probationary sub-registrar's place?

A.—(a) Fifteen.

(b) None.

(c) One undergraduate (a Muhammadan) was appointed as probationary sub-registrar. In making selection for appointment as probationary sub-registrar, preference is given to graduates who possess a knowledge of more than one vernacular. This rule is, however, relaxed in the case of depressed classes and minority communities to ensure their representation in public service.

Number of probationary sub-registrars.

* 2042 Q.—Mr. N. DEVENDRUDU: Will the hon. the Minister for Education be pleased to state the average number of probationary sub-registrars taken per year?

A.—The average number appointed each year for the last three years is 39.

Initial pay of sub-registrars.

* 2043 Q.—Mr. N. DEVENDRUDU: Will the hon. the Minister for Education be pleased to state whether the initial pay of the sub-registrars is going to be raised to Rs. 75?

A.—No.

Local Boards.*Nomination of Mussalmans as presidents of district boards.*

* 2044 Q.—Khan Bahadur HAJI ABDULLA HAJI KASIM SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has taken any action on the resolution of this House requesting Government to resort to nomination of Mussalmans or other backward communities in the appointments of presidents of district boards; and

(b) if so, when and in how many cases he has given effect to this resolution of this House?

A.—(a) The hon. Member apparently refers to the following resolution passed by the Legislative Council on 13th December 1923:—

“That this Council recommends to the Government that all district boards should be given the right to elect their own presidents unless for securing the adequate representation

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of Muhammadans and other minority communities or for other reasons to be notified in the *Fort St. George Gazette* the Government decide to the contrary."

The resolution did not recommend the nomination of Mussalmans or other backward classes as presidents, district boards, as stated in the clause.

- (b) The following district boards have been granted the privilege of electing their presidents since the passing of the resolution of 13th December 1923:—

Name of district board.	Year in which the privilege of electing the president was granted.
1. Tinnevely	1923
2. Salem	1924
3. Vizagapatam	1924
4. South Arcot	1924
5. Chingleput	1924
6. Kistna	1924
7. Ganjam... ..	1925
8. Bellary... ..	1925
9. North Arcot	1926
10. Anantapur	1926

In the following cases the Government decided for reasons which were duly notified in the *Fort St. George Gazette* that the president should continue to be nominated by them:—

Cuddapah District Board.
Guntur do.
Malabar do.

Elected presidents for district and taluk boards.

* 2045 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) which of the district boards in the Presidency have been given the privilege of electing their own presidents;

(b) what are the reasons for not extending the said privilege to the other boards; and

(c) whether there are any taluk boards in the Presidency which do not enjoy the privilege of electing their own presidents, and if so, their names and also the reasons for not extending the said privileges?

A.—(a) & (b) Attention is invited to the answer given to question No. 1962.

(c) A statement* furnishing the information required is laid on the table.

* Vide Appendix on page 388 infra.

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Municipal Councils.

Alleged irregularities in Mangalore Municipal Council.

* 2046 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the alleged misappropriation by the Secretary of the Municipal Council of Mangalore was the subject of a representation to Government in 1924-25;

(b) whether the Government have passed orders thereon and if so, what they are;

(c) whether the Government charged the Chairman and Municipal Council with negligence and irregularity, or passed any strictures on them in connexion with the Secretary's defaults;

(d) whether the Government's order was placed by the Chairman before the Council at any time with the papers in the case;

(e) if so, when and if not why not;

(f) whether it is a fact that the Government Order and the connected papers have not yet been placed before the Council; and

(g) whether Government have received any representation from any municipal councillors of Mangalore about the municipal affairs and what action Government have taken?

A.—(a), (b) & (c) Yes; a representation containing allegations of misappropriation was received. The Government caused enquiries to be made with the result that the allegations were not fully substantiated.

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

(g) The answer is in the affirmative. Orders have been passed by the Government which are confidential and which the Government do not consider it desirable to make public at present.

Public Health.

Appointment of Health Inspectors in the Presidency.

* 2047 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many Brahmans, Non-Brahman caste Hindus, Muhammadans, Christians and depressed classes are appointed as health inspectors in the Presidency;

(b) the method of selection of candidates to undergo training in the Sanitary and Vaccination class;

(c) whether it is a fact that there is no direct recruitment made of health inspectors by the Director of Public Health;

(d) under what rules the appointments of first-class vaccinators are made by the presidents of local boards;

(e) why candidates belonging to orthodox sections are being selected to undergo training for health inspectors' course;

(f) whether any promotions are given to the first-class senior health inspectors as health officers after passing some specially prescribed periodical examination; and

(g) why promotions are not given to first-class vaccinators who have put in at least one or two years in the service as health inspectors?

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A.—(a) The numbers of Brahmans, Non-Brahmans, Muhammadans and Christians holding appointments as health inspectors are 164, 83, 1 and 13, respectively. Figures showing separately the number of persons belonging to the depressed classes who hold the post of health inspector are not available.

(b) Admission to the Sanitary Inspectors' class is made by the Principal of the Medical College, Madras. Applications are called for by him by means of a notification published in the *Fort St. George Gazette*. Candidates for admission should ordinarily have passed the Matriculation examination, prior to 1910 or any higher examination or should have obtained a completed Secondary School-Leaving Certificate showing that they possess a sufficient knowledge of the compulsory subjects, and of two optional subjects other than shorthand and type-writing. Six places are however reserved every year for candidates who have been exempted by the Director of Public Health from these qualifications. Persons to whom the Director of Public Health grants exemption are usually selected from among those who have experience of public health work but do not possess the prescribed educational qualifications and who are recommended by the presidents of local boards and District Health Officers.

The Director of Public Health selects the persons to be admitted to the First-class Vaccinators' class which is held at the King Institute, Guindy, and at the dispensaries of the Madras Corporation. Second-class vaccinators are trained locally in each district by District Health Officers. Qualifications for admission are as follows:—

First-class vaccinators—

- (a) Possession of a completed Secondary School-Leaving Certificate.
- (b) Qualification as Assistant Sanitary Inspector, Sanitary Inspector or Sub-Assistant Surgeon (unless exempted by the Director of Public Health).

Second-class vaccinators—

Possession of a completed Secondary School-Leaving Certificate (unless exempted by the Director of Public Health).

- (c) & (g) Health Inspectors are not generally recruited direct but are selected from among the first-class vaccinators working in the district who have put in not less than four or five years' satisfactory service.
- (d) Presidents of local boards have the power of appointing first-class vaccinators under section 70 of the Madras Local Boards Act, 1920, and the rules issued in Notification No. 802 published in Part I-A of the *Fort St. George Gazette*, dated the 25th September 1923.
- (e) The selection of candidates for training is not governed by considerations of orthodoxy.
- (f) No.

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Religious and Charitable Endowments.

Hindu temples under Jain management.

* 2048 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) how many Hindu temples are managed by Jains in this Presidency;
- (b) under what circumstances the said temples came to be under Jain management;
- (c) whether any endowments have been granted by Jains to any temples, and if so, whether a list thereof may be placed on the table; and
- (d) whether the Madras Act I of 1925 has been applied to such institutions, and if so, what the reasons are?

A.—(a) to (d) The information has been called for from the Hindu Religious Endowments Board.

Depressed Classes.

Boy scout movement among depressed classes.

* 2049 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

- (a) whether there is any boy scout movement started by the Government among the depressed classes in any of the districts as in the case of Kallars; and
- (b) if not, why not?

A.—(a) Yes; in the Madras Depressed Classes Hostel.
(b) Does not arise.

Licence for performing religious ceremonies.

* 2050 Q.—Mr. R. VEERIAN: With reference to the question No. 1541 regarding interference with the religious rites of the depressed classes answered at the meeting, dated 5th March 1926, will the hon. the Home Member and the hon. the Law Member be pleased to state what were the conditions prescribed and when the licence was issued?

A.—The licence was issued in October 1925 subject to the following conditions:—

- (1) Notice of the procession should be given to the Circle Inspector of Police, Bellary, three days prior to the date of taking the procession.
- (2) The procession should be taken through the route prescribed by the Inspector of Police.
- (3) The Madigas should not carry in the procession the five-headed kalasam.

Mr. R. VEERIAN:—"In clause (3) of the answer I find that the Madigas should not carry in the procession the five-headed kalasam. I want to know whether there is any special significance that it would wound the feelings of the other communities."

The hon. Sir C. P. RAMASWAMI AYYAR:—"Just so."

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Mr. R. VEERIAN :—" Sir, in the instrument of instructions issued for the guidance . . . "

The hon. the PRESIDENT :—" To whom ? "

Mr. R. VEERIAN :—" I got a Government Order, Sir, but I haven't got it here . . . "

The hon. the PRESIDENT :—" To whom issued ? "

Mr. R. VEERIAN :—" For the guidance of Executive Members also. "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not remember having received any instrument of instructions. "

The hon. the PRESIDENT :—" That instrument was issued to His Excellency. "

Mr. R. VEERIAN :—" More or less to the executive members also. "

The hon. the PRESIDENT :—" They do not form part of His Excellency the Governor. "

Mr. R. VEERIAN :—" Here is the Madiga community. They have also got feelings like other communities. The duty of Government is to see that the interests of all communities are protected. So I want to know what about the feelings of the Madiga community. "

The hon. Sir C. P. RAMASWAMI AYYAR :—" His Majesty's instrument of instructions to His Excellency the Governor does not refer to the five-headed kalasam. "

Forests.

Additional appointments in the Forest Superior services.

* 2051 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state—

(a) which of the *additional* appointments in the Forest Superior services provided for in the Budget Estimate for 1926-27 have been filled in or are going to be filled in during that year ;

(b) which of them are non-votable and on what grounds ;

(c) on what work and where the officers appointed will be employed ; and

(d) how many additional District Forest Officers or other gazetted officers have been appointed or are going to be appointed in South Kanara and Malabar districts in 1926-27 ?

A.—(a) Of the three Indian Forest Service officers for whom provision has been made, one has already arrived and the others are expected by the end of 1926.

(b) All these appointments are non-votable as they are made by the Secretary of State for India.

(c) The officer who has arrived is now employed as Forest Economist in Madras. It is too early to say on what work and where the officers who have not yet arrived will be employed.

(d) No additional District Forest Officers have been or will be appointed in 1926-27. There are at present three Assistant Conservators and four Extra Assistant Conservators in the two

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districts some of whom are undergoing training. The number of attached officers varies from time to time and depends on the work on hand at the time.

Mr. J. A. SALDANHA :—" With reference to clause (c) may I know whether there is any work for the remaining two officers ? My impression is that there is no work at all. "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" They have work. "

Mr. J. A. SALDANHA :—" Is it meant that Government have no idea of the work for which these men are required ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" There are a number of schemes for which we require them. "

Mr. J. A. SALDANHA :—" In clause (d) it is said that no additional officers will be appointed for 1926-27. May I inquire whether it is proposed to create a new appointment in the near future for South Kanara ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I am unable to say anything at present. "

Mr. J. A. SALDANHA :—" Therefore it seems that there is some appointment in contemplation. "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I have nothing more to add. "

Labour.

Wages to the apprentices in the Public Works Department Workshop, etc.

* 2052 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) the daily wages given to apprentices in Madras Port Trust, Public Works Department Electrical Department, the Industrial Workshop, Washermanpet, and in the Public Works Workshop, Madras, during the first, second, third, fourth and fifth year ;

(b) whether there are differences in several of these departments with reference to wages and, if so, why ; and

(c) why they are not paid monthly wages instead of daily wages ?

A.—(a)—

	Wages per day.				
	1st year.	2nd year.	3rd year.	4th year.	5th year.
(1) Public Works Workshop, Madras.	4	6	8	12	16
(2) Madras Port Trust—					
(a) Educated boys ..	10	16	20	24	28
(b) Non-educated boys ..	8	10	12	14	16
(3) Industrial Workshops, Washermanpet.	Apprentices have been entertained only for the past two years and are at present paid six annas a day. There are no apprentices in Public Works Electrical Department.				

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- (b) The rates of wages vary for the most part according to the educational qualifications of the apprentices and the nature and amount of work done by them.
- (c) In the Industrial Workshops wages are paid monthly and in others the practice has been to pay wages daily. No inconvenience is felt on this account.

General.

Supply of belts with badges to private servants.

* 2053 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

- (a) whether the Government are aware that rich landholders and merchants in this Presidency are adopting the practice of supplying their private servants with belts with badges with their names inscribed therein;
- (b) whether such employers obtain previous sanction of the Government or any of their officers to allow the use of such badges; and
- (c) whether any employers have obtained such sanction to allow the inscription of Crown Mark upon such badges, and if so, in which instances?

A.—(a) Yes.
(b) No.
(c) No.

Land Revenue.

Scale of pay of revenue inspectors.

* 2054 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

- (a) whether it is a fact that under the new arrangement in the Revenue Department revenue inspectors are classified as first and second grade;
- (b) whether under the old arrangement the difference in the pay of the two classes of revenue inspectors was only Rs. 5 per mensem;
- (c) what is the scale fixed for the two grades under the new arrangement;
- (d) whether it is a fact that both these grades of officers are put in charge of similar areas;
- (e) if so, the reason why a difference is made as regards the pay of these two grades; and
- (f) whether it is a fact that memorials were submitted by these officers to Government, and if so, what orders were passed thereon?

A.—(a) Revenue Inspectors are not classified as such into any grades but they hold upper or lower division posts.

(b) Before the introduction of the time-scales of pay, Revenue Inspectors were generally in two grades, viz., Rs. 40 and Rs. 35, respectively. There were also a few posts on Rs. 45, Rs. 30 and Rs. 25.

(c) & (e) The posts of Revenue Inspectors do not form a separate class of appointments but are filled by men taken from the clerical staff in the Revenue Department. The pay of Revenue Inspectors therefore depends on their standing in the department. They draw their pay as clerks plus a fixed travelling

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allowance. The scales of pay are Rs. 60—4—80 and Rs. 35—35—1½—50—1—60 in the mufassal and Rs. 65—4—85 and Rs. 40—40—1½—55—1—65 in the Madras City according as they hold upper or lower division posts respectively.

(d) Yes.

(f) Yes. The memorialists in effect suggest a reversion to the old arrangement in which special rates of pay were attached to the post of Revenue Inspector. The Government did not accept the suggestion.

Reservation of lands for depressed classes.

* 2055 Q.—Mr. N. DEVENDRUDU: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Board's Standing Order 15, paragraph 38, whereby valuable lands were reserved for depressed classes has been superseded by G.O. No. 862, dated 11th June 1925;

(b) whether the Government are aware of the fact that the above-mentioned reservation was specially due to the meritorious services rendered by the depressed classes during the War;

(c) whether the Government will state the grounds on which the said Board's Standing Order was cancelled; and

(d) whether the Government are aware of the fact that the Revenue authorities are giving retrospective effect to the said Government Order in cases where, though the lands were assigned even as early as 1922 and 1923, patta has not been granted and that they are demanding the value of the lands from the assignees?

A.—(a) & (c) Prior to June 1925 there were no orders authorizing the assignment free of charge to the depressed classes of valuable lands, i.e., of lands that would ordinarily be sold in auction. In that month the Government issued an order (No. 862, Revenue, dated 11th June 1925), that the assignment of valuable lands to depressed classes should ordinarily be on payment of market value to be collected in easy instalments, and that cases where free grant was proposed should be reserved for the orders of Government.

(b) No. The reservation of land for depressed classes was ordered not on the ground of their war services but to better the conditions of these classes by enabling them to get land for cultivation.

(d) A case in which it is complained that retrospective effect is being given to the Government Order has been brought to the notice of the Government. The Board of Revenue has been informed that it is not intended that the terms of grants already made should be revised.

Use of the communal land in Orambakam as cattle stand.

* 2056 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue and the Minister for Local Self-Government be pleased to state whether the communal land in Zamin Orambakam, Madurantakam taluk, Chingleput district, which had been sold by the Zamindar has been re-secured for use as cattle stand?

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A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR :—"Here is a matter affecting the community at large. Will the Government be pleased to call for the information? I found in one of their communications that this point had been referred to."

The hon. Mr. N. E. MARJORIBANKS :—"What communications, Sir?"

Mr. A. RANGANATHA MUDALIYAR :—"I do not remember the exact communication. I have tabled this question from one of the Government communications. I ask, will the Government be pleased to call for the information so that the communal rights are respected."

The hon. Mr. N. E. MARJORIBANKS :—"I do not see how from this isolated instance the question of respect for the communal rights arises."

Mr. A. RANGANATHA MUDALIYAR :—"I do not say that the people's rights have been disregarded everywhere. But I do suggest that in the interests of persons concerned it is better that the land in this particular case is not appropriated for other purposes."

The hon. Mr. N. E. MARJORIBANKS :—"In view of the hon. Member's wishes, a report of these questions and answers will be sent to the Collector."

Alleged demand of tree valuation by the Deputy Tahsildar of Denkanikota.

* 2057 Q.—Mr. R. VEERIAN: With reference to question No. 1534 regarding remission of valuation of trees on darkhast lands assigned to depressed classes answered at the meeting, dated 5th March 1926, will the hon. the Member for Revenue be pleased to state whether the Government will be pleased to call for the information of the case referred to, viz., demanding tree valuation by the Deputy Tahsildar of Denkanikota, Salem district, in his order L. Dis. No. 311 C and D of 1924 and L. Dis. No. 444 C and D of 1925 from one Adi-Dravida Mara, son of Mara, residing in Urigam village, Hosur taluk, Salem district?

A.—The Government do not propose to call for a report. The matter is within the discretion of the local officers.

Season report.

Insufficiency of water-supply in certain villages of Harpanahalli taluk.

* 2058 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the Bellary district season report, published in the *Fort St. George Gazette* of 9th March 1926, will the hon. the Member for Revenue and the hon. the Minister for Local Self-Government be pleased to state the five villages of the Harpanahalli and the Hadagalli taluks where drinking water is reported to be insufficient and the measures taken by the Government to relieve the people of the villages concerned of the want felt by them for drinking water?

A.—The names of the villages have not been reported to the Government. Provision of drinking water is one of the duties of the local boards. A grant of Rs. 20,000 for the improvement of the rural

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water-supply in the Bellary district was sanctioned to the District Board in September 1925. This sum does not include the grant of Rs. 14,650 sanctioned by the Rayadrug water-supply scheme.

Mr. A. RANGANATHA MUDALIYAR :—"I am surprised at the answer given to my question that 'the names of the villages have not been reported to the Government.' May I draw the attention of Government to the fact that it is in the Government Gazette we find the reference to these villages?"

The hon. Mr. N. E. MARJORIBANKS :—"The names are not stated there."

Mr. A. RANGANATHA MUDALIYAR :—"I think the hon. the Minister in charge of Local Self-Government will be able to call for this information. It is published in the *Fort St. George Gazette* week after week that in the case of those villages there are no facilities for drinking water and that people are suffering much. Will the hon. the Minister call for the information?"

The hon. the RAJA OF PANAGAL :—"The Government have no objection."

Criminal Justice.

Alleged complaint against the Stationary Sub-Magistrate of Kasaragod.

* 2059 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the present Stationary Sub-Magistrate of Kasaragod in South Kanara has made it a rule to admit petitions and complaints just on taking his seat in the Court and refuse to admit any afterwards; and

(b) whether it is a fact that many parties residing outside Kasaragod at distant places are liable to great inconvenience and hardship by the *modus operandi* adopted by the said Magistrate?

A.—(a) Petitions and complaints are received by the Sub-Magistrate as soon as he attends Court and before he takes up the cases posted for hearing. Applications for copies and petitions of an urgent nature are also received by him during the interval for lunch between 3 p.m. and 3-30 p.m. These restrictions are however not observed on days when the Magistrate has little or no posted work.

(b) The Government are not aware of any inconvenience or hardship resulting from the practice. On the other hand the observance of a systematic practice is conducive to the convenience of parties and to the proper despatch of business in the Court.

Civil Justice.

Abolition of the Pleaders Examination.

* 2060 Q.—Mr. N. DEVENDRUDU: Will the hon. the Law Member be pleased to state whether the abolition of the Pleaders Examination has been finally decided upon and the reasons therefor?

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A.—Under section 6 of the Legal Practitioners Act, 1879, the question of the abolition of the Pleaders Examination is one for decision by the Honourable the Judges of the High Court.

Mr. R. MADANAGOPAL NAYUDU :—"Is it not possible for the Government to get the information from the High Court? They merely say that the question is one for decision by the hon. the Judges of the High Court. Has the Government made any attempt to get the information?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"We have not asked the High Court for information. Because, whenever they come to a decision, or if they want to consult us about any matter, they will address us."

Mr. R. MADANAGOPAL NAYUDU :—"Is it to be taken that they have not come to a decision on the matter?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"I do not know."

Panchayat Courts.

Nomination of members to panchayat courts.

2061 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Village Officers' Conferences have requested Government to provide for their being nominated *ex officio* members of these panchayat courts; and

(b) whether Government have considered the question and passed orders on the subject?

A.—(a) Yes.

(b) Yes. Under sub-sections (3) and (5) of section 9 of the Madras Village Courts Act, 1888, as amended by Madras Act II of 1920, members of a panchayat court are appointed by election and the suggestion cannot therefore be adopted in the present state of the law.

Police.

Appeals from Police sub-inspectors.

* 2062 Q.—Mr. N. DEVENDRUDU: Will the hon. the Law Member be pleased to state—

(a) the number of appeals made to the Government by the Police sub-inspectors and the inspectors during the past two years;

(b) how many of those who so appealed have been restored with back pay;

(c) how many have been restored without back pay; and

(d) how many appeals have been dismissed?

A.—(a) Forty-one.

(b) Two, in one of which the punishment of dismissal was altered to reduction to the rank of sub-inspector.

(c) One, in which the punishment of dismissal was altered to suspension for two years.

(d) Thirty-six; in two other cases the order of dismissal was modified into one of removal from service.

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II

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

DISCUSSION ON NOTIFICATION OF THE COMMISSIONER OF POLICE PROHIBITING PUBLIC MEETINGS AT STREET CORNERS.

* Mr. J. A. SALDANHA :—"Sir, may I ask your permission to put one question to the hon. the Law Member in connexion with the order of the Commissioner of Police, Madras, which was published in all the daily papers of yesterday, prohibiting public meetings in connexion with the elections on public roads, street corners and other places. I want to know whether the attention of Government has been drawn to it."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Mr. President, Sir, just before I came into this room, my hon. friend did me the honour of stating that he would move the adjournment of the House in order to draw attention to this matter. I suggested to him that if he would put a question, I might be able to say exactly what the circumstances are, so that there might be no necessity to occupy the time of the House by a motion for adjournment. The facts of the matter are these: that a certain number of meetings have been held by various political parties at street corners and at places of public resort. Some of these meetings have been attended with a certain amount of liveliness—I would not put it any higher than that—and the liveliness has been so exuberant that there has been some difficulty felt in traffic being conducted properly. Therefore, the Commissioner of Police after careful consideration has come to the conclusion that while he has absolutely no desire to prevent either processions or meetings in places where traffic is not heavy or congested and where there will be no disturbance to the public, yet, as a general rule, it will be inexpedient, and in view of possibilities it would impose too heavy a strain on the constabulary and on the higher ranks of the police establishment to allow public meetings which may be attended by five hundred or thousand people, for aught we know, at street corners or at places which are not from the nature of things fitted for the purpose. One instance I shall give and that will demonstrate what I mean. At the corner of Bell's Road, a meeting was sought to be held by the Congress Party. Bell's Road, it will be seen, is very near the Presidency College, very near the hostel and very near the high schools and a hospital, and it is a place of great congestion of traffic. It was considered in that particular case that it would be inexpedient to hold those meetings. Nothing more is intended. It is not at all with a view to curtail the freedom of the public in exercising their legitimate civil rights. Nothing is farther from the idea of the Police Commissioner or the Government. It is only in the interests of the pedestrian public and vehicular traffic and for general safety that such a precaution has been taken."

* Mr. J. A. SALDANHA :—"May I point out that the order is of a sweeping nature in that it does not state what narrow streets or corners should not be used for holding meetings?"

* The hon. the PRESIDENT :—"Is there not a mention about pedestrian traffic?"

* Mr. J. A. SALDANHA :—"It will be clear if I read the order, Sir; it says:

"Notice is hereby given that under section 41 of Act III of 1888 no election meeting or procession will hereafter be permitted within the limits of the City of Madras in any street or

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road or at any street corner, or road corner or in any public thoroughfare or in any place of public resort which is liable to be obstructed thereby, inasmuch as such meeting or procession held in the aforesaid places is likely to cause obstruction to vehicular or pedestrian traffic and as such prohibition is necessary in the interests of public safety.

"Now, having regard to the explanation given by the hon. the Law Member, will he kindly state whether this order does not entirely prevent meetings at any public place or road?"

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I can say this. I did not read the order as involving a prohibition of meetings. In fact, the order is to enable meetings to be held in an enclosed place, even though it is near to any road or street corners, provided thereby we obviate obstruction to traffic. If my hon. Friend or any others find that this order is working hardship in practice, they may bring such hardships to the notice of the Commissioner of Police. I know that the Commissioner is very anxious not to interfere with the rights of citizens in any manner, and I am sure there will be no cause for complaint if the real facts are brought to his notice."

* Mr. J. A. SALDANHA:—"May I inquire whether the order is not *ultra vires*?"

* The hon. Sir C. P. RAMASWAMI AYYAR:—"If it is *ultra vires*, it is open to the hon. Member to challenge it. I do not propose to give any legal opinion on the matter."

III

ELECTION OF FIVE MEMBERS TO THE SENATE OF THE ANDHRA UNIVERSITY.

* The hon. the PRESIDENT:—"I have to inform the House that as a result of the voting for election of five members of this Council to the Senate of the Andhra University by the non-official Members of the Council resident in the University area, the following members have been declared duly elected:—

Rao Bahadur A. S. Krishna Rao Pantulu.
Mr. P. C. Venkatapathi Raju.
Rai Bahadur Sir K. Venkatarreddi Nayudu.
Mr. P. Anjaneyulu.
Mr. P. Siva Rao.

IV

THE MALABAR TENANCY BILL—cont.

* The hon. the PRESIDENT:—"The debate on the Malabar Tenancy Bill will now be resumed."

Clause 7—cont.

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, I have given notice of an amendment to omit this clause and I have great pleasure in supporting this motion."

"Sir, I was under the impression that at this stage there would be no necessity to go into the historical aspect of the question, and I might confine my observations to the period after the district came into the hands of the British Government. My hon. Friend Mr. Krishnan Nayar traversed over the whole ground of the past history last evening, and therefore, I trust, Sir, you and the House will show me some kind of indulgence to enable me to refute the position taken up by him. The hon. expert Member,

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Mr. T. R. Ramachandra Ayyar, said that there was evidence among the old reports for both sides. As a matter of fact, many of the authorities, which Mr. Krishnan Nayar referred to but from which he did not quote yesterday, are certainly . . ."

* Mr. J. A. SALDANHA:—"May I rise to a point of order? Yesterday, I am sorry to say that my hon. Friend, Mr. Krishnan Nayar, entered into a legal disquisition of the rights of janmis versus kanamdars. He was so carried away by his zeal in the matter, that I did not like myself to interrupt him. But I think the whole discussion was irrelevant to the point under discussion. Now, because the hon. the Deputy President was kind enough yesterday to allow him the opportunity of going over the whole question once again . . ."

* The hon. the PRESIDENT:—"The hon. Member cannot question the right of the Deputy President to allow discussion to go on certain lines."

* Mr. J. A. SALDANHA:—"May I just point out whether further discussion may be allowed to animadvert or controvert the arguments raised by my hon. Friend yesterday? In that case, I shall have to rise again to controvert the arguments put forth from the other side and thus the debate will be endless on the same point, and we will only be covering the general question once over of janmis versus kanamdars."

* The hon. the PRESIDENT:—"The hon. Member who raises a point of order in regard to irrelevance should himself set a good example by being as relevant as possible, and there is no use of threatening that somebody else has been irrelevant. It is very difficult for the Chair to prevent other Members from going over the same point. I would therefore recommend to everybody to be as brief as possible in regard to the points raised by Mr. Krishnan Nayar. I am suggesting this in the interests of economy of time. If we are to proceed with the Malabar Tenancy Bill and finish it within an appreciable distance of time, I think hon. Members ought not to be under any restraint but they should try to be as brief as possible."

* Mr. K. PRABHAKARAN TAMPAN:—"I shall be guided entirely by your discretion, Sir. As I said in the beginning, I thought there was need only to show the relative positions of the janmi and the kanamdar. But it is my duty to convince the House that the House will not be justified in coming to a conclusion on the grounds put forward by Mr. Krishnan Nayar. That is why I crave the indulgence of the House to allow me to go over the grounds traversed by him. I say again that Mr. Krishnan Nayar only referred to the reports of Mr. Farmer in 1793, of Dr. Buchanan in 1800, of Mr. Warden in 1801, of Major Walker in 1801, and of the Board of Revenue in 1803. He did not quote any passages from them. After going home last evening I went through the whole reports, and I was surprised to find that none of those authorities stated that kanams were not renewable or redeemable. Only Dr. Buchanan, one among the few authorities, said that the janmi seldom exercised the right of redemption. He did admit that kanams were redeemable and that is all what we want for our purpose."

"This is what Farmer wrote in 1793, 'Jelm-kars are free-holders who hold their lands either by purchase or by hereditary descent. Kanamkars are mortgagees whom an actual delivery of the land appeared to be made.' Then in describing the kanam he says: 'The farmer, called kanamkar, deposited with the landlord a certain sum to remain with him as a pledge for the

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due payment of the stipulated rent; on this sum an interest was allowed to the kanamkar or farmer, who might perhaps frequently be obliged to borrow the money on other pledges; after deducting the amount of this interest from the pattam or rent agreed on, the difference was paid to the Jelm-kar or landlord.

"Again in the next paragraph he says regarding redeemability, 'the owner would enter in his land again or grant them to a fresh kanamkar'. That is what the report says. The report consists of four closely printed pages and nowhere there is any mention, as alleged, by my hon. Friend, that the kanamkar seldom exercised his right or that the kanams were not redeemable.

"Then coming to Dr. Buchanan, this is what he says: 'The proprietor always reserved a right of reassuming the estate whenever he pleased, by paying up the sum originally advanced'; but towards the end it is true he says that the janmis very rarely exercised this right.

"The next report referred to was Mr. Warden's (1801); he says: 'The common tenure upon which the ryot holds his ground of the jenmkar is upon what is called kanam; this is a species of tenure greatly resembling a mortgage, but the land is always redeemable upon the jenmkar repaying the money which he originally received from the kanamkar or lender in pledge of his ground.' I want to draw the attention of the House to the fact that these people have distinctly stated that the kanam was redeemable and not irredeemable as alleged by the other side. Then Major Walker says that the janmi possesses the entire right to the soil: 'If the kudian wishes to sell, he must first offer it to the jenmkar', etc. The Board of Revenue also confirm it in 1803. I shall not bother the House any more with the older authorities, but shall deal with the later ones. On account of the conflict of opinion about the land tenures of the district, the Court of Directors deputed Sir Thomas Munro to report on the conditions in Malabar. You know, Sir, it was he who first propounded the theory that the ryot had a proprietary right in the land in the east coast. It is significant that a man with such avowed sympathy for the ryots should have said that, so far as lands in Malabar are concerned, the janmis enjoyed such rights of proprietorship as was understood in England. Sir Charles Turner says: 'Whilst denying that ownership in the English sense existed in India, Sir Thomas Munro admitted that it most nearly approached the English ideas of ownership in Malabar.' Then I wish to draw the attention of the House to Sir T. Madhava Rao's dissenting minute. It was he who introduced the tenancy legislation in Travancore. That was why he was appointed as the President of the Commission in Malabar in 1884. He says in his dissenting minute attached to the majority report of the Commission: 'it is only right and proper that I should state here that I am unable to follow or endorse the historical matter comprised in paragraphs 8 to 13, inclusive of the foregoing report.' I would ask the House to mark this particular sentence: 'My belief is that the janmi was the full proprietor of the land.' This is a significant fact, as it comes from one of Sir T. Madhava Rao's position and convictions. Then it was stated that the nature and incidence attached to the kanam was not understood by the English Judges saturated with the European notions of land system. Even before the district came into British hands, European travellers who visited Malabar have reported about the conditions of the country. Jacob Cantersvischer was one of them. He said that

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the kanam was nothing but a mortgage and it was of a redeemable nature. I have already quoted extracts from his report at the time of the first reading of the Bill. The very language employed in a kanam demise shows that it was only a mortgage—see the Select Documents placed by me on the table of the House. There is document (No. 1) in which the nature of the kanam is described. These documents could not be impugned because they were produced long ago as exhibits in a case between the Zamorin and my family. The High Court passed decrees relying on them; so that their genuineness could not be questioned. The document categorically shows the kanam was nothing but a loan. You will see in the report of Farmer that when any one purchased the rights of a kanam, the amount used to be paid as consideration was only the kanam amount and nothing more. I have printed a copy of typical assignment deed (Document No. 12) in which the purchaser paid only the kanam. It shows people understood kanam only as mortgages and the transferee paid only the amount the mortgagor was bound to pay. At a later stage, I shall have to refer to other kanam purchases mentioned in my statement of typical kanams placed on the table of the House."

* Mr. T. R. VENKATARAMA SASIRIYAR:—"May I know the date of the document to which reference was just made?"

* Mr. K. PRABHAKARAN TAMPAN:—"The date is 28th Kumbum 1011. Then there was the proclamation of 1793 notifying the janmis could sue for eviction in the Sadar Adalat Courts. It distinctly says that janmis were entitled to redeem their property, provided the periods for which the lands were demised had expired. It was promulgated a few months after the district came into the hands of the British Government. I would next invite the attention of the House to a statement made by Sir T. Muttuswami Ayyar in the proceedings of the Master Committee. During the course of its deliberations Sir T. Muttuswami Ayyar said: 'the question was whether the old established custom had been made out: it was *prima facie* inconsistent to say that the kanam was renewable and at the same time to say that it was fixed tenure.' When he had been sitting with Sir Charles Turner, kanam documents of 1760 and 1780 had been produced before them, which expressly provided for renewal, and Sir Charles Turner in open Court drew Mr. Sankaran Nayar's attention thereto. If the majority of the Committee were satisfied that there was an imperious political necessity to interfere with the rights of property, then the case would be different. He categorically said that there is no justification for land legislation in Malabar, if Custom had to be relied upon. Mr. Sankaran Nayar who was also a member of that Committee had nothing to say in answer to that.

"Then I wish to invite the attention of the House to a custom prevailing in the district called the giving of the Enaks. This is how Enak is defined in Moore's Malabar Law:

ENAKS:—"Certificates from the mortgagor to the mortgagee or *vice versa*, announcing the transfer of his interest,—"

"I shall read one of the Enaks Document No. 9. After narrating the name of the parties, the name of the land and other particulars, it proceeds to say 'I have sold away absolutely the said land sowing 15 paras of paddy with the said paramba to Pamulli Mana and have received consideration therefor, reserving your kanam amount with the mana, you may surrender

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the lands and paramba giving your kanam deed to the Pumulli Mana Nambudiri, on receipt of your kanam amount after setting the michavaram account or you may take a kanam demise direct from the Pumulli Mana.'

"This was in 1021. The earliest document is of 1003. If the custom in the country was that the kanams were not redeemable, where was the necessity for these Enaks? It distinctly shows more than anything else that the people recognized the fact that kanams were redeemable and the tenure was treated only as an ordinary mortgage.

"One point of which capital was made by the hon. the Mover was the absence of decrees prior to 1853. Not only my Friend the Diwan Bahadar but also Mr. Moore, the author of Malabar Law, and Mr. Logan err with him in this respect.

"Really, Sir, I could not understand how those people who had their own responsibility in the matter could say that there were no decrees for redemption before 1882 except when there were arrears of rent or dispute in the title. As a matter of fact, there have been suits, any number of such suits for redemption. I have been able to collect decrees of redemption which relate to a much earlier period than 1852. When I raised this point in the Select Committee, Mr. Krishnan Nayar questioned the genuineness of the decrees and wanted me to produce, if possible, the original copies. I have accordingly got their certified copies and placed them in the hands of the hon. the Law Member who was the Chairman of the Select Committee, with whom they are still left. I have been able to get in all 35 decrees, all relating prior to 1852. The earliest is of 1817. I must crave the patience of the House while I read from at least two or three of those decrees."

* The hon. the PRESIDENT:—"I hope the hon. Member is not going to read those decrees."

* Mr. K. PRABHAKARAN TAMPAN:—"No, no. I would only read a paragraph or two to draw the attention of the House to certain characteristic features of one or two decrees. I would first refer to suit No. 702 of 1825 in the Court of Adalat Sadar Amin at Calicut. It is a simple redemption suit as is understood to-day. There was no arrear of michavaram and no dispute of title either. My chief object in referring to this suit is to show to the House that even when there were no arrears of michavaram the custom was that a decree for redemption was granted.

"There are three issues involved in the decree which I wish next to refer to, viz., Suit No. 586 of 1826 in Thukti Munsif's Court, Calicut. The suit was upon a document executed in the year 1000. There were some arrears of rents for the next year and the suit was filed in 1002. This shows that kanam tenures did not then ensure for twelve years as at present. The custom was that whenever janmi wanted back his land he should get it. I will read an extract from the above decree:

... as the (defendants) kanam tenants have no other go but to surrender the land when their janmis demand their surrender, it is decreed that on payment of the kanam amount of Rs. 307½ and of the improvement value of Rs. 13½ by the Plaintiff Thamburatti to the defendant, the latter (kanam tenants) do surrender to the former (the janmi) the suit parambas

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"It will be seen therefore that there was no other go to the kanam tenant than to surrender the land to the janmi *whenever called upon to do so*, there being no incident of time-limit attached to the kanam as understood now.

"Then, the last decree I am going to refer to is more significant. This was a suit filed by my own great grand uncle and the Zamorin Raja of the day against a kanamdar. One of the grounds for which the suit was filed was that the plaintiffs were not willing to allow the defendant to continue in possession of the said land. It was in fact the only ground. There were no arrears of rent or dispute of title involved in the suit. The only ground, I repeat, was that the plaintiffs were not willing to allow the defendant to be in possession of the land. It was suit No. 122 of 1840 in the Munsif's Court at Palghat. Now, Sir, having regard to these decrees, my hon. Friends on the other side cannot say that evictions began only after the Proceedings of the Sadar Adalat Court in 1853 and there were no suits for redemption prior to 1853. So, I think the House will not be justified in recording its votes on the strength of the statements made by Mr. Krishnan Nayar. Sir Charles Turner points out that the absence of pleadings in redemption suit regarding such a custom is a significant fact.

"I will refer to one more report which I think is of greater importance for our purpose than any of these. You know that after Sir Charles Turner recorded his minute, a Committee was appointed consisting of eminent jurists and administrators to inquire into the land tenures of Malabar. It consisted of 14 members—a body, I need hardly say, thoroughly competent to pronounce an opinion on the subject. What do they say? The Committee found 'after a full examination of the arguments in support of the view, the Committee, by a majority, came to the conclusion that it was untenable, and that there was evidence to show that so long as a century ago the kanam had been a renewable, and consequently a terminable tenure; while it was admitted by the exponents of the theory that it was impossible to produce proof that the tenant was at that period legally entitled to a fixed share of the produce.' Now, in the minute of dissent of Mr. C. Sankaran Nayar attached to the report we do not see anything recorded in disagreement with this finding. What are we to infer from that? We come to the irresistible conclusion that kanam was only a mortgage."

* Mr. J. A. SALDANHA:—"May I point out that the passage which is being read by my hon. Friend Mr. Prabhakaran Tampan has been already read in this House by my friend himself or by his friends near him. This is the fifth time that it is being read in this House. It is very difficult for Members of this House to endure the reading of it again and again. This passage has been read here before and read *ad nauseam* as pointed out by my hon. Friend Mr. Narasimhacharlu yesterday. I appeal to you, Sir, that there must be some sort of limit to repeating the same argument and to not only reading, but re-reading the same passage for the fifth or sixth time."

* Mr. K. PRABHAKARAN TAMPAN:—"No, Sir. It has been never referred to. My friend is not tired of referring to his own pamphlet while he won't let me refer to certain standard authorities on the subject."

* Mr. J. A. SALDANHA:—"I only referred to a thing which he might not have read. That book was never read here at all."

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* The hon. the PRESIDENT :—" Mr. Saldanha is only delaying the speaker concluding his speech."

* Mr. K. PRABHAKARAN TAMPAN :—" If I am unnecessarily interrupted the only result would be that I might take longer time than I intend."

"I have already explained, Sir, what the nature of a kanam holding is; that it is only a mortgage, it is redeemable and people of the district have been treating it only as such. I will now with your permission refer to the proposals previously put forward for tenancy legislation in Malabar. The first was Mr. Logan's."

* The hon. the PRESIDENT :—" I must intervene and ask Mr. Tampan not to go over the whole question of the kanamdars. I will allow him to go into the historical details to enable him to controvert certain statements made by Mr. Krishnan Nayar, if possible. Now, if he will produce arguments relevant to the question of the non-cultivating kanam tenants we will be glad to hear him."

* Mr. K. PRABHAKARAN TAMPAN :—" I was only going to show that even Mr. Logan was against granting occupancy rights to kanamdars as such or the non-cultivating kanamdars. It was only cultivating tenants, either kanamdars or others, that were entitled to any legislative protection according to him. The clause under discussion is about non-cultivating kanam tenants. That is why I am inviting the attention of the House to the conclusions of one who was the protagonist of the tenants. He was not for giving occupancy right to the non-cultivating middlemen who were mere investors of their money. The class of people for whom he recommended legislation was the actual cultivator holding 25 acres or less of wet land and 5 acres of garden land."

"I wish to read only a short paragraph or two from his report which indicate what his opinion of such kanamdars was. This is what he says: 'Nor does it seem necessary on any ground to legislate for people who are mere investors of money and who contribute nothing towards the wealth of the country.' Further down he says: 'It may seem hard looking to the former position of the kanakkar or protector guild as defined in these papers to deny them the right which they in my opinion undoubtedly held at the commencement of British rule in Malabar to a certain customary share of the produce of the soil; but on the other hand is the policy of the last ninety years to be now undone and is the janmi to be no longer recognized as the proprietor of the soil. . . . The action of the courts during these ninety years of British rule has completely changed, in a large proportion of cases, the personnel of the ancient kanakkar or protector guild. However just therefore might have been the claims of the persons who were kanakkars at the time of the British accession, it would be manifestly unjust to put on a footing of equality with them, the persons who have since acquired kanam rights in the sense in which the court now understand those rights.'

"It was only Mr. Madhava Rao's Committee that recommended legislation for the non-cultivating kanamdar. As I have already said, that Committee did not contain any janmi representative and so what this Committee recommended was only the outcome of the deliberations of a few kanamdars who were out for reform. We should therefore put it altogether out of court. The Master Committee, to which the whole question was

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referred, recommended only the introduction of a measure for giving compensation for the tenant's improvement said :—" After a consideration of the question of Malabar tenancy in all its bearings and after discussion of the various proposed measures for dealing with it, the Committee would recommend that no further legislation could be undertaken beyond the Bill for compensation for tenants' improvements and that which is now forwarded. We do not concede that a case has been made out for more extensive interference.' That was what the Committee recommended. They did not recommend tenancy legislation in favour of the non-cultivating kanamdars or any other dars. It was then Mr. Dance who was Collector of Malabar for some time and had considerable experience in the district in other capacities, recommended that the system of melcharth might be done away with. So he also did not recommend legislation for the protection of the non-cultivating kanamdars, or any other."

"Reference was made by the hon. the Law Secretary to the opinion of Sir Saikaran Nayar in 1914 which I need not therefore refer to at present. I would like to read just one or two extracts from Mr. Innes' report who was the next to recommend tenancy legislation and I may assure the House they will not be very long and taxing their patience."

* The hon. the PRESIDENT :—" Has that report been published?"

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

* Mr. J. A. SALDANHA :—" As we are in possession of that report I do not know why it should be read again. We have already read it."

* Mr. K. PRABHAKARAN TAMPAN :—" Mr. Innes confined his proposal mainly to cultivating tenants and has done little for the non-cultivating middleman. He said 'these men are middlemen, and in my view they must be left mainly to take care of themselves. I can see no possible justification for Government's interfering to any great extent between them and their janmis.' He has no sympathy with the kanamdars as such and deals with them in paragraph 6 of his report which I don't propose to read now as the House has disposed of that question. I must read what he says of intermediaries:

'The intermediaries.—I have said some hard things about the janmis as a class, but I may remark parenthetically that I do not mean to imply that the cultivators are any better off when they hold under a kanamdar or other intermediary. Probably indeed the contrary is the case. Tenants are often connected with their janmis by hereditary ties, while the kanamdar is often a professional man, a vakil's clerk or a kariyastan who has no tie of any kind with his kanam property and regards it merely as an investment. Further, as I have already pointed out, the kanamdar frequently has paid a heavy renewal fee or a large sum for a right of entry, and he is driven to screw all he can out of the land while it remains in his possession. Mr. Logan makes this point clear in his report. He points out that kanamdars rack-rent, evict and oppress their tenants just as much as the janmis and one of the principles he kept steadily in view in framing his proposals for legislation was that it would not be sufficient merely to restore to the kanamdar the position which in his opinion he had formerly enjoyed. It would be necessary to go further and to protect the actual cultivator of the soil whether against the janmi or the kanamdar."

"As I have already pointed out, the non-cultivating kanamdar frequently changes the tenants under him, that he squeezes the largest share of the produce in the shape of his rent and that he has practically no interest in the land. Mr. Logan's report also makes this point clear. The kanamdars' way of rack-renting has to be steadily kept in view, in formulating proposals

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to help him. In other words, if the janmi is a bad fellow, the non-cultivating kanamdar is a hundred times worse fellow and an unnecessary incubus on the land. I am not going to read any more opinion about the kanamdars in general because the question of cultivating kanamdar has already been disposed of and the House must be in a position now to judge for itself.

"My hon. Friend Mr. Krishnan Nayar said yesterday in opposing this motion that he was prepared to go to the utmost possible limit. But what he conceded was only a sham. I will try to show how it is. He said that he prepared to restrict the operation of this clause to such tenants whose kanams originated prior to the year 1852 and their assignees. But one cardinal factor which should be borne in mind by the House is that in Malabar no new kanams have been raised after that time. It is *ultra vires* for the karnavans or stanis to raise new kanams. They are incompetent to do so except for family necessity. The High Court has held so. As a matter of fact, I do not know whether any new kanams have been raised all these years and I am sure if they are any, they will only be very very few in number. Speaking for assignees, I have already read Mr. Warden's report about the consideration usually paid for the assignment or purchase of kanams. I have also quoted from one or two documents to show that the consideration paid for the assignment of kanams was nothing but the kanam amount. I have placed on the table of the House a statement to show that the value paid for the purchase of kanams is only nominal and never proportionate to the profits. There are about 13 cases and if you will compare them you will find that in no case the assignment value exceeds six year's purchase while the janmam value of a land is about 25 times the rent. After all, the assignees have paid only the amount they are entitled to get at the time of eviction for the lands from which they are enjoying a very large margin of profits. There is another aspect of the question, namely, the assignees purchase the lands with the full knowledge and with the distinct consciousness that they would be entitled to enjoy them only for a period of 12 years, and that at the time of redemption they would be entitled to get only the kanam amount and the value of improvements, if any, on the holding. They are not therefore entitled to any other benefit than these contractual obligations that are specifically mentioned in the document, rights for which alone they bargained and paid for.

"It is my humble opinion, Sir, that it is beyond the legitimate functions of the legislature to undertake the enactment of a measure which contemplates such confiscatory proposals. I can understand if a measure calculated to safeguard the interests of a large number of people entrusted to its care is taken up for consideration; but I cannot understand why a proposal which goes to invest new rights to certain classes to the detriment of another class and without compensation is seriously thought of. If the Council wants to discharge its duty justly, equitably and fairly it must brush aside this proposal.

"Having explained to the House the nature of the kanam tenure and the various incidents attached to it and the right which the janmis exercise in regard to redemption, I need not labour much on the grounds advanced by the other side in justification of the Bill. I will only say that no case has been made out. The historical aspect of the case will not bear examination. Mr. Krishnan Nayar has not made out a case on any other ground either on the agricultural or the economical aspects of the question. I have dealt with

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these points at length at the first reading of the Bill with special reference to statistics published by Government and to this day my friends have not attempted to refute them.

"With regard to the economic aspect, I want to say one word in justification of redemption. It is stated that the janmi exercises the right of redemption wantonly. If the janmi redeems his land for his own purpose, nobody can find fault with him. If he redemises to another it goes only to support that family, and thus the growth of a middle class is fostered in the land. If a particular family enjoys a certain kanam for some years it helps that family to become fairly well-off within that period. Sir, this system of transfer has enabled many a family to become rich and prosperous. The land instead of remaining in the hands of one and the same family undergoes changes to the advantage and benefit of a larger number. That is how in Malabar we have an influential and educated middle class. Economically it is a very sound theory and in that way from a wider point of view it is justifiable. Politically also no case has been made out. Much capital was made by my hon. Friend Sir K. Venkataradi Nayudu of the Mappilla outbreak. He attempted to show it was due to the system of land tenure obtaining in Malabar. It is a travesty of truth to say that the Mappilla outrage was in any way connected with the agrarian problem. He tried to do so in the Select Committee also. The very fact that the Mappillas destroyed some sub-registry offices showed according to him that they were anxious to destroy copies of the title-deeds so that they might claim to be the landlords. It was not so. The rebellion was directed against the Government established in the land and they destroyed all Government property, whether a police station or a munsif court or a bridge or any other property. It was not directed at the initial stages against Hindus because the Mappilla rebellion was the outcome of Khilafat agitation and as such was directed against the British Government. The records in the houses of janmis living in the rebel area were left intact though they could have been easily destroyed. Nor did the rebels kill a single janmi, their revenge being directed against those who, they thought, were spies employed by the military and the police. Sir K. Venkataradi said that the first Mappilla outbreak took place only after the courts began to order eviction suits. Even before the British came into the district in 1793 there was an outbreak in Manjeri when the notorious Kurukal rebelled and that rebellion had to be put down by the Moslem Government under Hyder. There were many outbreaks in the early era of the British Government also.

"This clearly shows that the argument put forward that the agitation was directed against the janmis and was due to agrarian discontent does not bear examination. I may in this connexion read an extract from the opinion of Mr. R. Sekhara Menon, a strong advocate of tenancy legislation. This is what he says"

* The hon. the PRESIDENT :—"The hon. Member is going beyond the latitude. I have allowed him to traverse the statement made in this debate. But he is going to traverse the statements made on the previous debate. I hope he will come to the end of his speech soon."

* Mr. K. PRABHAKARAN TAMPAN :—"Reference was made to Mappilla outbreak in this debate."

* The hon. the PRESIDENT :—"Not in this debate."

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* Mr. K. PRABHAKARAN TAMPAN :—" Yes, it was Sir K. Venkatarreddi Nayudu that raised this point."

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* The hon. the PRESIDENT :—" Not on this clause."

* Mr. K. PRABHAKARAN TAMPAN :—" I am anxious that the House should not be misled on this question. But if you so desire, I will not bother myself about it. Social oppression of the janmis was referred to."

* Mr. J. A. SALDANHA :—" Not in connexion with the discussion of clause 7, sir; in fact my hon. Friend purposely avoided that point."

* Mr. K. PRABHAKARAN TAMPAN :—" My hon. Friends Mr. Krishnan Nayar and Mr. Raman Menon referred to it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. But I do not want to object to my hon. friend referring to it. In fact I do not want to cut short his speech at all in any way."

* The hon. the PRESIDENT :—" Anyhow we must not place temptations in the way of the hon. Member."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I am in your hands. I don't believe the House will treat that seriously and therefore I shall leave it alone. Analogy was drawn between the conditions obtaining in the Native States of Cochin and Travancore and British Malabar. As regards Travancore, I may here quote what Sir T. Madhava Rao himself said in his famous note: 'The conclusion I draw after the most anxious and careful consideration may now be briefly stated—

' (1) that the custom of the country makes kanapattam an irrevocable tenure;

' (2) that the best interests of the country require the recognition, preservation; and confirmation of the custom.'

"The following remarks of Sir Madhava Rao are also significant. He said:

'In short what I recommend again and again is that the *existing custom of this country* should be our main, nay, our sole guide. If there are established customs and these are conducive to the ends of public utility they should be recognised and confirmed and not subverted merely for the reason that they are opposed to analogies or the customs of other countries.'

"In Travancore there was no redemption; and their regulation was based on their custom. What do we find here? What is the custom here? There is then a good deal of difference between the land tenure in Malabar and in Travancore. In Travancore all janmam lands were given to Brahmans as shrotriyams. When the State gives certain privileges to anybody it has also got the right to impose the conditions as to the manner in which the beneficiaries should enjoy those privileges. There is no Government assessment for those lands, but the moment the land is transferred or sold to another it is liable to assessment. Neither the land system nor the tenancy regulation which was based on the custom of the land can be any guide for us. While in Travancore the regulation codified the custom of the court, our attempt is to subvert it. Referring to the Cochin tenancy regulation, my hon. Friend Mr. Krishnamachari has already said that there is no universal landlordism in Cochin. The janmis have not got such allodial rights as in Malabar. For example the janmi has no right to cut the teak, ebony and other trees; he has only a limited right. My hon. Friend Mr. Moir said that by increasing the assessment periodically the State who has practically the monopoly of

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he janmam land can raise the rent of the verumpattam and other lands. It only served to get rid of a complicated system of land tenure in the State. Therefore there can be no analogy between Cochin, Travancore and British Malabar. As regards tenancy legislation in other provinces to which also reference was made, I find there is no provision in any of those Acts for occupancy rights to mortgagees. Those measures contemplated to protect only such as were entitled to the privilege given. In all those provinces wherever there have been tenancy legislation, a large number of intermediaries have now arisen and proposals to revise the Acts with a view to protect the cultivating tenant and keep the land in the hands of the actual cultivators are under contemplation. While other provinces are thinking of legislating to protect the cultivating tenants as against the non-cultivating class and money-lenders, we here want to do the reverse and propose to give occupancy rights to non-cultivating middlemen. That is going to be the effect of this legislation. We are indeed far behind and more reactionary than other provinces in this matter. As regards melcharths . . ."

* The hon. the PRESIDENT :—" How is that relevant to the question?"

* Mr. K. PRABHAKARAN TAMPAN :—" Most of the non-cultivating kanamdars came by their property through melcharths, but I shall deal with it when it comes up. There is a kind of unearned profit attached to the kanam tenures and the object of this legislation is to make the non-cultivating kanamdars enjoy it perpetually, even though he has not paid for it. On account of the peculiar social system of Malabar, only the karnavan has got the power of evicting the tenant. He comes into office late in his life when he has a big family of wife and children to maintain. He tries to get as much as he possibly can in the shape of renewal fees; he is not anxious to reduce the property and increase the income of the family. The Bill realises those that were good and generous towards the tenants. If the janmi can't redeem his land for raising his income he must rest content with the nominal melchavaram he now gets. The ordinary janmi tarwad in Malabar is poor and increasing in numbers and, if the non-cultivating kanamdars are also given this right the poor janmi families will be ruined. I have said enough to show that the kanams are redeemable tenures and that particularly the non-cultivating intermediary kanamdars have no right of any kind to expect this protection from the Legislative Council. I support the omission of clause 7."

Mr. K. P. RAMAN MENON :—" Sir, I shall try to confine myself strictly to the proposition before the House, i.e., that clause 7 be omitted. I want also to consider the question whether a cultivating kanam tenant should not be placed on a different footing from that of the non-cultivating kanam tenant. I do not wish to enter into the general question whether a tenant should be protected or not; I think the House has already committed itself to this policy. But I wish to draw the attention of the House to the inconvenience that might arise if this distinction is sought to be made. The non-cultivating kanamdars are a creature of accident. A non-cultivating kanam tenant became a non-cultivating kanam tenant on account of the exigencies of the feudal times. He had to leave his home and lands and follow his master to the fields to fight his master's battles. Then the land had to be cultivated and the verumpattam tenant came into existence. Are you now going to deprive the non-cultivating kanam tenant, who had martial spirit in him and followed his master, of the right of holding property, and vest it in

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other tenants, perhaps less martial than he? That is the historical position. In more recent times, the Joint Commissioners made absolutely no difference between the two classes of tenants in 1793. In connexion with this, let me quote two articles from the articles settled with regard to the Jelmukaars and to their share of the revenue for 969 (A.D. 1793-94). The fourth and the fifth articles are relevant to this point;

'4th. It is therefore ordered and settled by the Commissioners that such Jelmukaars so possessed of their Jelmns may continue to possess them, paying to the Company the revenue as settled by Arshed Beg Khan settling with the Kanamkaars according to their ancient pattoom, or agreements, or otherwise as may be agreeable to both parties.'

"In this article absolutely no reference was made to tenants in possession and to tenants out of possession.

"Article 5 runs thus: '5th. Such Nambutiris and others who, having fled in the year 963 or 964, have returned and have not got possession of their Jelmns, may claim the share they received in the year 963 or 964. If the Kanamkaars do not consent to pay this, they may then sue in the Adalat Cutchery and obtain repossession of their Jelmns, when the time they leased them for expires, or taking from the Kanamkaars the pattoom agreed for, settle with the Sirkar for the Nikuti.'

"I am not dealing with the question whether an additional right is given to the janmi to evict the tenants. I am dealing with the question whether any difference exists between a cultivating tenant and a non-cultivating tenant. It is obvious that no distinction can be drawn. With regard to the actual difficulties, if the non-cultivating tenant is not recognized as possessing the right, you will be pleased to remember that cultivable lands in Malabar do not lie compactly. Whoever has travelled must have observed that Malabar consists of rich fields with hills intervening between arable lands. This will be seen everywhere. It is impossible to find a stretch of cultivable land at a stretch. The holdings are scattered throughout. Most of the janmis hold their janmams scattered. The position comes to this: A kanam tenant or a janmi may have 50 acres in one place; two miles off there will be another 50 acres; another one mile off he may own another 50 acres. For convenience of cultivation a janmi has to hand over some distant kanam lands to strangers for cultivation and take lands that lie near him for cultivation by himself. A person may thus be a non-cultivating tenant so far as some portions of his janmam is concerned; he may be a cultivating tenant with regard to others. Where are you going to draw the line? Do you mean to say that a person who lets out one item of his kanam lands to verumpattam tenants does not come within the category of cultivating kanamdar and that he is to be deprived of the right? Suppose a man has got one of several items of land which he is cultivating, while the others he has given to other tenants. Are you going to say that he is a cultivating tenant or a non-cultivating tenant? I would therefore commend to you that this aspect of the question should be looked into.

"There are also other reasons. Just two years ago a certain tenant who occupies now the position of a sub-judge told me that his family had to grant to a verumpattam tenant the actual cultivation of the soil, the reason being that one of the members of the family was a High Court Vakil practising; another a sub-judge who could not practically give up his appointment

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and a third who had been looking after the cultivation of the land died. As there was nobody to look after the cultivation except young boys and women, he had naturally to let out his land to a verumpattam tenant. Are you going to deprive such a man of his holding because owing to some accident he is not able to carry on agriculture? All these contingencies have to be faced. I am not now on section 7 itself which may be carried with or without amendments. I am only opposing the amendment of the hon. the Law Member that the section be totally omitted. It is necessary to protect such tenants subject to any reservations the House may lay down. The hon. the Advocate-General exhorted Mr. Krishnan Nayar not to draw the line with reference to the persons who have taken assignments. The assignees bought with the lands the kanam and the conditions that appertain to the janmam."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"Did they buy the land also?"

Mr. K. P. RAMAN MENON:—"With the lands they got all the rights. There are so many lands that are built upon on mere expectations. Those persons do not come under any other category than holders of property. There is no difference between the two. I fail to see why there should be any difference. If they have no rights, that would be a different matter."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"I would ask the hon. Member to say what he means by 'expectations'. Does he mean expectations in the shape of a Bill conferring occupancy right?"

Mr. K. P. RAMAN MENON:—"I shall deal with it at greater length afterwards. I just made a passing reference. I do not want to be irrelevant even though I am tempted to do so by the learned Advocate-General. I am not dealing with section 7 itself. I am speaking on the proposition that is before the House. So far as the present proposition is concerned, when it is sought to delete section 7 altogether and when it is said that a non-cultivating kanam tenant should get any occupancy right it is plunging us into a sea of difficulties in regard to the framing of the Act. I would therefore caution the hon. Members of the House and exhort them to vote against the proposition put forward by the hon. the Law Member."

Diwan Bahadur T. R. RAMACHANDRA AYYAR:—"Sir, whatever justification there may have been for enacting clause 6, there is no justification for retaining clause 7. The right of occupancy has been given to the person who is cultivating the soil. The grant of occupancy rights to a person who is not cultivating the land is contradictory in terms."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Not at all."

Diwan Bahadur T. R. RAMACHANDRA AYYAR:—"We must base our arguments on logic. If there is no logic, there is no use of arguing. Take the Estates Land Act. It is the actual cultivator who gets the right. The hon. Member, Mr. Raman Menon, is conscious of it. As a lawyer he knows that. He looked at the historical aspect of kanam tenancy. He said, 'I do not see that the kanam is tenure permanent'. That statement is perfectly right. So long as it is not assumed that it is permanent but redeemable, it must be capable of redemption. Ninety-nine per cent of the present kanamdars have got the tenure only as a means of investment. How did they invest their amount? They thought that it would get so much income. As far as expectations based on imagination and on unreasonable calculations are concerned, I think that they will be frustrated as it is the case in so many

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instances. Every litigant has his own expectation; he has much hope. When a person purchases a tenure, he purchases it as a purely redeemable tenure. In 12 years he can really make a very good profit. How, it is asked. The hon. Member Mr. Krishnan Nayar said that the kanam amount was so small that it was wrong to call it a mortgage. The rent, which is called kanam pattam, which is fixed between the janmi and the kanam tenant at the time of the demise is not the actual rent; but it is a favourable rent which may be half or two-thirds, and out of that, the interest of the amount is taken away. The balance is paid as michavaram. The result of it is that the kanam tenant enjoys one-third or one-half of the rent for a period of 12 years. This is the benefit that is calculated at the time of purchase of the tenure. When he gets the money at the end of 12 years he would have earned an interest of 12 per cent or more.

"So many gentlemen such as Sir Sankaran Nayar and Mr. Logan have considered the question. Whatever may have been the state of things years ago when legislation would have been reasonable, it has ceased to be reasonable now because the present holders are persons who have known full well their rights. So many who have invested their money are lawyers and vakils. It cannot be said that they did not know the law. They are good agitators; they have much influence on the public. An agitation of this sort is carried on by purely interested persons who have not got permanent rights but have come into possession quite recently. We are having much agitation with regard to verumpattam tenants. The hon. Member Mr. Krishnan Nayar says that the right can be given to future holders. Things go on like that. Some sort of reasoning should underlie the attitude of the House.

"The hon. Member Mr. Raman Menon said that the owner of a land became a Sub-Judge. I have been a vakil for a long time. I have been owning lands and cultivating them. I go there during the vacation; I need not be on the spot. If you are so minded, you can carry on the cultivation yourself. I am speaking from personal experience. An extensive area of land is cultivated by me. I can tell you that not only myself but other persons also carry on cultivation. Some persons do not want to cultivate. It is considered *infra dig.* Tilling of soil is a dignified labour. Such persons have no business to become owners of lands.

"As was said by Sir Charles Innes, the kanam tenants are the worst oppressors, worse than janmis. These are the class of tenants that oppress the cultivating tenants. The janmi can oppress the tenant only second hand. First of all, the kanamdars do so. If you give permanent right to the kanam tenant you will be making him an engine of oppression. It will be grievous injustice to give him this right.

"The hon. Member Mr. Krishnan Nayar wants that his proposition that the assignees who have enjoyed the land for 72 years should be accepted. Those families who were enjoying the land 72 years ago are all gone. They may be called by the name of the land now. If A who is the original occupier is no longer the assignee, X, Y or Z comes into possession. A may have the name of the land as his family name; therefore you must not say that you must give permanent right to A. That is the logic. Therefore, I do not think there is anything here. Then Mr. Raman Menon said that it was not so as in other places. What he seems to have forgotten is this:

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you try to compare a janmi to a zamindar. A zamindar has got a particular area of land given to him; but in Malabar, the janmi was never a zamindar. Therefore he goes and purchases lands here, there, everywhere. That is the reason why the mistake is committed of calling him a zamindar, a zamindar who has no permanent engagement with the Government. That is the essential difference between a janmi and a zamindar. In the case of a janmi, he is subjected to periodical enhancements of Government revenue as in the ryotwari tract, with this difference that in the case of waste and forest lands alone the janmi has a right to the exclusion of the Government. And even there what does the Government do? It gives the waste land to a tenant. The tenant will be in occupation. If the janmi agrees, he may ask the tenant to give him rent; but in the meanwhile the tenant chosen by the Government will be in occupation paying the rent to the Government. That is what is being done now and it has been a subject of decision in courts. In 13 Madras, it has been decided that the Government have been exercising the right even in regard to waste lands. In Cochin and Travancore—at any rate as regards Cochin I know for certain, I am not sure about Travancore—in Cochin there is no waste land, no forest or any thing and only with regard to the monopoly of the produce, and even that recently I think, some right has been given to the janmi in the case of trees like ebony, jack tree and all that, which belong to the State. That is the position. Another thing is this: the State is the largest janmi in those places. Their lands are called Pandaravagai, i.e., Government lands and they are given away to others. They are like mirasdars here. The Pandaravagai landholders are like mirasidars of the East Coast or mirasidars of the Telugu districts. That is their position. Then there are very small bits of land which belong to the janmi. Even the janmi's rights are very much restricted and as Mr. Madhava Rao puts it, it is the custom in Travancore. With regard to the custom, we all know that the thing must be in vogue now and must have continued from time immemorial. It is just the other way here. Therefore, that takes away the argument as regards Travancore. Now, to go against that established custom, to deprive customary rights, is unjust, especially where a man is not in possession; and there is no reason for giving permanent rights to assignees. I therefore think that the retention of this clause is perfectly improper."

The amendment was put to the House and declared carried. A poll was demanded with the following result:—

Ayes—31.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 17. Mr. V. Madhava Raja. |
| 2. " Mr. N. E. Marjoribanks. | 18. Hony. Lt. Madurai. |
| 3. " Khan Bahadur Mubammad Usman Sahib Bahadur. | 19. Mr. T. Mallesappa. |
| 4. " Mr. T. E. Moir. | 20. Rao Bahadur O. M. Narayanan Nambudripad. |
| 5. Mr. T. R. Venkatarama Sastriyar. | 21. Mr. B. Obalesappa. |
| 6. Rao Bahadur V. T. Krishnama Achariyar. | 22. " K. Ragnanandra Ballal. |
| 7. Mr. G. T. Boag. | 23. " V. C. Vellingiri Gounder. |
| 8. " V. Pandrang Rao. | 24. Rao Sahib R. Srinivasan. |
| 9. " J. F. Hall. | 25. Mr. S. R. Y. Ankinedu Prasad. |
| 10. " K. Prabhakaran Tampian. | 26. Rao Sahib P. V. S. Sundaramurti. |
| 11. Diwan Bahadur T. R. Ramachandra Ayyar. | 27. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 12. Capt. C. G. Windle. | 28. Rai Bahadur T. M. Narasimhaachari. |
| 13. Mr. D. Manjappa Heggade. | 29. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| 14. Sir Alexander McJongall. | 30. Sriman Sasibhushan Rath Mahasayo. |
| 15. Mr. J. A. Davis. | 31. Mr. Naganna Hegde. |
| 16. The Zamindar of Mandasa. | |

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Noes—38.

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| 1. Mr. K. P. Raman Menon. | 20. Mr. T. Adinarayana Chettiyar. |
| 2. „ H. B. Ari Gowder. | 21. „ P. Anjaneyulu. |
| 3. „ D. Appavu Chettiyar. | 22. „ Muhammad Meera Sahib. |
| 4. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 23. Diwan Bahadur M. Krishnan Nayar. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 24. Rao Bahadur P. Raman. |
| 6. Rao Sahib S. Ellappa Chettiyar. | 25. Mr. J. D. Samuel. |
| 7. Diwan Bahadur K. Elhiraajulu Nayudu. | 26. „ K. Sarvarayudu. |
| 8. Rao Bahadur K. Krishnaswami Nayudu. | 27. „ B. Veerian. |
| 9. Mr. R. Madanagopal Nayudu. | 28. „ K. Venkatachala Padayachi. |
| 10. Rao Bahadur B. Muniswami Nayudu. | 29. „ Muhammad Ghouse Mian Sahib. |
| 11. Diwan Bahadur P. Kesava Pillai. | 30. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 12. Rao Bahadur C. V. S. Narasimha Raju. | 31. Mr. T. M. Moidu Sahib. |
| 13. „ T. A. Ramalinga Chettiyar. | 32. „ Qadir Muhi-ud-din Sahib. |
| 14. Mr. J. A. Saldanha. | 33. „ M. Abdul Wahab Sahib. |
| 15. „ A. Ranganatha Mudaliyar. | 34. „ L. K. Pulasiram. |
| 16. „ A. Chidambara Nadar. | 35. „ K. Uppi Sahib. |
| 17. „ C. Gopal Menon. | 36. „ C. V. Venkataramana Ayyangar. |
| 18. „ B. P. Sreeha Reddi. | 37. „ B. Venkataratnam. |
| 19. „ S. Satyanurti. | 38. „ C. Venkatarangam Nayudu. |

Neutral—12.

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| 1. The hon. the Raja of Panagal. | 6. Mr. K. S. Ponnuswami Pillai. |
| 2. „ Rao Bahadur Sir A. P. Patro. | 7. „ S. Muttayya Mudaliyar. |
| 3. „ Diwan Bahadur Sir T. N. Sivagunnam Pillai. | 8. „ K. Sitarama Reddi. |
| 4. Khan Bahadur Muhammad Abdulla Ghatala Sahib Bahadur. | 9. „ Chavadi K. Subrahmanya Pillai. |
| 5. Rao Sahib T. C. Thangavelu Pillai. | 10. „ T. M. Narayanaswami Pillai. |
| | 11. „ S. Arpudswami Udayar. |
| | 12. „ B. Ramachandra Reddi. |

The amendment was lost.

Mr. K. P. RAMAN MENON:—“ I propose to postpone my amendment No. 96 till after clause 6 is disposed of. It is part of clause 6 itself.”

* The hon. the PRESIDENT:—“ The same will be the case with Mr. Prabhakaran Tampam's amendment No. 97, I think.”

* Mr. K. PRABHAKARAN TAMPAN:—“ My alternative suggestion is that if the first part of my amendment is lost, the second part may be allowed to be moved. I think that is relevant, and I think I can move it.”

* The hon. the PRESIDENT:—“ This amendment, the second part of it, includes cultivating kanamdars also. We have not disposed of them.”

* Mr. K. PRABHAKARAN TAMPAN:—“ It restricts the provision in two or three particulars. A period is fixed, the assignees are excluded, renewals are provided, and there is also the question of compensation.”

* The hon. the PRESIDENT:—“ But it includes the category of cultivating kanamdars. As it has not been disposed of, I do not think the hon. Member can move it at this stage. He will follow the example of Mr. Raman Menon and postpone his amendment.”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“ I am only saying this for the purpose of facilitating the discussion, not that I propose to debate it or take a vote upon it. It seems to me that this is the convenient time for taking up what was postponed in clause 6, because now that the general principles of clauses 6 and 7 have been accepted by the House, the rest of clause 6 may be taken up now.”

* Diwan Bahadur M. KRISHNAN NAYAR:—“ There was the Government amendment to omit clause 7 as a whole. That has been disposed of. It

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seems to me that the next amendment which we should logically dispose of is this. As I indicated in my opposition to my Friend's speech, there are amendments to be moved by Mr. A. Chidambara Nadar, by my Friend Mr. Ramalinga Chettiyar and others restricting the operation of this clause to those kanams which came into existence in 1853 and before—for instance, amendment No. 108. And after all the amendments to this clause 7 have been disposed of, there is the other question relating to compensation which is applicable to this as well as the previous clause. Mr. Raghuchandra Ballal's amendment was postponed as being an exactly similar amendment to this, viz. (amendment No. 114): ‘ Provided the janmi is paid a premium equal to 30 times the michavaram or rent’. That is, an identical amendment was adjourned in section 6; so that the question of compensation is common to both. Of course if the amount of compensation to be paid is deferred, I can understand it. But if permanent rights should be given to all the non-cultivating kanamdars or to all classes of non-cultivating kanamdars that have been in existence for 72 years and more, if that question has been disposed of, then the question of compensation which is common to both may be disposed of finally. Again, I submit that that will come properly after we dispose of the renewal fee and the amendments relating to it and also those relating to rent, because it was referred to in the arguments made yesterday that the power to enhance rent and the payment of renewal fees themselves form compensation. So that, I think the most appropriate procedure—I am putting this only as a matter of logic—will be to dispose of that question relating to compensation which arose under the previous section and then to take up the disposal of motions relating to the other amendments under this section and also relating to renewal fee and enhanced rate of rent.”

Sir ALEXANDER MACDOUGALL:—“ Sir, it seems to me that the correct procedure is this: I have already stated that the Malabar Tenancy Bill is a complicated Bill, especially where there are contentious provisions included in the Bill; and I rise to ask the hon. the Mover of the measure to drop it. I also appeal to the Government . . . ”

* Diwan Bahadur M. KRISHNAN NAYAR:—“ I want to know his exact words. Are they ‘ to drop the measure’ ? ”

Sir ALEXANDER MACDOUGALL:—“ Yes. I would appeal to the hon. Member in the special circumstances of this particular occasion to drop it this time entirely and I ask the Government benches to give a promise that they, in their turn, will cause an enquiry to be made into the whole conditions of Malabar tenancy either by a committee or otherwise and bring a Government measure into this House which may meet the approval of members and create greater unanimity in the disposal of the measure. I do not know, Sir, whether I am in order, but I trust I am.”

* The hon. the PRESIDENT:—“ Is this offering advice or moving a resolution ? ”

Sir ALEXANDER MACDOUGALL:—“ I shall move a resolution, if it is necessary, Mr. President.”

* The hon. the PRESIDENT:—“ Will the hon. Member kindly move his resolution ? ”

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Sir ALEXANDER MACDOUGALL:—"Mr. President, I beg to move this resolution that this Bill be dropped at the present stage and the Government be asked to enquire into the whole matter and bring their own measure at a later stage."

Mr. J. A. DAVIS:—"I second it."

* The hon. the PRESIDENT:—"The motion is as follows:—

'That the Bill be dropped at present and that the Government be asked to constitute a committee for enquiring into the conditions of land tenure in Malabar with a view to bring forward a suitable measure at an early date.'

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"I rise to a point of order, Mr. President. The proposition that the business of the House be adjourned can be moved at any stage but the latter portion saying that a committee be appointed by Government to inquire into and bring a measure cannot be tacked on and it is not in order under the Standing Orders. A member is at perfect liberty to move a resolution to drop the further consideration of the Bill. I have no objection if he puts it in that form. If he tacks on the second portion, I submit it is not admissible because he has not given previous notice. Whether a committee is to be appointed by Government cannot be discussed as far as this Bill is under consideration. Therefore I rise to a point of order."

Sir ALEXANDER MACDOUGALL:—"Mr. President and gentlemen (Cries of 'Order, order'), the whole position is that there seems to be no possibility of this Bill being passed by this House in a manner which will please anybody. You see from the voting how in many cases it has been equal or was but a narrow majority. Even in the report of the Select Committee there are 23 dissenting minutes. No Bill has come out of the Select Committee with so many dissentients. (Cries of: 'Irrigation Bill.') At this stage gentlemen (Cries of 'Order, order'), Mr. President and gentlemen (Cries of 'Order, order'), Mr. President I think the House would do well to drop the measure to be brought forward at a later stage. As has been suggested I am willing to delete the latter part of the motion. But I hope the Government will please take notice of what I have said. With due deference to the wishes of some of my hon. Friends, I will withdraw the latter portion of the motion and move only the first clause dealing with the dropping of the Bill."

Mr. S. SATYAMURTI:—"Even on the first clause, Mr. President, may I raise a point of order? My recollection of the Standing Orders may be wrong but I think I am right in saying this, that motions may be made for adjournment of the consideration of the business for a definite period say six months or sine die. But to suggest that the Bill be dropped is out of order. I request you, Sir, not to allow him to amend his motion further. Now that he has made the motion let him take his chance."

* The hon. the PRESIDENT:—"There is also Standing Order No. 34."

* Diwan Bahadur M. KRISHNAN NAYAR:—"There is only one proposition before the House and that is that this Bill be dropped. The second portion relates to the Government undertaking to institute an enquiry. As my hon. Friends both Mr. Narasimha Raju and Mr. S. Satyamurti pointed out both the first and the second portion of this resolution are thoroughly

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out of order. Standing Order No. 34 is the only Standing Order and it runs in these terms, that a motion that the business of the House be adjourned or postponed may be moved at any time. There is no such motion before us."

* The hon. the PRESIDENT:—"Read on."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Or that the Council pass to the business next in order in the statement of business may be moved. There is no such proposition here. Neither of these propositions that are contemplated under this Standing Order No. 34 is before you. Then what about the consequence of such a motion being carried? As my Friend Mr. Satyamurti said, I hope you will not allow my friend to amend this resolution or to bring another motion. I do not say anything about the merits now. I only speak on the point of order."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"Will you permit me to say a word on the objection just raised? I understand that one objection is to the use of the word 'dropped' whereas the word to be used is 'adjourned sine die'. I wonder if there is really any use ruling on a question of this kind. Under the Standing Orders, at any time a motion can be brought for adjournment. If the word 'dropped' is not satisfactory to you, you can substitute the word 'adjourned sine die'. I know that the hon. Member for the University appeals to you not to allow any amendment. The Member may repeat his motion ten minutes later that the consideration of the question may be 'adjourned sine die'. There is really no use in merely taking the word 'dropped' and asking for a ruling that it is not admissible as a motion for adjournment. If you consider that the wording of the motion will be more proper by having it as 'adjourned sine die' instead of 'dropped' you may permit it."

* The hon. the PRESIDENT:—"We have always been generous to people who want to amend their amendments. So Mr. MacDougall will amend his proposition accordingly."

Sir ALEXANDER MACDOUGALL:—"With your permission, I will make my motion read as follows:

that the discussion on the Malabar Tenancy Bill be adjourned sine die."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, after all the motion has been moved, perhaps under official inspiration." (Hear, hear.)

Sir ALEXANDER MACDOUGALL:—"As other hon. Members of this House may have thought like the hon. Member who just spoke, let me state at once that I drew my inspiration from none. I should like to tell the House that I made up my mind when I entered the House at 12 o'clock. What I said then I am exactly saying now."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"The hon. Member says that he was of the same opinion at 12 o'clock. At the same time he does in a way admit, if I understand him very well, that the actual motion was made after official support or confirmation. That is of no consideration to us. We have to judge the motion on its merits. This Council has been considering this nearly almost for three years and much time of the hon. Members of this Council has been taken."

Sir ALEXANDER MACDOUGALL:—"May I point out to the hon. Members that only 2½ days were spent."

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* Rao Bahadur C. V. S. NARASIMHA RAJU :—" We have spent three years I said. The introduction of the Bill took one day. The Select Committee at Ootacamund sat for more than two weeks and again at Madras they had one or two sittings. Sir MacDougall says that he also studied this Bill. I hope he will realize the amount of time one Member has to spend for understanding the peculiarities of the Malabar land tenure and if he takes that also into consideration he will certainly realize that the Members of this Council have spent a large amount of their time in connexion with this Bill. The first consideration that I will now put to him is this Is he justified in now saying we shall postpone the consideration of this Bill, practically drop this Bill as far as this Council is concerned? What are the reasons he has advanced in stating that? He said that the divisions on some of the motions are almost equal and they are passed by narrow majorities. I do admit that such is the case. But is it a ground for adjourning the consideration of this Bill? It only shows that the Members of this House are giving their best consideration to the various amendments that are coming forward before them, and they are not acting with any prejudice but that they are there to weigh the interests of the janmis and the tenants. Perhaps it would be said with respect to the Members of the Treasury Bench that they had made up their minds long ago as expressed in the dissenting minute of the hon. the Law Member, and that in spite of it this House was proceeding with the Bill. Then, Sir, Mr. Evans was put on special duty. There was then a talk or a suggestion by the hon. the Law Member that after the Evans's Report was received he would summon some Members of this House to examine the report and to offer their criticisms, regarding it. I am sorry that he has not discharged or fulfilled that suggestion of his, and we ourselves feel that the attitude of the Government is not as it should be regarding this Bill. We, some of us, did suggest even yesterday that there should be some further consideration on one or two important points. Unfortunately, that suggestion was not acceptable. But it does not mean that we should drop the matter on account of the attitude of the Government. We have been plainly told, though not in so many open words, what the attitude of the Government is towards this Bill, and what the fate of this Bill will be. But we have to discharge our duties towards our electorates. Perhaps the Members of the Government have got an imaginary responsibility to discharge with regard to the persons that do not exist in India, and really it is irresponsibility so far as the people of this province is concerned. In these circumstances, we do hope that we have to press this Bill through all the stages and leave it to its own fate according to the constitution. We know that various powers are vested in various persons in regard to Reserved subjects. That is quite different. We know what the fate of legislation by a private member will be in regard to Reserved subjects. These considerations apart, after all, the Members of Government are not to be permanent fixtures; the Secretaries to Government are not permanent fixtures of the Treasury Bench. We do hope to have men with a better mind on the Treasury Bench in the future, and we do hope that the fate of the Malabar tenants would be better dealt with by future Members of the Cabinet and future Secretaries to Government. But for the present we have to pioneer this Bill whatever its fate in the hands of higher authorities may be."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, it was not my intention to intervene during the course of this discussion, and

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certainly I can say that Sir Alexander MacDougall has not derived either any stimulus or any inspiration from me. But it is necessary for me . . ."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" I think Sir Alexander MacDougall said that he received inspiration from the hon. the Finance Member."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I think he said otherwise. Quite apart from these considerations, there were two statements that emanated from the hon. Member, Mr. C. V. S. Narasimha Raju, which I cannot let pass without a comment. The first of those observations was with reference to a private communication that he made to me yesterday in which he offered that there should be a conference on the question of compensation. I did not expect that any advertence would be made to that communication. But I am perfectly open to admit that there was such a communication from him yesterday in which he suggested . . ."

* Mr. C. V. S. NARASIMHA RAJU :—" Sir, the hon. the Law Member expected that it should not be made public. I am sorry for having referred to it."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" It was a friendly letter I thought, and I replied to it in a friendly manner. Now that it has been published, a wrong impression would be created in the public as to the attitude of Government, and it is necessary for me to refer to actual facts. A note was sent by Mr. Narasimha Raju, in which he suggested that a conference might be summoned for the purpose of considering the question of compensation, and certain names were suggested as the members of the committee. With the respect that I always have towards anything which comes from the hon. Member, Mr. Narasimha Raju, I at once consulted my hon. Colleagues and those who are advising me in this matter, and I replied to him to this effect, namely, that unless and until a move came from the hon. Member in charge of the Bill and the expert Member representing the tenants, and unless and until the embarrassments and difficulties attendant upon and inseparable from a private Bill, were considered and unless those impediments were got rid of in some manner, I did not consider that a conference on this simple question of compensation would be of much use and therefore much to my regret—because I am always regretful whenever I have to turn down any suggestion from the hon. Member—I could not accede to his request. Apart from that, there was one other suggestion made with regard to a conference on the report of Mr. Evans. As to that I may say this: so far as Mr. Evans' report is concerned: he was not strictly speaking placed on special duty. He was requested by Government to consult various interests and make a report to us. That report confirmed the idea which many of us had beforehand, an idea which was embodied in my minute. Now, Sir, on the merits of this motion, I may say that I did not frankly expect the motion until ten minutes ago. Now that the motion has been made, I think it deserves a good deal of support. Something was said of the irresponsibility of the Executive half of the Government. In the sense in which we are not responsible to the Legislature, so that we are not thrown out of office on an adverse vote of the Legislature, I concede that we are not responsible to this Legislature. But, in the sense in which it is suggested that there is any feeling of irresponsibility or lack of care and circumspection in coming to a decision or in making an anxious scrutiny and investigation into the materials on which alone we ought to arrive at a

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decision, or in the sense that we are wanting in respect and deference to this House. I deny that the Executive half has been acting or will act in a spirit of irresponsibility. It is with a full sense of responsibility that the Executive half of the Government have come to the deliberate conclusion that clause 6 and clause 7 as put forward now cannot be supported, and that so far as they are concerned they cannot advise that it should become law. Of course, the ultimate fate, as you very rightly pointed out, Mr. President, the ultimate fate of the matter is in the hands of His Excellency the Governor. That power is only vested in him, and it is a very wise tradition that we do not discuss here anything as to what His Excellency should do. But I do not want to conceal the anxiety the Executive half feels that clauses 6 and 7 are being enacted in an impossible shape. From that point of view, I consider that the parties should come together and arrive at a reasonable compromise, which the Government will be only too glad to accept. From that point of view the motion is a useful one."

* Diwan Bahadur M. KRISHNAN NAYAR:—"The speech that I had the pain of listening to just now is the most extraordinary speech that I have heard in the long course of my career as a Member of this Legislative Council and of another Legislative Council, a long career extending over a period of 23 years. My Friend says, in answer to my Friend Mr. Narasimha Raju that the Executive Government is a responsible one. People are judged not by their words, Sir, but by their conduct. I regret the conduct of this Government—I mean the Reserved half; this Government is the most irresponsible Government that ever existed in any country ('Hear, hear'). My Friend took this extraordinary attitude, even before the Legislative Council has had the leisure and has had the opportunity and has had the time to consider and dispose of the Bill in any manner it pleased. Before we have gone even through half the length of the Bill, practically when we are at the threshold of the Bill, my Friend—he will pardon me for using a strong word, may I say it with your leave—has the audacity to get up in his place as a Member of Government and say that even if this Council passed this Bill, if it contains these clauses 6 and 7, he will advise, he will certainly advise—I am not quoting his very words, but I am giving the spirit of what he said—and he will do everything in his power to have the Bill vetoed by His Excellency the Governor."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I did not say that."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do admit that he did not use those words. So I took care to say that I was only interpreting his words. (The hon. Sir C. P. Ramaswami Ayyar rose to speak). I cannot understand these interruptions."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"If hon. Members will lose their temper and will use expressions which I think it is not right that they should use with regard to any other hon. Colleague, I do think interruptions are inevitable. All that I said was contained in my dissenting minute, namely, that this Government with anxious consideration examined the question of permanent occupancy and came to a deliberate conclusion. That conclusion we have not departed from. I have not suggested anything as to what His Excellency would do. We are not allowed to say that. I only suggested that Government would not depart from that conclusion."

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* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I have not lost my temper. I do not want to say anything in respect of myself. But may I say that I have a reputation for seldom, if at all, losing my temper, or for seldom using very strong words and very strong expressions, and unless you, Sir, and the House decide that I am out of order, I even now stick to that word I expressed. What my hon. Friend says is this: that he did not say that he would advise His Excellency the Governor to veto the measure. But what did he say? The very words that were used by my Friend were to this effect: 'Much has been said in this House about the power of veto vested in the Governor. I do not refer to those powers. But this much on behalf of the Government I say that even if this House passed clauses 6 and 7, these clauses 6 and 7 shall never become part of the law.' That is what he said. That at least he said, and what does it mean if it does not mean that he will do all that lies in his power in vetoing this law? Of course, the constitution says that His Excellency the Governor is the person who has the power of either allowing or vetoing it. That, I submit, Sir, is the most extraordinary position to be taken up by a responsible Member of the Government as my Friend takes."

"Then, on the question of responsibility, my hon. Friend Mr. Narasimha Raju stated that this Council has been engaged with this Bill in one form or another for the past three years. Really it goes into the history of the previous Council also, because there was some motion made in the previous Council and nothing came of that motion, so that it really extends over a period of not three but five years. Now, what is the attitude of the Government? As a responsible gentleman, as a person responsible to himself, and as a person responsible to the Government of which he is such a learned Member, such a respected Member, respected by his Colleagues and as a gentleman responsible to this Council, instead of allowing this Council to go on discussing this Bill for a period of three years, instead of stating to the Council definitely what attitude the Government were ultimately going to take, my Friend held all his opinions up his sleeve and let them out only a fortnight or three weeks ago. That, Sir, is a most extraordinary position for any Member of Government to take up."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"When statements of the kind are made, it becomes my duty to contradict them. My attitude with regard to kanam tenure, with regard to verumpattam tenure and their terminable character were made absolutely clear in my original speech. Not only that; but the public utterances of other members, responsible members of the Government, are also proof that the attitude of the Government has been manifest."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do not wish to waste my time in contradicting the statements which cannot be supported. I leave it there. Then as to my Friend Sir Alexander MacDougall, his responsibility is not as great as that of the hon. the Law Member, he is comparatively an irresponsible person, he does not have that responsibility as the hon. the Leader of the House has. May I say that he too, though not so responsible as my Friend the hon. the Law Member, has been a Member of this House for a long time? He has been listening to the debate on this Bill which has been taking place in this Council from time to time, and was it not his duty to assist the Council if he had anything substantial to contribute to this Bill;

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was it not his duty either in the form of advice or in other ways, to have come and assisted us much earlier than this? May I say that in spite of the statement—he will pardon me for saying that; if I understood him correctly, he said he has studied the Bill—if that is the expression he used, may I for once disbelieve him and say that he has not understood the complexities of the question? I am a born Malayalee, bred up in Malabar and in addition to the intimate knowledge relating to questions of kanams and janmams, I believe I had a distinguished career at the bar extending over a period of 16 years. I had also the privilege of sitting on a bench which had very often administered laws relating to kanams. In spite of this experience, I had to take considerable trouble in studying the complexities attendant upon this question, and I believe I am perfectly justified in saying that my Friend who is sitting in Madras, who has no connexion with Malabar, has not understood it, in spite of his statement."

SIR ALEXANDER MACDOUGALL:—"My statement was that in spite of my study I did not understand the Bill. Well, there are many other persons like myself." (Laughter.)

* The hon. the PRESIDENT:—"And also there are various degrees of understanding." (Laughter.)

* Diwan Bahadur M. KRISHNAN NAYAR:—"Seeing that my Friend does not understand this question, I do not want to say anything. Then my Friend the hon. the Law Member says that the Government was not consulted, he himself was not consulted by Sir Alexander MacDougall before he moved this motion. I am perfectly at liberty to say that I have always associated fairplay, moderation and want of antipathy towards others; I have always associated these qualifications with my Friend, the Advocate-General. To my surprise to-day, he suggested to the hon. Sir MacDougall the ways of putting this proposition so that it may not be overruled; is it not an indication that the Government had some inkling of it? At least that is the interpretation I put upon it, whatever others' view may be?"

* Mr. T. R. VENKATARAMA SASTRIYAR:—"I am bound to contradict it. Until the motion was actually made, I had absolutely no inkling whatever of the motion. When my Friend the Member for the University objected to the word 'dropped' as not coming within the language of the Standing Orders, I suggested it was a futile objection which ought not to be gone into, and I suggested that the wording might, if necessary, be corrected."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am prepared to accept the statement that he had no inkling of it. But in any case after the motion has been moved, what is the attitude of the hon. the Law Member? He said: No doubt Government were not consulted, but the motion having been moved there is much in it to commend it for acceptance by the House. That is again another extraordinary position. I oppose this position, and I believe the majority, if not all the Members of the House, except probably certain Members on the Reserved half and probably the nominated Members, will also be opposed to this motion."

SIR ALEXANDER MACDOUGALL:—"Mr. President, one or two observations I wish to make. The first is both the hon. Members, Mr. Narasimha Raju and Mr. Krishnan Nayar, complained to me for not consulting them as regards their notions on this matter. Most of you here have heard of the

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phrase called 'psychological moment.' That is my excuse for not consulting those hon. Members. I have not had an opportunity to intervene yesterday and the psychological moment for moving my motion, before the House arrived only when the vote was taken on the last motion. Mr. Narasimha Raju said that after all we were spending much time on this Bill and he gave a few reasons as to why the Bill should not be rejected; one was that the House had expended an enormous amount of time on this Bill, the second was that they were responsible to the electorates. Many of us are responsible to the electorates, and I confess that it is due to that that I brought forward this motion. I am sorry if I curtailed the time before the House, in regard to the Bill; and it is just when it is being rushed into law that I raise this motion."

The question that the consideration of the Malabar Tenancy Bill be postponed *sine die* was put and lost.

Sir Alexander MacDougall asked for a poll and the House divided as follows:—

Ayes—20.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 11. Sir Alexander MacDougall. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 12. Mr. J. A. Davis. |
| 3. Mr. T. E. Moir. | 13. The Zamindar of Mandasa. |
| 4. Mr. T. R. Venkatarama Sastriyar. | 14. Mr. V. Madhava Raja. |
| 5. Rao Bahadur V. T. Krishnama Achariyar. | 15. Honorary Lieutenant Madurai. |
| 6. Mr. G. T. Boag. | 16. Rao Bahadur O. M. Narayanan Nambudripad. |
| 7. " V. Pandrang Rao. | 17. Mr. B. Otalesappa. |
| 8. " J. F. Hall. | 18. Rao Sahib R. Srinivasan. |
| 9. " K. Prathakaran Tampan. | 19. Rao Sahib P. V. S. Sundaramurti. |
| 10. Capt. E. G. Windle. | 20. Rai Bahadur T. M. Narasimha Chari. |

Noes—49.

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| 1. Mr. P. Raman Menon. | 26. Mr. P. T. Rajan. |
| 2. " D. Appavu Chettiyar. | 27. Rao Bahadur P. Raman. |
| 3. Rai Bahadur Sir K. Venkataraddi Nayudu. | 28. Mr. J. D. Samuel. |
| 4. Rao Bahadur C. Natesa Mudaliyar. | 29. " K. Sarvarayudu. |
| 5. Rao Sahib S. Ellappa Chettiyar. | 30. " K. Sitarama Reddi. |
| 6. Mr. A. Ramaswami Mudaliyar. | 31. " Chavadi K. Subrahmanya Pillai. |
| 7. Diwan Bahadur P. C. Ethirajulu Nayudu. | 32. " R. Veerian. |
| 8. Rao Sahib P. V. Gopalan. | 33. Diwan Bahadur K. Suryanarayana-murti Nayudu. |
| 9. Rao Bahadur K. Krishnaswami Nayudu. | 34. Mr. K. Venkatachala Padayachi. |
| 10. Mr. R. Madanagopal Nayudu. | 35. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 11. Rao Bahadur B. Muniswami Nayudu. | 36. Mr. T. M. Narayanaswami Pillai. |
| 12. Mr. C. Muttayya Mudaliyar. | 37. " B. Ramachandra Reddi. |
| 13. " K. S. Ponnuswami Pillai. | 38. Muhammad Ghouse Mian Sahib. |
| 14. Diwan Bahadur P. Kesava Pillai. | 39. Srinan Sasibhushan Rath Mahasayo. |
| 15. Rao Bahadur C. V. S. Narasimha Raju. | 40. Mr. Sami Venkatachalam Chetti. |
| 16. Mr. J. A. Saldanha. | 41. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 17. " A. Chidambara Nadar. | 42. T. M. Moidu Sahib Bahadur. |
| 18. " M. Gangaraju. | 43. Mr. Qadir Mubli-ud-din Sahib. |
| 19. " C. Gopala Menon. | 44. " Wahab Sahib. |
| 20. " B. P. Sesha Reddi. | 45. " L. K. Tulsiram. |
| 21. " S. Satyamurti. | 46. " K. Uppi Sahib. |
| 22. " T. Adinarayana Chettiyar. | 47. " C. V. Venkataramana Ayyangar. |
| 23. " P. Anjaneyulu. | 48. " B. Venkataratnam. |
| 24. Muhammad Meera Sahib Bahadur. | 49. " Nagananna Hegde. |
| 25. Diwan Bahadur M. Krishnan Nayar. | |

[14th July 1926]

Neutral—13.

- | | |
|---|---|
| 1. The hon. Diwan Bahadur Sir T. N. Sivag-
nanam Pillai. | 7. Mr. H. B. Ari Gowder. |
| 2. The hon. Rao Bahadur Sir A. P. Patro. | 8. " T. Malleappa. |
| 3. " the Raja of Panagal. | 9. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 4. Khan Bahadur Abdulla Ghatala Sahib
Bahadur. | 10. Mr. A. Ranganatha Mudaliyar. |
| 5. Mr. S. Arpudawami Udayar. | 11. " S. Muttayya Mudaliyar. |
| 6. Rao Sahib T. C. Tangavelu Pillai. | 12. " S. R. Y. Ankineedu Prasad Bahadur. |
| | 13. Mr. Haji Abdulla Sahib. |

The motion was lost : *Ayes*—20 ; *Noes*—49 ; *Neutral*—13.

After Lunch (2-45 p.m.)*Clause 7—cont.*

* Mr. K. PRABHAKARAN TAMPAN :—"With regard to the motion that stands in my name, I am anxious that one at least of the principles involved in it should be discussed. But I have no objection to wait until amendment No. 108 which stands in the name of Mr. Ramalinga Chettiyar comes up when I shall introduce my amendment by way of an amendment to that."

* Mr. A. CHIDAMBARA NADAR :—"I beg to move that

'In line 1 after the word "kanamdar" the words "or verumpattamdar" be inserted.'

"My object in moving this amendment is this: In case you are going to give occupancy right to non-cultivating tenants, you must extend such right equally to all tenants. I understand that there are verumpattamdars under kovilakams who are not cultivators and who are more or less in the position of kanamdars. Moreover, it was stated yesterday by the hon. Mover himself that there was not much difference between kuzhikanamdars who were given occupancy rights under section 6 and verumpattamdars. Under the circumstances, I think that verumpattamdars who are not cultivating the lands should be given occupancy rights. But I find one difficulty with regard to this amendment. There is another amendment No. 106 standing in my name according to which occupancy rights are to be given to tenants who continue to occupy the lands from 1853. I do not know whether the case of verumpattamdars would be covered by that amendment. If there are cases of verumpattamdars falling within it, I am willing to move this motion."

* Mr. S. MUTTAYYA MUDALIYAR :—"I have very great pleasure in seconding the motion of Mr. Chidambara Nadar. My surprise is why the author of the Bill who wants occupancy rights to be given to all people is anxious to exclude verumpattamdars who are not cultivating the land. According to the definition, cultivating does not mean actually tilling the soil. A person who hires labour and cultivates the soil, if he is a kanamdar, is given occupancy right. That being so, why a verumpattam tenant also who hires labour and tills the soil should not be given occupancy right passes my understanding. It may be said that a verumpattamdar is not entitled to it. But then, it cannot be said that a kuzhikanamdar can have it. If both the kanamdar and kuzhikanamdar, when they do not actually cultivate the soil themselves but employ hired labour and cultivate the land, can be given occupancy right, I fail to understand why the same right cannot be extended to the verumpattamdar under similar circumstances. I can understand

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occupancy right being given to the actual cultivators of the soil, whether the grant of it is spoken of as confiscatory or not. So far as I see, the Bill does not give occupancy rights to the poor. A kanamdar or a kuzhikanam or verumpattamdar may be a rich man and he may hire thousands of labourers and till the soil and get occupancy rights. But this right does not go to the tillers of the soil who are actually cultivating the land. I do not say that they should not have it or should have it. When the actual cultivator does not get the right, why should we refuse such right to a verumpattamdar who just as the kanamdar or kuzhikanamdar hires labourers and cultivates the land? I am glad to note that amendments to this effect have been given notice of not only by Mr. Chidambara Nadar but by half a dozen other Members. I have already asked in my own dissenting minute why any distinction should be made and I say there: 'if, however, verumpattamdars are to have occupancy rights, I do not see why non-cultivating verumpattamdars should be denied that right'. So I think, if there be any logic in the Bill, these verumpattamdars should be given occupancy rights in lands even if they do not cultivate them."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I accept this amendment, Sir. As the section now stands, it reads: 'A non-cultivating kanamdar or kuzhikanam tenant of a holding. . . .'" So that, it specifically mentions only two classes of people. The object of my two friends is to add to this category non-cultivating verumpattam tenants also. If non-cultivating kanamdars and kuzhikanamdars are to have fixity of tenures, there is no reason why non-cultivating verumpattam people should not have this fixity of tenure. Whether fixity of tenure is to be granted to these non-cultivating kanamdars, kuzhikanamdars and verumpattamdars irrespective of their period of enjoyment or whether it is to be granted only to those people whose tenure came into existence in or before 1853 is another matter. That will be decided presently by another amendment which, I may say, I am going to accept in substance."

* The hon. the PRESIDENT :—"Verumpattamdars are actual cultivators of the soil?"

* Diwan Bahadur M. KRISHNAN NAYAR :—"It is only the tenures with which we are concerned. Those tenures which came into existence in 1853 and before are entitled to occupancy right. That is the extent to which I am going to concede the right. Before anticipating that, there is no reason why these non-cultivating verumpattam people alone should be excluded while the other two classes are to have occupancy rights."

"Then, my hon. Friend Mr. Chidambara Nadar stated that he did not know whether there were non-cultivating kanamdars whose tenures came into existence about 72 years ago. I may tell him that there are non-cultivating verumpattam tenants also. There are people holding kovilagam lands on verumpattam tenure whose tenures came into existence, some of them at least more than 72 years ago."

"My hon. Friend Mr. Muttayya Mudaliyar is mistaken in saying that I want to exclude these non-cultivating verumpattam people. I was only one of the members of the Select Committee. I pleaded even in the Select Committee that if permanency of tenure was to be given to non-cultivating kanamdars and non-cultivating kuzhikanamdars, there was no reason why non-cultivating verumpattamdars alone should be excluded and

[Mr. M. Krishnan Nayar]

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I myself have tabled an amendment to that effect. Amendment No. 10 I standing in my name is for the addition of the word 'or other' after the word 'kuzhikanam'. It will include non-cultivating verumpattamdars.

"My Friend again referred to the dissenting minute. In the second paragraph of my dissenting minute I have stated:

"There is no valid ground, therefore, for deciding, that non-cultivating verumpattam holders under kovilagams should not, like non-cultivating kanam tenants, have fixity of tenure".

So, I accept this amendment

Mr. A. RAMASWAMI MUDALIYAR :—" Were there non-cultivating verumpattam tenants before 1852?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" There are some like that. What Mr. Chidambara Nadar said was that there were certain families known as kovilagams, families of rajas. Some of these families had given lands on verumpattam tenure to the people. These lands also are subject to renewal. Some of these people actually cultivate. Of course, they come under the class of actual cultivators. Of these tenure holders there are some whose tenure originated in 1853. The object of this amendment is to include them. What the period of occupation of these non-cultivating people should be to entitle them to get occupancy right is another question and we are dealing with it in another amendment. Whatever rights are given to the non-cultivating kanamdars and kuzhikanamdars should also be given to non-cultivating verumpattam people."

* Mr. K. PRABHAKARAN TAMPAN :—" I oppose this amendment. There is no doubt a certain class of tenures called verumthiruvezhuthus and in such cases a renewal is customary. There are, however, other non-cultivating verumpattamdars who sit quiet and derive large profits. These verumpattamdars are not subjected to renewals. In my list of documents which I have translated there are some such. There are two leases executed in favour of the janmi and those executed in favour of these lessees by the cultivators under them. There you will find the rent due from a cultivator to his landlord or non-cultivating lessee, for a particular land is 352 paras of paddy while the rent paid by him to the janmi is only 204 paras. Similarly in another case the lessee gets 360 paras, while the janmi gets only 110. That shows that the non-cultivating intermediary makes a clear profit of an equal amount. In such cases there is no renewal and it may sometimes happen that the lessee concerned pays a premium so to enable him to continue in possession, but the incident of renewal is not attached to it. It is open to the janmi to eject him in the next agricultural year. The only thing is he sometimes pays a margin of profit to the janmi in advance while getting possession which is more or less an illegal gratification. Under these circumstances, I want that these non-cultivating verumpattamdars least should at be excluded. Therefore I oppose the motion."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" The amendment as it stands wants to cover all cases of non-cultivating verumpattamdars. The first consideration that arises is what shall be the position of the tenants that hold under them? Do they possess rights of occupancy under clause 6? As I understand it, the definition of a tenant may not extend to them. A tenant is one who holds from a janmi or a kanamdar, but not one who holds from a

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non-cultivating verumpattamdar. Therefore if we introduce this amendment here, the effect will be to take away the rights of occupancy which we have conferred under clause 6 upon cultivating verumpattamdars."

* The hon. the PRESIDENT :—" We have not yet come to that."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" According to the definitions as they stand.

"I want to know what is the intention of Mr. Krishnan Nayar? Does he want to vest the right of occupancy in the case of the cultivating tenants under these non-cultivating verumpattamdars? Then, even according to the report of Mr. Thorne, these superior tenants, as he calls them the non-cultivating verumpattamdars, do pay a sort of renewal fee, though there is no kanam transaction between the janmi and the verumpattamdar, once in twelve years. I wish to know what Mr. Krishnan Nayar's wishes are in this respect. I am afraid we are not having any fixed idea whether this fixity of occupancy rights shall be attached to the persons or to the lands. We have got the idea of fixity of tenure attached to the land as far as the Estates Land Act is concerned while it is attached to the person under the Bengal Tenancy Act. I believe by introducing this amendment we are introducing a system hybrid of both the Estates Land Act and the Bengal Tenancy Act. How far Mr. Krishnan Nayar likes any such result I am not able to say. He does not say what his intentions are. Does he want to attach these rights to the land or does he want them with respect to the persons who hold the tenures or get the lease rights? Unless we clear our ideas about these things, perhaps the introduction of amendments of this kind may lead to unnecessary confusion."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I shall explain if my hon. Friend wants to know my intentions. None of the three fears expressed by my hon. Friend will be realized if this amendment is carried. What my friend says is that there will be some people who actually cultivate the land and fears whether these persons will be deprived of the fixity of occupancy right. Now, as a matter of fact, we have provided for that already in section 6 which practically we have disposed of, though we have not actually passed it. That section specifically says that the cultivating tenants, whatever their nature may be, whether kanamdars or kuzhikanamdars or verumpattamdars will have the occupancy right.

"The second point which my hon. Friend raised was what was to become of the renewal fees. As a matter of fact, though these non-cultivating verumpattam tenure holders have no pecuniary interest in the lands, their tenures are renewed at the expiry of twelve years. Just as the kanamdars, these verumpattam tenure holders pay renewal fees to the janmis. As a matter of fact, in the previous Select Committee, this question was raised and more than one Member, including myself, held the view that a provision should be made for payment of renewal fees. So, these janmi families will continue to get renewal fees from non-cultivating verumpattamdars. The second point therefore does not arise.

"The third point is this: whether this fixity of land is attached to the person or to the land. Section 6 says all cultivating people, whatever their nature, will have fixity of tenure. The result is that fixity is attached not to the persons but to the land. The same result will follow.

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Those persons who actually cultivate the lands, i.e., verumpattam lessees under non-cultivating verumpattam holders, will have fixity attached not to the person but to the land, and whether they came into possession before the passing of this Act or after the passing of this Act, their case governed by section 6. So none of the fears expressed by my hon. Friend Mr. Narasimha Raju will be realized. There is no danger. I myself could not understand this point and I raised the same in the Select Committee. There is no meaning in excluding one class of persons alone. If we are in favour of one class, we must be in favour of the other class also."

* Mr. K. PRABHAKARAN TAMPAN :—"There are now five sets of people personally interested in the land and the acceptance of this amendment will increase their number by one more. There is the Government entitled to get assessment from the land and the janmis are entitled to collect the michavaram from the kanamdars to whom the lands are demised. The big kanamdar demises his land in favour of a sub-kanamdar on a higher michavaram who in his turn lets his land to a lessee under him. The tendency in Malabar is to sublet a holding even if there is a little margin of profit; it does not matter if the profit is only Rs. 5 and therefore, under the verumpattamdar who has undertaken to pay the rent to a sub-kanamdar, you often find another tenant who actually cultivates the land. This provision aims at creating a sixth category of people attached to the soil. That is a condition which would not conduce to the welfare of the country and I must, therefore, strongly oppose the amendment."

* Rao Bahadur B. MUNISWAMI NAYUDU :—"Sir, if this amendment is carried we do not know what its effect would be on the other amendments. If we multiply the number of people who hold occupancy rights, that would create a lot of difficulties. There are already three classes of people, viz., the janmi, the proprietor of the land, the kanamdar and the verumpattamdar, the latter two possessing occupancy rights on the land. If we are going to introduce a third class of people called the non-cultivating verumpattamdars, the difficulty would be with regard to the collection of rent; if it falls in arrears. If a labourer who is the actual cultivator of the land does not pay his rent, there will be difficulty in bringing the property to sale. I suppose there must be a limit to the charge. The intention of the legislature should be that the man who actually cultivates the land should have a right of occupancy on the land, and pay what is equitable and what is fair rent. To introduce a third class of people who have occupancy rights in the sense that they will also be entitled to collect rent until they are ejected from the land is not at all advisable. It will certainly be dangerous to increase the number of charges and nobody knows whose properties will be sold if the rent falls in arrears. So, the introduction of another class of people called the non-cultivating verumpattamdars possessing occupancy rights is fraught with serious consequences. We have to find out later on the proper share which each man has to pay, as to whether the first man, namely, the kanamdar, should be paid one-third, the intermediate man two-thirds, and so forth. Therefore, if we introduce this amendment we will be creating lot of difficulties in the matter. I submit that the introduction of this amendment will lead to serious consequences and I therefore oppose this amendment."

Diwan Bahadur T. R. RAMACHANDRA AYYAR :—"Sir, we have not got the word 'verumpattamdar' defined in the Act. A landlord is defined to

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[Mr. T. R. Ramachandra Ayyar]

be a person under whom a tenant or a kanamdar holds; and a tenant is defined to be a person, who, as lessee, or in good faith believing himself to be lessee, of land, is in possession thereof, and the term includes a verumpattam tenant. The word 'lease' includes a sub-lease. Suppose there is a simple lease given to A. He sub-leases it to B and B is actually in possession of the land. He gets the permanent right of occupancy. The landlord has thus no permanent right of occupancy while the tenant has. That would be the result. Suppose a landlord leases his land for ten years and the lessee sublets it to another person for one year after the passing of this Act. Then the sub-lessee has a permanent right of occupancy. The lessee must also continue for ten years. Anomalies will arise and they should all be removed."

* Mr. J. A. SALDANHA :—"Sir, the only way to remove these anomalies is to give fixity of tenure to all classes of tenants. Once we agree to the principle that a cultivating kanamdar or a verumpattamdar should have fixity of tenure, in order to avoid anomalies we should agree to the principle that a non-cultivating kanamdar or a verumpattamdar should also get fixity of tenure. I accept the principle, once a kanam always a kanam."

Sriman SASIBHUSHAN RATH Mahasaya :—"Sub-kanamdars."

* Mr. J. A. SALDANHA :—"Once a lease, always a lease. I shall show why it should be so. Let us take the case of a cultivating verumpattam tenant. He gets fixity of tenure with reference to certain lands. Then the lands become so wide in extent that he cannot cultivate them himself and therefore he leases a portion of them to another tenant. Is he then to lose his fixity of tenure? Is it the idea of the hon. the Mover of the Bill that a verumpattam tenant should lose his fixity of tenure as soon as he ceases to cultivate even a portion of his land? In order to remove all these anomalies, the only way is to give fixity of tenure to all classes of tenants. We have granted the principle once a kanam, always a kanam; let us accept the principle once a lease, always a lease. Otherwise, we shall land ourselves in difficulties in actual practice. My hon. Friend, Mr. Chidambaram Nadar, has done a wise thing in introducing this amendment and I have great pleasure in supporting this amendment. Wherever occupancy rights have been granted, you will always find, whether it is in Bombay and Bengal or in the ryotwari areas in our presidency, the non-cultivating tenant also getting it. Because there is the word 'occupancy,' it does not mean that the tenant should be occupying or sitting on the land. (Laughter.) These terms are mere fictions. My hon. Friends know what legal fiction means. Fixity of tenure is to be extended to all classes of tenants. If a non-cultivating kanamdar is to get fixity of tenure, why not a non-cultivating verumpattamdar? My hon. Friend on the other side, the champion of the janmis, was generous enough to say 'we will most gladly give permanency of tenure to the cultivating verumpattam tenant'. He should know that if a verumpattam tenant gets more lands than he could himself cultivate he would sub-lease them to others. Is he then going to deprive him of the right of occupancy? Let us therefore be fair to all classes of people. I think the verumpattam tenant, whether he is occupying and enjoying the land or not, is also entitled to justice at our hands. Of course, as has been pointed out, there is some confusion in the definitions and it must be cleared. I myself have given an amendment to the effect that a tenant should include a verumpattam tenant also. If we grant fixity of tenure to all classes of tenants, we shall have a graduated series of tenants, from the landlord of the zamindar

[Mr. J. A. Saldanha]

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or the janmi to the kanamdar, the verumpattam tenant, whether cultivating or non-cultivating, and other sub-lessees. Every holder of the land down to the last villain gets fixity of tenure. It is just on that principle that I extend my support to this amendment."

* Mr. A. CHIDAMBARA NADAR :—"Sir, with regard to the argument put forward by my hon. Friend Mr. Prabhakaran Tampam that verumpattam tenure is not subject to renewals and therefore cannot come under this section, I must say that there are many verumpattam tenures in the kovilagam which are in a similar position to non-cultivating kanam tenures. The leases are renewed once in twelve years. These verumpattams can come under this section. It may be said that the rent is smaller. We have got other sections in the Bill which allow discretion to the landlord to increase the rent. The argument put forward by Mr. Muniswami Nayudu will apply equally to the non-cultivating kanamdars. In such a case when you have consented to the existence of this section, I think you must consent to have the non-cultivating verumpattam tenant also. With regard to the argument put forward by the hon. Member Mr. Ramachandra Ayyar, I may say that they are really in my favour. He stated that if a non-cultivating verumpattam tenant comes under section 7 he will have no fixity of tenure. On the other hand, it is by bringing him under clause 7 that we can give him a status and the anomaly pointed out by Mr. Ramachandra Ayyar will then disappear. We give him fixity of tenure under section 7; he is not left out; he can pay his rent to the janmi and can collect his rent from the cultivating tenant under him. He is a tenure-holder. The wording of section 7 is that he shall have a permanent right; it does not say occupancy right. We give him only the right in the land. With these words, I press my amendment."

The amendment was put to the House and declared lost.

A poll was demanded and the House divided as follows :—

Ayes—21.

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| 1. Mr. K. P. Raman Menon. | 12. Mr. J. D. Samuel. |
| 2. " H. B. Ari Gowder. | 13. " Muhammad Ghouse Mian Sahib. |
| 3. " P. N. Marthandam Pillai. | 14. " P. Khalif-ullah Sahib. |
| 4. " J. A. Saldanha. | 15. " T. M. Moidu Sahib. |
| 5. " A. Chidambara Nadar. | 16. " Qadir Mohi-ud-din Sahib. |
| 6. " C. Gopala Menon. | 17. " M. Abdul Wahab Sahib. |
| 7. " S. Muttayya Mudaliyar. | 18. " I. K. Julariam. |
| 8. " S. Satyamurti. | 19. " K. Uppi Sahib. |
| 9. " T. Adinarayana Chettiyar. | 20. " C. V. Venkataramana Ayyar. |
| 10. Diwan Bahadur M. Krishnan Nayar. | 21. " T. Venkatarangam Nayudu. |
| 11. Rao Bahadur P. Raman. | |

Noes—22.

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|---|---|
| 1. Mr. S. Arpudawami Udayar. | 13. Mr. C. Muttayya Mudaliyar. |
| 2. " K. Prabhakaran Tampam. | 14. Rao Bahadur O. M. Narayanan Nambudripad. |
| 3. Capt. E. G. Windle. | 15. Mr. G. Premayya. |
| 4. Mr. A. Ramaswami Mudaliyar. | 16. " K. Raghuchandra Ballal. |
| 5. Diwan Bahadur P. C. Ethirajulu Nayudu. | 17. Rao Bahadur C. V. S. Narasimha Raju. |
| 6. Mr. L. C. Guruswami. | 18. Mr. K. Sitaruma Reddi. |
| 7. Rao Bahadur K. Krishnaswami Nayudu. | 19. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 8. Mr. E. Madanagopal Nayudu. | 20. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 9. " V. Madhava Raja. | 21. Sriman Sasibhushan Raib Mahasaya. |
| 10. Honorary Lieutenant Madurai. | 22. Rao Sahib S. Ellappa Chettiyar. |
| 11. Mr. T. Malleappa. | |
| 12. Rao Bahadur S. Muniswami Nayudu. | |

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Neutral—30.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 16. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 2. " Khan Fahador Muhammad Usman Sahib Bahadur. | 17. Diwan Bahadur O. Tanikachalam Chettiyar. |
| 3. " Mr. T. E. Moir. | 18. Rao Sahib P. V. Gopalan. |
| 4. " Sir T. N. Sivagnanam Pillai. | 19. Mr. B. Obalesappa. |
| 5. " Rao Bahadur Sir A. P. Patro. | 20. " M. Gangaraju. |
| 6. " the Raja of Panagal. | 21. " P. T. Rajan. |
| 7. Mr. T. R. Venkatarama Sastriyar. | 22. " K. Sarabha Reddi. |
| 8. Rao Bahadur V. T. Krishnama Achariyar. | 23. " K. Sarvarayudu. |
| 9. Mr. G. T. Boag. | 24. S. R. Y. Ankinedu Prasad Bahadur. |
| 10. " V. Pandiann Row. | 25. Mr. R. Veerian. |
| 11. " J. F. Hall. | 26. " K. Venkatchala Padayachi. |
| 12. Khan Bahadur Abdulla Ghatala Sahib. | 27. Rai Bahadur T. M. Narasimhaachari. |
| 13. Rao Sahib T. C. Tangavelu Pillai. | 28. Mr. F. M. Narayanaswami Pillai. |
| 14. Diwan Bahadur T. R. Ramachandra Ayyar. | 29. " Naganna Hegde. |
| 15. Mr. J. A. Davis. | 30. " Chavadi K. Subrahmanya Pillai. |

The amendment was lost.

* The hon. the PRESIDENT :—"I do not think the hon. Member Mr. Krishnan Nayar can move his amendment No. 101 as it stands."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Amendments Nos. 100 to 103 are to the same effect. Amendment No. 104 is a formal amendment. May I suggest to my hon. Friend Mr. Uppi Sahib that we have the definition of the word 'holding', though we have not considered the definition? In any case we are not likely to leave out the definition of the word 'holding'. I think that the clause may stand as it is and the amendment need not be moved."

* Mr. A. CHIDAMBARA NADAR :—"Sir, I beg to move—

"In line 2 for the words "under a demise . . . passing of this Act" substitute the words "whose claim dates back from or before 1853 by continuance of the demise or lease of the holding without any break either by themselves or their heirs or their representatives in interest.""

"My object in moving this amendment is this. Under clause 6, a permanent right of occupancy has been given to the cultivating tenants without any reservation whatever. The same right cannot be extended to non-cultivating tenants also, for, such an extension will lead to dangerous consequences. To have a non-cultivating tenant means to have a middleman; to have a middleman means the oppression of the real cultivating tenant or the tiller of the soil. So, in giving the right of occupancy to the non-cultivating tenants we must be careful and try to limit their rights as much as possible. It has been stated that the judicial decisions with regard to the interpretation of 'kanam' date back from 1853. In that year the *Sudder Adalat* Court decided that 'kanam' meant a mortgage. It was further held that the janmi was the owner of the land. It was stated by my hon. Friend Mr. Prabhakaran Tampam that there were other decisions before 1853. So far as I am aware, I do not think that there is any reported decision before that. So, we may be quite safe in putting a limit in giving occupancy rights to the non-cultivating tenants. A non-cultivating tenant, whose lease dates back to 1853 and which is being continued up to the present moment, will not, in any way, be prejudiced by the notions which have been introduced by the judicial decisions. So, we will

[Mr. A. Chidambara Nadar]

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be quite within the limit set by judicial decisions by giving the right to non-cultivating tenants who continue from 1853 up to the present day. With these words, I move the amendment."

Mr. K. P. RAMAN MENON:—"I have great pleasure, Sir, in seconding the amendment. It has been pointed out in this House that during the course of the transformation of the Bill from the time when it was first introduced by the hon. Member from Malabar and when the Bill as amended by the Select Committee was taken into consideration, the Bill has undergone so many changes, all against the interests of the janmis. It has been said that we are doing everything on behalf of the tenants, that we are taking advantage too far so as to strangle the minority, that we are conscious of the strength that we have behind us in the fact that several enlightened Members of this assembly have agreed to go with us, and that we are trying as far as possible to injure the janmi and to take away his right. It is with the design of removing such an impression that I have also tabled an amendment which is almost similar to the present amendment. I would ask you, Sir, to refer to the amendment which I said I would move if necessary, subsequently. I think it is amendment No. 78. I did not move it for the reason that perhaps going back a dozen years would not particularly affect the mentality of the janmi.

8-45
p.m.

"I think hard things have been said with reference to this kanam tenant. He is in a difficult position. He is represented to be a middleman, a mere intermediary and I can go so far as to say that he is regarded as a parasite. It is said that he can have absolutely no existence in the world; that he does not till, he does not cultivate the land himself, nor does he do anything to benefit the land, that he does not even go near the land and that he belongs to that adventurous class of persons or middlemen whom Mr. Ramachandra Ayyar designates as lawyers. It is also said that lawyers, vakils, clerks, kariasthan and others are all people who swell this class. That is a travesty of truth. At any rate, speaking for my Colleagues, I must say that we are the sons of the soil, we are the lawyers who have sprung from the various communities, Nayar, Tiyya, Mappilla and others; we belong to all communities and we are anxious to be lawyers. We are people who have a stake in the land, a greater stake in the land than the so-called stakeholders, the landlords. We have contributed not a little—and I speak with pride on that fact—to the general prosperity of the country of Malabar. We are not therefore simple adventurers who are sitting upon the tenants. No doubt, with reference to Mr. Prabhakaran Tampan's dissenting minute . . ."

* The hon. the PRESIDENT:—"I am sorry I have to interrupt. Will the hon. Member kindly resume his seat? I hope he won't go over the whole question referring to kanam. Here we are dealing with a definite question that this law should not apply to people who came in after 1853."

Mr. K. P. RAMAN MENON:—"It is therefore incorrect, Sir, to say that, as a matter of fact, these are persons not entitled to any protection at the hands of this Council. Mr. Prabhakaran Tampan in his dissenting note—if kindly you will turn to page 49 in which his note is printed—at the bottom of the page says:

"I will also restrict that privilege to the natives of Kerala who alone have a claim to the ancient customs and privileges of the land, it any. Recent settlers and emigrants from the

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East Coast and other places have captured 60 per cent of the kanams in Palghat and Walluvanad taluks. They have come by their lands more often than not through questionable means and may very well be trusted to take care of themselves. If the Bill aimed at conferring occupancy rights only on Nayers and other indigenous Malayalis, I would probably sacrifice anything and accept it. Mr. Krishnan Nayar is doing a distinct disservice to the community to which he belongs by depriving them of their privileges and making the Kongans or outsiders the lords of the soil in Malabar. The Travancore Regulation makes a racial difference between Malayali and non-Malayali Brahmans and I do not see why something of that kind cannot be done here also."

"Anyhow, Sir, willing or unwilling, he is prepared to accept the Bill so far as indigenous Malayalis are concerned. Of course, Malayalis include Nayers, Mappillas and Tiyyas as well. So I presume that he is prepared to benefit the Nayers, Mappillas and Tiyyas as well. That is his attitude as I know it.

"Mr. Innes, when he speaks of the old kanam tenures, says on page 39 of his report:

"Then there is another class of tenure holders whose interests require special consideration. There are many Nayar families who from time immemorial have depended on their kanam lands just as the janmi has depended on the janmam lands. Where they have been long in possession of their lands, they are in just as close touch with their tenants as the janmis, and they look upon their holdings as ancestral property."

"Now it is to provide for this class of people, i.e., people who have been kanam tenants from before the year 1853, that this amendment has been introduced. Again, Mr. Thorne, who cannot be said to be a person who will sacrifice the janmis' interests, in the course of his report, says at page 28:

"The traffic in tenures results in the displacement of the old tenant class. That class, whether it cultivates its holdings or sublets them, is, in my opinion, entitled to expect from its landlords a continuance of the old tradition."

"And then he goes on to say in paragraph 19 of his report:

"I will conclude this portion of my remarks by repeating that an old kanam tenant who is, without good cause, evicted from his holding has, whether he is a cultivator or not, a real and painful grievance. If the practice is common (of which I am not convinced) this class deserves protection. If that protection can be given by legislation, it should (if, I repeat, the practice is common) be so given";

and so on.

"So that, Sir, you will be pleased to find that, as a matter of fact, the leading authorities on this point have agreed that so far as these kanam tenants are concerned, whose tenure originates before 1853, they should have their kanams placed on the same category as the tenures of cultivating kanam holders. Then, in dealing with this aspect of the question, I may also be permitted to remark that as a matter of fact, in granting occupancy rights to this class of tenants, you are not depriving the janmi of any particular right. As I pointed out yesterday, the janmi has well-defined rights which he knows and which all in Malabar know, and those rights have not in any way been tampered with. We are prepared to give him the usual renewal fee, or whatever it be that is going to be fixed by the Government or by this Council; we are prepared to give him rent which is now being paid and also the right to enhance the rent to the extent fixed by this Council. We are also prepared to say that he is entitled to redeem the land when there is necessity for it. But what are the rights that we are taking away? All that we seek to do is to say that he should not have any capricious powers which the Government seem to support. There is absolutely no principle in not

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giving permanency to a class of tenants who have been industrious, who are industrious and who will be industrious, and who, by force of circumstances, have been, as I pointed out earlier in the day, out of physical possession of their lands? I therefore second the amendment that has been moved by Mr. Chidambara Nadar; but I may state that perhaps the wording of Mr. Ramalinga Chettivar's amendment is more appropriate with a slight modification, i.e., with the addition of the words 'or before' after the word 'in'."

* The hon. the PRESIDENT:—"The language is being looked into by the Advocate-General."

Diwan Bahadur T. R. RAMACHANDRA AYYAR:—"The last argument of Mr. Raman Menon really means that in granting permanency rights to kanamdars, no other class can have any grievance because he says that no right is taken away. I say that his argument is utterly irrelevant so far this matter is concerned. If the question be whether giving permanent rights to a kanam tenant is right or wrong, I can understand it; but as regards this particular form of amendment, it cannot stand. My learned friend quoted from Mr. Thorne. What Mr. Thorne says is perfectly right. What he says is: if a particular family is associated with the land for a period of 60 or 70 years, it is hard to evict it. I also have been saying that from the very beginning. But he does not say that if such land has been sold out and purchased by another and if the purchaser has been in possession for 20 or 30 years, then he must not be given permanent rights. Those people do not say that. How is it just that an old kanamdar should have such rights conferred on him in preference to another although he came in only yesterday? Must the old kanamdar be given permanent right simply because the original tenants were there before 1852 and the landlord had not chosen to evict the tenants? Then we must also see whether the same family retains it. If the particular family retains it, then there is some sense in it; but there is also likely to be a lot of hardship; because in many cases these families connect themselves with the land and if a family has lived there for 70 or 80 years, there will be a lot of heart-burning when they are evicted. But how can you say that the man will not feel hurt? There is no argument to support that position. I think they are mixing up these two ideas and there is a lot of confusion; and creating confusion is not a kind of solution, I think."

* The hon. the PRESIDENT:—"Is Mr. Chidambara Nadar going to reply?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"I have not stated my attitude, whether I accept the amendment or not."

* The hon. the PRESIDENT:—"I am waiting for the hon. Member to rise."

* Diwan Bahadur M. KRISHNAN NAYAR:—"My Friend Mr. Tampan wanted to make a speech. In fact, I was waiting for an opportunity."

"I accept this amendment, Sir. As my Friend Mr. Raman Menon stated, probably my friend the mover of this amendment, Mr. Chidambara Nadar, may not have any objection to that, and it seems to me that the wording is very much better in amendment No. 108 which has the same

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substance as this amendment No 106; with the addition of the words in amendment No 108 'or before', i.e., it will read—

'which originated in or before 1853 and has since been uninterruptedly renewed and is in force on the date of the passing of this Act.'

"But that is a matter of wording the amendment. I accept the substance of this amendment. As has been made abundantly clear, this section and section 6 are practically the most important sections. Of course, there are other important sections, for instance, those relating to renewal fees, to the enhancement of rent, etc. Now this clause deals with the grant not of occupancy rights as is sometimes said but of permanency of tenure because they are obviously not in occupation, as they are non-cultivating people. And as I stated before, this is the utmost limit to which I, on behalf of the tenants of Malabar, I mean the non-cultivating tenants of Malabar can go. From 1853 till now, there is a period of 73 years. In regard to a person who has been in possession for a period of 73 years, I submit, there is nothing hard in giving him a permanent tenure and a janmi who lost possession, if he ever had it at any time, more than 72 years ago, must certainly have no reasonable cause of complaint if he is allowed to exercise the same privileges and should be made to undergo the same burdens as before. He can have the privilege of renewing, getting rent, enhancing the rent according to circumstances; but will be obliged to renew instead of being left to have the option of renewing or not. So that, I submit that the utmost position to which I can descend, so far as the non-cultivating people are concerned with whom this section deals is this. Mr. Ramachandra Ayyar in his speech and Mr. Prabbakaran Tampan in his amendment specifically state that this permanency of tenure may be granted to the original families if those families continue to enjoy this tenure even at present."

* Mr. K. PRABHAKARAN TAMPAN:—"As a matter of personal explanation, Sir, I would ask my friend to read the whole of my amendment."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I do not mean to say that he 4 p.m. has not attached other conditions. He adds in his amendment No. 97, part 2,

'On the expiration of every twelve years from the date of the demise of a kanam or a kuzhikam held continuously and uninterruptedly by a demisee or his heirs and successors in the same family from a date prior to the year 1852 the janmi shall either grant the renewal as provided in this Act or sell to the tenant concerned his janmam right in the holding.'"

* Mr. K. PRABHAKARAN TAMPAN:—"Let him read further, Sir."

* Diwan Bahadur M. KRISHNAN NAYAR:—"The hon. Member may move it when he comes to it. Not that I have any objection. 'The tenant shall accept the janmi's offer'; in this he makes other suggestions also, 'or surrender the land.' That is giving him the right of preemption. So that this amendment of my friend involves many ideas the most important of which is the grant of permanency right to the original family if that family holds to continue the holding. To that extent the janmis go. As Mr. Ramachandra Ayyar pointed out, their objection is this; that the benefits of the permanency of tenure should go only to the Malabar families. I go further and say whoever be the persons who are in possession of this tenure, all those including the assignees must have this right. Then, as a matter of fact, Sir, the original Bill contained very many provisions in

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favour of the janmis. The Select Committee collectively thought that the Bill as framed was not suitable to take care of the interests of the tenants and so they made sufficient and drastic changes in favour of the tenants. By this amendment and by many other amendments which have been tabled even by the mover of the Bill, by the expert member and other gentlemen in all sections of the House many of the drastic conclusions which have been made in favour of the tenants are really being jettisoned.

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, my hon. Friend Mr. Krishnan Nayar refers to my alternative amendment, that is paragraph 2 of amendment 97 that stands in my name. Therein it is obvious that I do agree to occupancy rights to kanamdars who have been in long possession of their land. My suggestion is only an alternative proposal that people who are in possession for a fixed time may be given the option of purchasing the rights of the janmis instead of getting occupancy right. Anybody can understand that. It is rather unfair to me that my friend should read only portions of my amendments and make misrepresentations to the House. Then, Sir, I would again wish to offer something more by way of personal observations. Capital is sought to be made by the suggestion that the janmis and Government are colluding to defeat this measure and I am as their representative discredited. Steps are being taken also to create bad feeling against me. My Friend Mr. Raman Menon said that I used the word Kongan in my characteristic frame of aristocratic insolence. I really do not know what else to say in describing people coming from Konganad. Kongan is one who comes from the Kongu or east coast. It may seem insolence to him. I do say I am brimful of insolence and members of the Legislative Council know it too well. If for the sake of my insolence this House is going to pass all these amendments, then I know what to think of this House. Then, as regards the amendment itself, it covers two proposals. One proposal is to restrict the provision of giving occupancy right to people who were in possession of their kanam from a period prior to 1853. I am indeed very much obliged to the House even for small merities."

* Diwan Bahadur M. KRISHNAN NAYAR :—" To me."

* Mr. K. PRABHAKARAN TAMPAN :—" Never to my friend. Then, Sir, towards the latter portion of the amendment there is a proposal to give occupancy right to their representatives in interest, that is, the assignees, who have come by way of purchases. This morning, I referred to the fact that these assignees have not paid the full market value of the land but they have paid only the kanam and the value of improvements. It is not a matter of State policy, it is not a matter of national importance that these people who have bargained only for their contract obligations should benefit by this legislation. In my list of documents there are twelve assignments. If you refer to any of these you will find, Sir, that no assignee was paid for his consideration more than six years' purchase. I have already referred to the report of Warden wherein he says only the kanam amount was paid and the janmi had the option of purchase of such demises. Such being the fact, it is highly necessary that the assignees should be excluded from the purview of this Bill. I therefore object to that portion of the amendment. I request you, Sir, to put the two things separately so that the House may vote on each part separately."

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* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, I am not able to agree to this amendment. Let us first examine the difference in effect between this amendment and the clause as it is. The clause, as it is, when compared with the amendment comprises only two more classes of cases. One class of cases refers to kanams created up to 1853. The second class of cases is the one created subsequent to 1853 on account of the eviction of previous kanamdars. I believe there is no other class that is excluded when we compare this clause with the amendment as it is. Now we have to examine what are the concessions thus shown to the janmis by this amendment. According to the decision of the High Court, the karnavan cannot create new kanams. Therefore, for all practical purposes, we can presume that there are no new kanams. All kanams have thus come into existence subsequent to 1853. Therefore we can dispose of that class of cases as almost nil."

Mr. A. RAMASWAMI MUDALIYAR :—" Is it in line with the attitude of the Bill ?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" There have been cases."

* Mr. K. PRABHAKARAN TAMPAN :—" I question the statement."

* Diwan Bahadur M. KRISHNAN NAYAR :—" The High Court says . . ."

The hon. the DEPUTY PRESIDENT :—" I think we may allow the hon. Member to proceed."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I thought information was required."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" My proposition is this. The High Court has distinctly laid down that a karnavan cannot create new kanams; even if he creates any, they are invalid and cannot be binding on the tarwad except in cases of necessity. How many cases will there be of that sort? I was told they were numerically nothing. The amendment is only giving an imaginary something which is made to appear as a big concession to us who do not know the real facts. It is better that the Mover of the Bill tells us according to his own experience that in such and such instances there has been new creation of kanams. Then we will be in a position to judge the relief the janmi gets on account of this concession. Now, Sir, regarding the second class of cases I am told that the general practice is that whenever the kanamdar is evicted he lets it to a different tenant. In the generality of cases he lets it to the verumpattamdar. I was told even that class of cases was numerically nothing. Therefore the difference between the amendment as it is and the clause as it stands in the Bill is practically nothing. The amendment presents the case in a most illusory form as if a number of cases are excluded. My difficulty is regarding the representatives in interest. Personally, I am more in favour of conferring rights of occupancy to ancient kanams which remained undisturbed for the last 60 or 70 years on account of the family connexions and ties. It may stand on a very sound basis. But why should the janmi show any concession in favour of a transferee who is a stranger? Is it based upon any economic principle that a stranger should be conferred the right? Therefore it is not a sound principle of legislation that the assignees should get such a right. Again this question requires further examination. It has been said that the kanam interest is being transferred to a stranger. What is the value which the transferee pays?"

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4-15 P.m. The representatives of the janmis have said that the value which the transferee pays is the capitalized value of the kanam interest. He pays only the value of the profit accruing during the unexpired portion of the kanam. On the other hand, exponents of kanam interests say that he pays much more than that. So far as the Select Committee or this House is concerned, there is no material for deciding whether the proposition of the janmis or the proposition of the tenants is sound. No doubt, the hon. Member representing the janmis has taken pains to translate some of those assignment bonds and even there the evidence is not clear to our minds. Therefore, in a doubtful state of mind, it is not good that we should concede fixity of tenure to the transferees of ancient kanams.

"Now, Sir, as to the question of compensation, courts have decidedly stated that the janmi had got the right to oust the kanamdars. Are you going to concede that valuable right to him, a very substantial right in itself? We know there is a vast difference between the standard of janmapattam and kanapattam. Is the Council going to confer that difference in favour of the kanamdars without due consideration for the claims of the janmi? It may be that the capitalized value of the difference between the kanapattam and janmapattam may be very heavy. By this legislation without provision for compensation, you will be placing in the hands of the kanamdars large property which is legitimately the property of the janmi without sufficient compensation being paid for that. I do not think, therefore, that we will be justified in legislating so as to shift the property of one to another."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Are we discussing the question of compensation, Sir? I thought the idea was postponed."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Therefore, I have no objection to confer in the case of the old kanamdars and their descendants fixity of tenure, but to extend it to the class of assignees contemplated here is beyond my comprehension."

* Mr. J. A. SALDANHA :—"Sir, I am rather anxious to know what is at the bottom of this prejudice against assignees. Now, *Kongan* was mentioned. My own information is that it refers to the invasion of Malabar by easterners. That is an ancient fact. In good old days, some families from the east like those of our distinguished lawyer, Mr. Ramachandra Ayyar and others, came and settled in Malabar. This settlement of people in Malabar is an ancient fact and belongs to ancient and not to modern history. At present, the danger, so far as my knowledge goes, is one of Malayalee invasion to the other parts of the Presidency (laughter) and in fact to all other parts of India. We find Malayalee people of all kinds coming as far as Madras and invading all professions, and there is danger, a great danger of it in South Kanara."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"May I know whether they are descendants of kanamdars?"

* Mr. J. A. SALDANHA :—"They may be (laughter). Many of them are. I shall come to the point. Who are these assignees after all? These assignees in the large majority of cases are and must be the people of the soil or those who have settled long ago ('Oh'). They might have come from the east, south or north, and they are now natives of the soil of Malabar. If one of them takes an assignment of a kanam holding or verumpattam holding, I do not know why there should be any prejudice against him."

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"Secondly, let us see what is the class of people who take these assignments. Now, Sir, we have got a danger in all parts of India of a class of people who are called Sowcars, mercantile men, bankers and others, who go and settle and take mortgages of lands as Marwaris do in the several parts of the Bombay Presidency. They take mortgages and gradually, the land passes into the hands of these money-lenders. I do not think this is the case in Malabar. There is no class of money-lenders like Marwaris who come and settle in Malabar and take assignments of lands and ultimately take away the land from the hands of the peasantry or kanamdars. I should like to be enlightened on this point. For aught I know, these assignees are after all men who have got a vested interest in the land, not merely monetary interest arising from mortgages but from a love of the land. They feel that they have got a land to look after, and a large number of these assignees of kanams have been spending large sums of money in the improvement of the lands, waste lands and garden lands. If these assignees are not more sowcars or money-lenders but are men who have got vested interests in land and are cultivators in the real sense, I do not think why there should be any prejudice shown to this class of landlords. My friend Mr. Narasimha Raju has visited Malabar, and I do not think that, from the information he has gathered from his enquiries, he has found that these assignees are a set of money lenders who only care for the land because their money is invested in the land, like Marwaris. But surely his information should be, as my information is, to the effect that these people are not such money-lenders without any stake in the land."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. Deputy President, as a matter of personal explanation, I may say my enquiry clearly made me understand that most of the transferees were middle class gentlemen belonging to the learned professions and retired Government servants."

* Mr. J. A. SALDANHA :—"I, for one, belong to the learned profession. If a man like myself take an assignment of land, is it for the sake of investing money and receiving interest like the money-lender? It is because one has a real love for the land which one wants to look after. The man who invests money on land gets a very small interest like 2 or 3 per cent. It is the pledger or the money-lender that has got an eye on the interest that he gets. Those assignees are people who invested money because they love the land. What if they belong to the learned professions, if they are pleaders or retired Judicial officers like myself? They do not invest money on land for the sake of making money on money itself, but because they have got a vested interest in the land. I therefore do not see any reason why there should be any objection against such assignees, and I am strongly in favour of giving those privileges in the case of those assignees. Mr. Prabhakaran Tampan and other friends have not told us that they are only a class of money-lenders gathering interest through the money, from the money and on the money and not landlords having vested interest in land. I think I have made this point clear to disabuse this House of the prejudice against these assignees. If there is any doubt, I challenge any one to come forward and say that they are money-lenders or bankers whose only interest is in the interest that accrues from their money."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I beg to move an amendment, with your permission, to this amendment, and that is, to delete the

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words 'or their representatives in interest'. As the discussion has made it clear, such an amendment is necessary. I therefore ask your permission to move it."

The hon. the DEPUTY PRESIDENT:—"Notice of the amendment has not been given (After a pause.) But I think there is no objection"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"My amendment is

'to delete the words "or their representatives in interest"'

at the end of the amendment on paper Sir, those who have followed the discussion on the first motion made by Government for the omission of clause 7 should have become convinced that one of the important statements made by the hon. the Mover of the Bill was that he was prepared to go as far as possible in asking for the omission from the scope of this clause those cases which came into existence 72 years ago, i.e., before 1853. He then stated, Sir, that he was quite prepared to be reasonable in asking not all cultivating kanamdars should be brought in but only those whose claim dated back to a period before 1853. That is what he said and I wish that any amendment carried in this House should fully carry out the spirit of that statement. After the motion for the deletion of clause 7 was lost, opinion has been keenly divided as to the desirability of giving or not giving occupancy rights to all cultivating kanamdars. Even the other motion was lost by a narrow division, and I believe even those who voted for the retention of the clause must have borne in mind the possibility of amendments being accepted which would make the clause applicable to documents which came into existence more than 72 years ago. If I am correct in that assumption, as I believe I am, it would follow that any amendment which is carried in this House must be such as to give effect to that intention. My Friend Mr. Narasimha Raju made it clear that this amendment, so far as it goes, is illusory, because the presence of the words 'or their representatives in interest' may so operate as to be applicable to documents which came into existence after 1853. May I not therefore point out to this House that the acceptance of an amendment with those words will practically take away the effect of the beneficial provision which is intended to be made. If that intention is not to be frustrated, and if the hon. Member in charge of the Bill wishes to stick to his statement to the effect that those cases which came into existence since 1853 may be excluded I think it is his duty to accept the amendment which I suggest. If, on the other hand, he attaches much importance to those words, I am afraid that after all this amendment is not calculated to carry out his statement but to defeat the intentions of many hon. Members. With these remarks, I request the House to accept my amendment to the amendment before the House."

Rai Bahadur T. M. NARASIMHACHARLU:—"I am very glad to second this. The carrying out of the amendment (in the agenda) will not make clause 7 anything better than what it is. There is only a show of reason in it. It simply wants to show that we are amenable to reason. Now what is the nature of that amendment? 'Ancient non-cultivating kanamdars or non-cultivating kuzhikanamdars or their heirs or representatives in interest'—it thus embraces all persons, whether they are the original persons or their heirs or whether they are the transferees. I humbly ask what purpose it serves. It may as well be that clause 7 be allowed to remain as it is, because it will mean not only persons whose claim dates back from 1853

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or even before that, but it will also include their assignees, their representatives in interest and heirs. Therefore I do not see why we should paraphrase clause 7 by adding the words of the amendment as it is in the agenda and making it a bigger clause. The amendment now moved is only meant to show that we are amenable to reason and nothing else. For we are restricting the rights of persons who are claiming kanams from 1853 and before. The amendment previous to this had the poison in its tail (I mean it literally) and there it stings. Therefore, I submit, unless that poison is removed there is no use of having it carried. The present amendment is moved with that purpose in view. The question is whether the Mover is prepared to remove that sting. If he does not, then this is a mere show of reason and nothing else."

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, I believe the intention of the select committee has been to make some distinction between the cultivating kanamdars and non-cultivating kanamdars. Section 6 gave the right of occupancy unconditionally to cultivating kanamdars, and section 7 gives the right specially to non-cultivating kanamdars. That these two sets of people have been put in in two different sections shows conclusively that some sort of distinction was sought to be drawn, by the select committee with reference to the nature of the occupancy right to be given in the two cases. Now, the amendment moved by my Friend, Mr. A. Chidambaram Nadar, tries to date back the kanam to 1853 and to make a distinction between the class of non-cultivating kanamdars who get the occupancy right after 1853 and the class of non-cultivating kanamdars who get the occupancy right provided their kanam dates back to 1853. I want to impress the House of one fact. You want to date back the kanam to 1853, that is you want to make it ancient, old; that is to say, a person who claims the privilege must have had it for some period of time. It is not from the subjective point of view, but from the objective point of view that you want to deal with this question of the right of occupancy. It is not—I wish the House to follow me on this rather complicated question—it is not from the subjective point of view, it is not from the ryot's or janmi's point of view, that you try to create this occupancy right. It is from the objective point of view that you want to create this right. That is to say, a man who has had either directly or indirectly—I will let you know in a minute what indirectly according to me means—the kanam right for a number of years must be given this occupancy right, though he is a non-cultivating kanamdar. It does not matter whether the janmi created the kanam in 1852 or 1852 or in 1920. That is not the test for giving the occupancy right. Are you going to penalise a janmi because he created a kanam after 1852? We have also to see when we give this right of occupancy as to when the man who wants the right got into possession of this kanam. That is the whole point. There is no point in saying that the janmi has been giving this kanam from 1852 to A first, to B next and C for the third time, all disconnected individuals. Therefore, the right of occupancy accrues to him who came in the year 1924. If you want to concede it as a principle that a non-cultivating kanamdar should have the right of occupancy only if certain incidents attached to the kanam, the only incident I can think of is that he and his family enjoyed this kanam for 50, 60 or 70 years. We have nothing to do as to when the janmi created this. Why should we go into the question of the janmi having created it in 1852 or earlier or later? It is a question of giving occupancy

[Mr. A. Ramaswami Mudaliyar] [14th July 1926]

right to a kanamdar. Therefore you take the kanamdar to be as and when he came into possession either by himself or by his predecessors in title. Then you will realize that an assignee for value is not such as can claim this right. He must be a man who has got it by inheritance, by gift or settlement. Now, Sir, if you are going to include the assignees for value, then as I said, there is no point in dating back this kanam to 1852. Therefore, I do think that there is much point in the amendment that I am going to suggest. Mr. Narasimha Raju told us that the concession sought to be given in this amendment is to a certain extent illusory unless you remove that class of cases who are assignees for value. I understand that kanams later than 1852 are very few in number. Whatever it be, they are few compared to the number of kanams that were created before. That is the natural reason that the courts of law have decided that a kanam can only be created by a karanavan for purposes of the tarwad. The necessity for such purposes will rarely arise. Therefore, if you want to confer the right to non-cultivating kanamdars, the only limitation I can think of is to restrict it to those who have enjoyed it by heredity, by testamentary succession, by wills or gifts or otherwise and not to extend it to assignees for value. From that point of view, I want to suggest to my hon. Friend Mr. Krishna Rao that his amendment is not complete. He removes the words 'representatives in interest.' But the case of wills, testamentary succession, etc., will not come under the amendment if merely those words are removed. I would suggest to him a far more comprehensive amendment to be tacked on to the end 'or their representatives in interest other than by purchase'. What I want to exclude is the class of people that come in merely by assignment for valuable consideration. If my hon. Friend is agreeable to that course and if he will withdraw his amendment and move the other amendment himself, I will be very glad to support him."

Rao Bahadur A. S. KRISHNA RAO PANIULU :—" I am agreeable to that course. I accordingly withdraw my amendment."

The amendment of Mr. A. S. Krishna Rao to the amendment, was withdrawn.

Mr. A. RAMASWAMI MUDALIYAR :—" I now move—

'that the words "other than by purchase" be added at the end of the amendment.'

Rai Bahadur T. M. NARASIMHACHARLU :—" I have got one doubt. Mr. Ramaswami Mudaliyar says 'other than by purchase'. Suppose a person has made a gift of his property or willed it away to a dancing girl, are you going to encourage such people?"

Diwan Bahadur M. KRISHNAN NAYAR :—" I may tell my Friend that there are no dancing girls in Malabar." (Laughter.)

Rai Bahadur T. M. NARASIMHACHARLU :—" That is my very fear, that you will give it away to the dancing girls in Madras. (Laughter.) So I only suggested the possibility of undeserving persons being benefited. What I say is, I thought out those things when my Friend suggested that kind of amendment. If he is satisfied that it does not matter to whom the gift is made, and if he makes his amendment in the full consciousness of these things, I have no objection. Only I want him to consider that aspect of the question."

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Rao Bahadur B. MUNISWAMI NAYUDU :—" I second the amendment."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I am sorry to have to oppose this amendment, though it has now been limited to a very large extent. The only unfortunate person who is to be deprived of this right is the person who pays some money and gets the right. I believe that we have come to this stage, that from the various aspects of the question that have been put forward, we to a certain extent, have accepted the theory that the kanamdars up to 1852 had a certain permanency right. The Courts in 1853 had made certain wrong decisions. We now realize that these decisions were wrong and that therefore we should by enactments rectify them. Now if people recognize that these decisions were wrong, that those who had these kanams before 1853 had some permanent right and believed that in this legislature the wrongs that have been effected by the decisions would be wiped out, if they *bona fide* paid some money and got the assignment of these kanams."

Mr. A. RAMASWAMI MUDALIYAR :—" Are we to be referring to speculators and the possibilities of future legislative enactments in this House?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Legislatures are sometimes for correcting errors. People believe in the correctness of the judgment of future legislatures and believe that wrong decisions will be rectified. Suppose these people, the poor kanamdars had not the money, they would have surrendered their tenures to the jaimis and would not have got anything more than a few rupees. The kanamdars who had the right of permanent occupancy for a very long time were feeling the difficulty for money, and had no alternative but to surrender their rights, but for the intervention of a few generous well-intentioned people who would not care for the risk of the future legislatures not being wise, not being just, and still believe *bona fide* and rectify the wrong and come to the rescue of the kanamdars by paying some money.

"Curiously enough dancing girls are exempted if they get gifts. I think in the case of undivided families the law recognizes transfers for consideration, and does not recognize transfers without consideration. By this amendment, the position will be reversed. It seems to me that we do not know where we are drifting. Supposing there are two brothers in an undivided family, one getting a share of the family property by survivorship and the other acquiring it by sale, there will be trouble and endless litigation. This amendment will only help to increase litigation and put some more money into the lawyers' pockets. Therefore I appeal to the House not to make any distinction. I am strongly for having the amendment as it is without it being qualified by another amendment."

* Mr. A. CHIDAMBARA NADAR :—" I do not accept the amendment we are now discussing."

The hon. the DEPUTY PRESIDENT :—" I believe we are now discussing the amendment of Mr. Ramaswami Mudaliyar."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Mr. Chidambara Nadar was the Member who originally moved this particular amendment. Now it has been amended and that amendment has been further amended. Now we are discussing the amendment as amended. On that, discussion is necessary."

[Mr. M. Krishnan Nayar]

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I myself along with my other friends want to speak on this amendment. What I am submitting is that the mere fact of my hon. Friend not taking part in this amendment is not the last word on it."

The hon. the DEPUTY PRESIDENT:—"I think Mr. Chidambara Nadar is to speak on the amendment of Mr. Ramaswami Mudaliyar."

* Mr. A. CHIDAMBARA NADAR:—"I do not accept the amendment, Sir. The amendment assumes that the land remains in the hands of the janmis for generations together. On the other hand, the tenure of the kanamdar passes from one man to another. I see from some of the dissenting minutes that there is a new class of janmis, quite a good number, created recently. There seems to be no objection to these new janmis getting lands from the previous janmis. In the words of Mr. Ramaswami Mudaliyar, from the subjective point of view, it is assumed that there is no difficulty with regard to janmis for they remain the same, but that there is some difficulty with regard to kanamdars or assignees from kanamdars. To this, I may state that even assuming that the land remains in the hands of a single janmi or his heirs for generations together, he has been willing to let out the lands for years together. When such is the case, why not you allow the tenure to continue further? Strictly speaking, in such cases there will be no hardship. With regard to rent, it may be increased and it is the sense of the House that some compensation should be provided. When such is the case I think there will be no hardship in extending the right to the assignees from kanamdars. Moreover, as stated by the hon. Member for Coimbatore, by adopting the present amendment we will be penalizing persons who really paid some money for the land. Under these circumstances, I cannot accept the amendment."

The hon. the DEPUTY PRESIDENT:—"Shall we not proceed to vote?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"No, no. As the Mover of the Bill, I have to speak and the expert member has to speak."

The hon. the DEPUTY PRESIDENT:—"I thought I could expedite the passing of the hon. Mover's Bill by cutting short the discussion."

* Mr. S. MUTTAYYA MUDALIYAR:—"I thank you very much for allowing me to speak. Whatever the reasoning of the amendment may be--there must be some reason or no reason whatever--I do not certainly understand how the section if amended as proposed in the final amendment of Mr. Krishna Rao will stand. If you will refer to the definition of 'kanamdar' in clause 2 (g), you will find that it says:

"Kanamdar means a person who holds land under a janmi on payment of kanam to him and includes assignees and representative in interest of such person."

"So that, any representative in interest is a kanamdar. And, if the original clause stands, a non-cultivating kanamdar includes his representative in interest and he is to have it. Mr. Chidambara Nadar would achieve his purpose even if the words 'representatives in interest' are not at the end of his amendment. Because, by the mere definition of kanamdar, representatives in interest come in. And if he says: kanamdars prior to 1852 should get kanam right . . ."

Mr. A. RAMASWAMI MUDALIYAR:—"May I remind my hon. Friend that we have not yet passed the definition clause and it is open to us to make a change in the definition?"

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* Mr. S. MUTTAYYA MUDALIYAR:—"I may remind my hon. Friend that we are proceeding with the discussion of the Bill on the basis that what we have in the whole body of the Bill, whether passed or not passed already, is to be passed. If there is going to be an amendment of the definition of the word 'kanamdar', then I would very well suggest to my hon. Friend for acceptance that he may very well put off the consideration of this till we finish with the definition of the word 'kanamdar'. Now, we have taken up consideration of clause 7 and the definition of 'kanamdar' stands as it is. There is absolutely no meaning in the amendment of Mr. Krishna Rao to the amendment of Mr. Chidambara Nadar. So I submit to Mr. Krishna Rao for consideration whether he really thinks any purpose will be served by the amendment he has made and, if he is for pressing his amendment, I oppose it."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I suppose we will sit till 5-15 p.m. in which case I am prepared to speak on the amendment now. Otherwise, I will have to stop in the middle of my speech and there will be the trouble of my being obliged to repeat my views to-morrow. I thank you, Sir, for your offer to expedite the disposal of the Bill."

The hon. the DEPUTY PRESIDENT:—"Any hon. Member who would make a five minutes speech?"

* Mr. K. UPPI SAHIB:—"Mr. Deputy President, this amendment of Mr. Krishna Rao seeks not to give permanent rights to the assignees or representatives in interest. I doubt whether any of those who got kanam rights from the actual janmis 72 years ago are alive now. No one is, I think, alive now. Certainly, only their heirs, their successors and their representatives in interest are alive. We have undertaken this measure solely for alleviating agrarian discontent and trouble in Malabar. If that amendment is carried it will in no way lead to that result. Because most of the kanam tenants in Malabar are people who have got their right by assignment. Now, let us consider by what right they are holding their lands. It has been conceded that those who were kanam tenants in 1852 or before that shall have the right, but only those who have got that right from such kanam tenants: those who have paid in lump sums their hard earned money to the needy kanamdars, shall not have that right. Is it justice? Is it right to deny such permanent right to people who have shelled out money and acquired kanam lands? If this amendment is accepted, all kanamdars in Malabar, all *bona fide* kanamdars who got kanam lands from the original kanamdars in the bona fide belief that their rights were permanent, will be ruined and discontent will grow on apace. I may say, Sir, that most of these assignees are Mappillas and it was chiefly for their benefit that this Bill was brought forward as the impression in many quarters is that the root cause of the Mappilla outrages is agrarian discontent. Most of the Mappilla kanamdars are assignees."

Mr. A. RAMASWAMI MUDALIYAR:—"In North Malabar also?"

* Mr. K. UPPI SAHIB:—"In North Malabar, kanam is quite different from what it is in South Malabar."

The House adjourned to meet again at 11 a.m. the next day.

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

[14th July 1926]

APPENDIX.

[Vide answer to question No. 2045 asked by Mr. K. Raghuchandra Ballal at the meeting of the Legislative Council held on the 14th July 1926, page 328 supra.]

Taluk boards which have not been granted the privilege of electing their presidents.

Taluk boards—	Reasons.
1. Rajampet ...	The Government considered that in the best interests of the administration of these taluk boards the presidents should be nominated by them.
2. Venkatagiri ...	
3. Perambalur ...	
4. Hospet ...	
5. Harpanahalli ...	
6. Devakottai ...	
7. Calicut ...	These taluk boards have been newly formed in consequence of a redistribution of taluk board areas. The Government considered that the presidents should be nominated by them for the present.
8. Chirakkal ...	
9. Papanasam ...	

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 15th July 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.	Muniswami Nayudu, Rao Bahadur B.
Marjoribanks The hon. Mr. N. E.	Mattayya Mudaliyar, Mr. C.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Muthia Mudaliyar, Mr. S.
Moir, The hon. Mr. F. E.	Narasimha Chariu, Rai Bahadur T. M.
Raja of Panagal, The hon. the	Narasimha Raju, Rao Bahadur C. V. S.
Patro, The hon. Rao Bahadur Sir A. P.	Narayanawami Pillai, Mr. T. M.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Natesa Mudaliyar, Rao Bahadur C.
Abdul Wahab Sahib Bahadur, Munshi.	Obalesappa, Mr. B.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Pandrang Row, Mr. V.
Adinarayana Chettiyar, Mr. T.	Peddiraju, Mr. P.
Anjaneyulu, Mr. P.	Poenuwami Pillai, Mr. K. S.
Ankinedu Prasad Bahadur, S. R. Y.	Prabbakaran Tampam, Mr. K.
Appavu Chettiyar, Mr. D.	Premayya, Mr. G.
Ari Gowder, Mr. H. B.	Raghuchandra Ballal, Mr. K.
Irpadaswami Udayar, Mr. S.	Raja, Rao Bahadur M. C.
Arumuga Nadar, Mr. P. K. S. A.	Rajan, Mr. P. T.
Bhanoji Rao, Mr. A. V.	Ramachandra Ayyar, Diwan Bahadur T. R.
Boag, Mr. G. T.	Ramachandra Reddi, Mr. B.
Chambers, Mr. G. W.	Raman Menon, Mr. K. P.
Chidambara Nadar, Mr. A.	Raman, Rao Bahadur P.
Davis, Mr. J. A.	Ramalinga Chettiyar, Rao Bahadur T. A.
Devendrudu, Mr. N.	Ramaswami Mudaliyar, Mr. A.
Ellappa Chettiyar, Rao Sahib S.	Ranganatha Mudaliyar, Mr. A.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Sagaram, Mr. P.
Gangaraju, Mr. M.	Saldanha, Mr. J. A.
Ghouse Mian Sahib, Mr. Muhammad.	Samuel, Mr. J. D.
Gopala Menon, Mr. C.	Sarabha Reddi, Mr. K.
Gopalan, Rao Sahib P. V.	Sarvarayudu, Mr. K.
Guruswami, Mr. L. C.	Sasibhushan Rath Mahasayo, Sriman.
Haji Qasim Haji Abd-ul-lah Sahib Bahadur, Khan Bahadur.	Satyamurti, Mr. S.
Hall, Mr. J. F.	Sesha Reddi, Mr. B. P.
Hegde, Mr. Naganna.	Sitarama Reddi, Mr. K.
Heggade, Mr. D. Manjappa.	Sitayya, Mr. M.
Kesava Pillai, Diwan Bahadur P.	Srinivasan, Rao Sahib R.
Khadir Mohiddin Elyas Khan Sahib, Mr.	Subramania Pillai, Mr. K. Chavadi.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Sundaramurti, Rao Sahib P. V. S.
Koti Reddi, Mr. K.	Suryanarayanamurti Nayudu, Diwan Bahadur K.
Krishnan Nayar, Diwan Bahadur M.	Tangavelu Pillai, Rao Sahib T. C.
Krishna Rao Pantulu, Rao Bahadur A. S.	Tanikachala Chettiyar, Diwan Bahadur O.
Krishnama Achariyar, Rao Bahadur V. T.	Tulasiram, Mr. L. K.
Krishnaswami Nayudu, Rao Bahadur K.	Uppi Sahib, Mr. K.
MacDougall, Sir Alexander.	Veerian, Mr. R.
Madanagopal Nayudu, Mr. R.	Vellingiri Gounder, Mr. V. C.
Madhava Raja, Mr. V.	Venkatachala Padayachi, Mr. K.
Madurai, Hony. Lieut.	Venkataramana Ayyangar, Mr. C. V.
Mallesappa, Mr. T.	Venkatarama Sastriyar, Mr. T. R.
Marthandam Pillai, Mr. P. N.	Venkataram Nayudu, Mr. C.
Meera Sahib, Mr. Muhammad.	Venkataramnam, Mr. B.
Moidu Sahib, Mr. T. M.	Venkatareddi Nayudu, Rai Bahadur Sir K.
	Windle, Capt. E. G.
	Wood, Mr. C. E.
	Zamindar of Kallikote.
	Zamindar of Mandasa.

[15th July 1926]

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.]

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Civil Justice.

Memorial from process amins.

* 2063 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state the orders passed by the Government on the memorial of process amins for increased scales of pay submitted by them this year or during the latter part of last year?

A.—Memorials from certain process peons and amins applying for an increase of pay were received by Government in March last. They were rejected as under section 20 of the Court Fees Act, 1870, rules for the remuneration of peons and other persons employed in the service or execution of processes are made by the High Court.

Irrigation.

Plant, machinery, etc., for the Mettur Irrigation works and Pykara Hydro-Electric schemes.

* 2064 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) in what papers and journals Government or the High Commissioner in England have advertised for the plant, machinery and other materials required for carrying out the Mettur Irrigation works and the Pykara Hydro-Electric schemes; and

(b) from what firms and countries they have been obtained?

A.—(a) The Government have decided to obtain the plant and machinery required for the Mettur Project through the Indian Stores Department and the High Commissioner for India in London; there has therefore been no necessity to advertise in the papers. The Stores Department have their own procedure for advertisement.

The hydro-electric project has not yet reached a stage at which orders for plant and machinery can be considered. The plans and estimates are now under scrutiny by Messrs. Merz and McLellan, Consulting Engineers.

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(b) Certain minor supplies of tools and plant of an aggregate cost of about 3·8 lakhs have been obtained in India. A list of such local purchases is appended.

Minor Irrigation.

Repairs to minor irrigation tanks in Nellore district.

* 2065 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) how many minor irrigation tanks are in disrepair and awaiting improvement in the Nellore district;

(b) the probable amount required for the improvement of those tanks;

(c) how much money will be spent during the year 1926-27 and which tanks will be taken up; and

(d) whether any fresh proposals have been called for?

A.—(a) & (b) The information is not available.

(c) The budget allotments are Rs. 79,250 for tanks in charge of Public Works Department and Rs. 35,000 for those in charge of Revenue. Information as to the tanks which will be taken up is not available.

(d) No.

Mr. B. RAMACHANDRA REDDI:—"With reference to the answer given in clauses (a) and (b), may I know whether the information has been called for?"

The hon. Mr. N. E. MARJORIBANKS:—"No, Sir."

Mr. B. RAMACHANDRA REDDI:—"May I know whether the Government is not willing to call for the information?"

The hon. Mr. N. E. MARJORIBANKS:—"From the nature of the case it is not very easy to get the information desired. It would be extremely difficult to obtain information with regard to every single tank whether it needs repair at a particular time."

Mr. B. RAMACHANDRA REDDI:—"May I know whether the Government is not in possession of the information at least with regard to the concerned district?"

The hon. Mr. N. E. MARJORIBANKS:—"No, Sir. They are not."

General.

Supply of drinking water to clerks in Government offices.

* 2066 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that Government pays for employing watermen in the Government Registration office, First Line Beach, Board of Revenue, Chepauk, and other Government offices in Madras to supply drinking water to the staff employed there;

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(b) if so, whether water is supplied for drinking purposes to all clerks employed in the offices irrespective of caste and creed in the vessels provided for the purpose; and

(c) whether it is a fact that the depressed classes clerks, Muhammadans and Christians are asked to bring their own vessels and not supplied in the vessels used by caste Hindus?

A.—(a) Yes.

(b) Yes.

(c) No clerk of the two offices named is asked to bring his own vessel. Separate vessels are maintained for different communities.

Mr. R. VEERIAN:—"With reference to the answer given in clause (c), from a sanitary point of view, I wanted to know whether it would not be advisable to have filters so that all clerks irrespective of caste, creed or colour may take water straightaway from the filter instead of from the waterman employed."

The hon. the PRESIDENT:—"How are they to drink water?"

Mr. R. VEERIAN:—"They will have their own vessels or they will have vessels bought by the Government for the purpose."

The hon. the PRESIDENT:—"It is a separate question about filters."

Mr. R. VEERIAN:—"Clause (c) relates to that."

The hon. the PRESIDENT:—"There is nothing about filters."

Mr. R. VEERIAN:—"I wanted to know whether it is a fact that every clerk is asked to bring his own vessel. If filters are used, it would avoid this procedure."

The hon. the PRESIDENT:—"The hon. Member must acknowledge that filters will not solve the question of having separate vessels. Whether there are filters or not separate vessels will have to be used."

Mr. R. VEERIAN:—"The clerks can use their own hands for drinking the water from the filters. Where is the difficulty? Why should they use separate vessels?"

The hon. Mr. N. E. MARJORIBANKS:—"If the clerks were to make a representation in the matter, I shall be glad to consider it."

Land Revenue.

Levy of demarcation fees.

* 2067 Q.—Mr. R. VEERIAN: With reference to question No. 1521 answered on the 4th March 1926, will the hon. the Member for Revenue be pleased to state—

(a) how the levy of demarcation fees is being charged for making subdivisions; and

(b) whether the fees are charged uniformly in all the districts?

A.—(a) The hon. Member is referred to the answer to question No. 115 and the supplementary question and answer thereto given in this Council on the 19th August 1925.

(b) Yes.

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Assignment of lands in Kalamangalam village.

* 2068 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Collector of Tanjore passed orders in his D. Dis. No. 4177/25, dated 14th November 1925, for the reservation of 10 acres of land in R.S. No. 220 in Kalamangalam village, Tanjore taluk, for assignment to ordinary Adi-Dravidas and 10 acres to ex-military men;

(b) whether it is a fact that the land was subdivided into tiny pieces by the Labour department for assignment to individual Adi-Dravidas;

(c) whether it is a fact that the Tahsildar of Tanjore in his L. Dis. No. 370-0/26, dated 26th February 1926, informed the Adi-Dravida petitioners that the land already subdivided for them has been assigned to two or three ex-military men alone quite contrary to the Collector's orders; and

(d) if so, what is the reason for his doing so?

A.—The Government have no information. The question and answer will be communicated to the Collector of Tanjore for such action as may be necessary.

Assignment of certain dry land at Porto Novo.

* 2069 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the dry land survey No. 242 is lying vacant at Porto Novo;

(b) what is the extent of this land;

(c) whether any enquiries have been made in connexion with a petition, dated 17th November 1925, submitted through me on 28th March 1926 to the Revenue Department;

(d) if so, what is the result of the enquiry; and

(e) whether it is a fact that the then Deputy Tahsildar declined to assign the land No. 242 to the Adi-Dravidas to put up a chatram for their use near the railway station as a resting place for travellers in his letter, dated 18th January 1925, for reasons of his own?

A.—The petition received with the hon. Member's letter, dated 28th March 1926, was transferred to the Board of Revenue for disposal and the hon. Member was so informed.

The Government have no other information on the subject.

Mr. R. VEERIAN:—"In the answer it is stated 'the petition received with the hon. Member's letter, dated 28th March 1926, was transferred to the Board of Revenue for disposal and the hon. Member was so informed.' I want to know the result."

The hon. Mr. N. E. MARJORIBANKS:—"I do not know the result."

Depressed Classes.

Action taken on the resolutions of the Nellore District Adi-Andhra Conference.

* 2070 Q.—Mr. R. VEERIAN: With reference to question No. 1518, answered on 4th March 1926, will the hon. the Home Member be pleased to state whether any action has been taken on the resolutions of the Nellore

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District Fifth Adi-Andhra Conference, Nellore, held on the 30th December 1925, as well as the resolution of the Adi-Dravida Conference held on 23rd November 1925 in the South Arcot district by the Commissioner of Labour and what it is?

A.—The Government have called for a report.

Forests.

Forest regeneration scheme.

* 2071 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to place before the House the details of the forest regeneration scheme and of the establishment that will be employed for it, showing the various parts of the Presidency where they will be employed?

A.—There is no scheme which can be described as “The Forest Regeneration scheme”.

The attention of the hon. Member is however invited to paragraphs 45–55 of the Administration Report of the Forest department for the year ending 31st March 1925. It is not possible to give details of the establishment employed exclusively on regeneration work.

Mr. J. A. SALDANHA:—“May I enquire whether there are any officers appointed for the purpose of forest regeneration?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“Not specifically for that purpose.”

Mr. J. A. SALDANHA:—“In the budget estimate there is a heading called ‘Forest Regeneration’ and some officers are appointed or proposed to be appointed. I want to know whether these officers are not for this purpose.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“They do this work also.”

Mr. J. A. SALDANHA:—“Are we to understand that Government have no scheme at all for forest regeneration work?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“There is no special scheme?”

Mr. J. A. SALDANHA:—“Are officers appointed without any special scheme?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“There are some general schemes of work which they are carrying on.”

Mr. J. A. SALDANHA:—“We are told by the Development Secretary that forest regeneration means development of forests and it includes what are called various schemes and plans for carrying on those schemes?”

Mr. V. PANDRANG ROW:—“On a point of personal explanation, Sir, I may be permitted to say that what I said was really with reference to

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working plans. Some of them are in the course of preparation and they are in the hands of certain officers but forest regeneration is distinct from the work of these officers?”

Mr. J. A. SALDANHA:—“Under the head of ‘plans’ so many officers are appointed or proposed to be appointed for that purpose. I want to know whether this forest regeneration work is really part of the forest working plans. Do the officers belong to one department?”

Mr. V. PANDRANG ROW:—“They belong to the Forest Department.”

Mr. J. A. SALDANHA:—“It is only an evasive reply. We know very well that they belong to the Forest Department. My point is that there is a work called forest regeneration work, and it includes working plans also. Are we to understand that separate officers are appointed for the two purposes?”

Mr. V. PANDRANG ROW:—“Working plans include schemes for regeneration and also for exploitation.”

Mr. J. A. SALDANHA:—“In the budget estimate it is shown that there is a department called Forest Exploitation department and there were a number of officers appointed or proposed to be appointed in that department. I want to know whether this forest regeneration work will be done by those officers or there will be separate officers for this work?”

Mr. V. PANDRANG ROW:—“This very question was raised during the budget debate and if I remember aright the hon. the Finance Member explained it very clearly.”

Mr. J. A. SALDANHA:—“May I point out that when I raised this question at the time of the budget debate, the hon. the Finance Member mystified the whole thing and that is the reason why I ask this question now. The reply or the explanation now given is more mystifying than ever. I want to know how matters stand and whether there are different officers for working plans, forest regeneration and exploitation?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“For exploitation I understand there are separate officers.”

Mr. J. A. SALDANHA:—“Then for working plans are there separate officers? If there is a separate special officer for the whole Presidency, he will take a broad view of the question and prepare working plans for the whole Presidency. I want also to know whether regeneration work is done by a separate staff or not?”

Mr. V. PANDRANG ROW:—“I do not expect to succeed in convincing the hon. Mr. Saldanha when the hon. the Finance Member evidently has not succeeded. However I shall explain the position. A working plan is a scheme which is prepared to show how the forest is to be exploited. At the same time it provides for regeneration of the forests after the exploitation. But the actual exploitation work is entrusted to different officers, who have not directly to do anything with the preparation of the working plan. I hope I have made myself clear.”

Mr. J. A. SALDANHA:—“What about regeneration?”

The hon. the PRESIDENT:—“Regeneration comes after exploitation.”

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Forest Panchayats.*Organization of forest panchayats.*

* 2072 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to place before the House the rules under which the forest panchayats are established and governed and to state what their statutory authority is, and under what authority they can be enforced?

A.—A copy of the form of agreement which contains the rules is appended.* The panchayats are not constituted under any statutory authority. The question of conferring legal status on the forest panchayats is now under the consideration of the Government.

Mr. J. A. SALDANHA:—"I want to know whether these rules remain so long without any statutory or legal basis. The answer given is 'The panchayats are not constituted under any statutory authority. The question of conferring legal status on the forest panchayats is now under the consideration of Government.' Are we to understand that these panchayats have been constituted all along without any statutory or legal basis?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"They were not brought into existence under any statutory authority of Government. Government passed orders that these panchayats should be created on certain lines."

Mr. J. A. SALDANHA:—"Have Government come to the conclusion that they do not need any legal basis or that they should be given a legal basis?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"The whole matter is under consideration, and that is what is given in the answer."

Jails.*Non-official visitors to jails.*

* 2073 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Home Member be pleased to state—

(a) what is the total number of non-official visitors to jails in this Presidency, and to which communities such non-official visitors belong;

(b) what are the qualifications considered necessary for appointment of such visitors;

(c) who are the non-official visitors to the jail at Mangalore;

(d) whether there are any Jain non-official visitors to jails in this Presidency; and

(e) whether there are any such at Mangalore, if so, who they are, and if not, what the reasons are for not appointing any?

A.—(a) The number of non-official visitors including lady-visitors appointed to the Penitentiary, Madras, is 9. Their names with information as to the communities to which they belong are given below:—

(1) Khan Bahadur Abdul Karim Faruki Muhammadan Sahib Bahadur, Teynampet.

(2) Mr. K. Kay, Messrs. Binny & Co., Ltd., European Madras.

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| (3) Mrs. K. M. Leech, the Palms, Nungambakam. | European. |
| (4) M.R.Ry. Diwan Bahadur Govindas Chathurbujadas, Mint Street, Madras. | Hindu Guzarat Brahman. |
| (5) M.R.Ry. D. Srinivasa Nayakar, Mylapore. | Hindu Non-Brahman. |
| (6) Mrs. Radhabai Subbaroyan, Fair Lawns, Egmore. | Brahman-Hindu. |
| (7) Mr. W. Hindle, Y.M.C.A., Vepery. | European. |
| (8) M.R.Ry. V. Shanmuga Mudaliyar Avargal, Dubash, South Indian Export Company, Limited, Madras. | Hindu Non-Brahman. |
| (9) M.R.Ry. Diwan Bahadur G. Narayana-swami Chetti Garu, San Thome, Mylapore. | Hindu Non-Brahman. |

The appointments of non-official visitors to the mufussal jails are made by the District Magistrates and the Government have no information in regard to them.

(b) No definite qualifications are laid down. Those who show an interest in matters connected with jail administration and are willing to assist in finding work for prisoners after release are generally selected for appointment as non-official visitors to jails.

(c) M.R.Ry. Nellikai Venkat Rao Avargal, M.R.Ry. Rai Sahib E. C. M. Mascarenhas Avargal and Mrs. Lucy Shreshta were appointed non-official visitors to the sub-jail, Mangalore, during the triennium ending 31st December 1925.

(d) & (e) The Government have no information. The appointment rests with the District Magistrate.

Stationery.*Stationery required by the Government of Madras.*

* 2074 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Home Member be pleased to state—

(a) the approximate cost of stationery required by the Madras Government annually—especially paper, pen, pencil and ink separately;

(b) to what extent the Government depends upon foreign imports and to what extent upon indigenous manufactures;

(c) whether the Government indents upon the Government Ink Factory, Madras, for all the ink required by the Government;

(d) whether the Ink Factory is able to meet the Government's demand; and

(e) to what extent the Government is encouraging the Madras Pencil Factory?

A.—(a) & (b) The cost of stationery purchased during the three years 1922-23, 1923-24 and 1924-25 is given in the annexed statement.*

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If articles of the required quality can be obtained in India at a reasonable price, purchases are, as a rule, made locally. Otherwise foreign goods are obtained on indent from the Director-General of Stores, London.

(c) & (d) The Government Ink Factory is able to supply only the following kinds of ink :—

- (1) Blue-black registration ink,
- (2) Black ink powder,
- (3) Rubber-stamping ink,
- (4) Scarlet ink powder,
- (5) Casella's soluble crystals, and
- (6) Scarlet liquid ink.

The Government get all their supplies of these kinds of ink from the Factory.

(e) In 1922-23 and 1923-24, the Government obtained more than half their supply of pencils from the Madras Pencil Factory. No orders were placed with the Factory in 1924-25 since there were numerous complaints regarding the quality of the pencils supplied by it. The quality of the pencils has, however, improved since, and the Government bought from the Factory pencils worth Rs. 1,500 in 1925-26. For 1926-27 the order for all the black-lead, drawing and copying (brown and red) pencils required by the Government has been placed there.

Mr. B. RAMACHANDRA REDDI :—“ With reference to the answer given to this question, may I know from whom complaints came ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I suppose from the officers of those places.”

Mr. B. RAMACHANDRA REDDI :—“ In the annexure appended to this question it is stated that the cost of pencils in 1923-24 came to Rs. 9,944, whereas in 1924-25 it came to Rs. 3,585. May I know the reason for this large difference ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I want notice of the question.”

Local Boards.

Vacancy in South Kanara District Board.

* 2075 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the seat of a member of the South Kanara District Board has fallen vacant since the death of the late Mr. A. Somappa who had been a nominated member ; and

(b) whether it is a fact that the said member was a Hindu of the backward class ?

A.—(a) Yes. The vacancy arose on 30th December 1925 and has since been filled.

(b) The member was a Hindu belonging to the Oilmonger community.

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Mr. A. RANGANATHA MUDALIYAR :—“ Is there no rule to see that these vacancies are not left unfilled for a number of months ? ” 11-15 a.m.

The hon. the RAJA OF PANAGAL :—“ Government take action in the matter as soon as the recommendation of the authorities concerned reach them ? ”

Mr. A. RANGANATHA MUDALIYAR :—“ Presumably, in this case no recommendation was made by the concerned authorities ; may I ask the hon. Minister whether something could not be done in such cases ? ”

The hon. the RAJA OF PANAGAL :—“ When such cases are brought to the notice of the Government, they ascertain from the authorities why no action was being taken.”

Levy of profession tax by local bodies.

* 2076 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) which of the local boards in the Madras Presidency are empowered to levy profession tax ;

(b) which of the local boards so empowered have found it possible to levy such tax successfully ;

(c) whether any local boards have reported that such taxation is not desirable and what action the Government have taken on such reports ; and

(d) why the Government have not withdrawn the powers of local boards to levy such tax ?

A.—(a) Any district board in this Presidency can determine that the profession tax shall be levied in the area within its jurisdiction.

(b) Of the 67 taluk boards and the Nilgiri District Board in whose jurisdiction the tax was levied in 1924-25 the 15 taluk boards mentioned in the appended statement* realized in the year over Rs. 3,000. In the same year, the total income of union boards from the tax exceeded Rs. 8,000 in the three districts of Ramnad, Salem and Tinnevely.

(c) The Government are not aware that any local board considers that the tax is undesirable. Its abolition by some boards has been due to difficulties in collection, not to any objections to the tax as a tax. Provided the boards concerned can balance their budget without levying the tax, no objection is raised by Government to its abolition.

(d) The tax brings in a useful revenue to several local boards. In these circumstances the Government see no reason why those local boards which desire to do so should not continue to levy it.

Mr. D. MANJAYYA HEGGADE :—“ May I know whether there are not difficulties in the way of collecting the tax ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, there are difficulties ; and in spite of the difficulties, the boards like to have the power to collect the profession tax.”

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Mr. D. MANJAYYA HEGGADE :—" May I know what are those difficulties ? "

The hon. the RAJA OF PANAGAL :—" They have no special staff of their own to collect the tax. "

Mr. A. RANGANATHA MUDALIYAR :—" May I know, Sir, whether village officers are not required to collect the taxes ? "

The hon. the RAJA OF PANAGAL :—" Yes, Sir, but the complaint is that the collection work is not properly done by them. "

Construction of bridges and causeways on the trunk roads.

* 2077 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any report has been called for with regard to the construction of bridges and causeways anew on the trunk roads;

(b) if so, whether it has been received, and

(c) if so, whether it will be placed on the table ?

A.—(a) The presidents of all district boards have been asked to furnish information to show the bridges which are required on the trunk roads within their jurisdiction.

(b) The information has not yet been received by the Government.

(c) The question will be considered after the information called for has been received.

Mr. B. RAMACHANDRA REDDI :—" With reference to the answer to clause (a), may I know whether the information called for relates only to bridges and not to causeways ? "

The hon. the RAJA OF PANAGAL :—" I remember that the information was called for only with reference to bridges and not with reference to causeways. I am not however sure of that. "

Mr. B. RAMACHANDRA REDDI :—" May I know, Sir, when the information was called for ? "

The hon. the RAJA OF PANAGAL :—" I am not able to give the exact date. It was called for some time back. "

Scholarships to pupils reading in secondary schools of local boards and municipal councils.

* 2078 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether full remission of fees may be made by the local bodies and municipalities in the case of poor pupils reading in their Secondary schools and belonging to forward communities though they are not classified as backward in the Grant-in-aid Code; and

(b) if so, whether such full remission of fees in the case of pupils of such communities is subject to the approval of the District Educational Officer and the Government ?

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A.—(a) & (b) The attention of the hon. Member is invited to the second proviso to rule 51 (1) of Schedule IV to the Madras District Municipalities Act, 1920, as last amended by Notification No. 1336 of Part I-A of the *Fort St. George Gazette*, dated 1st December 1925, and to the rule issued under the Madras Local Boards Act, 1920, which has been published in Notification No. 463 of Part I-A of the *Fort St. George Gazette*, dated 28th April 1925.

Medical.

Money collection boxes in the Wenlock Hospital, Mangalore.

* 2079 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the District Medical Officer of South Kanara has put up money collection boxes in the Wenlock Hospital, Mangalore, and has been compelling patients to contribute money for those boxes;

(b) if so, what the objects of the levy of such contributions are; and

(c) whether the said officer has been authorized to levy such contributions ?

A.—The Government have called for a report on the subject.

Deputation to the School of Tropical Medicine, Calcutta.

* 2080 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state the qualifications of each of the persons deputed to the School of Tropical Medicine, Calcutta, to conduct pharmacological investigation of indigenous drugs and whether any and if so, which drugs have been prescribed for such investigation ?

A.—Of the two officers deputed for the purpose, one is a L.M.S. (Bombay) and a Civil Assistant Surgeon of nine years service (including four years Military service) in the Madras Medical Service who has held the appointment of Assistant to the Professor of Medicine, Medical College, Madras, from the 4th October 1921 to 4th July 1922 and that of Lecturer in Materia Medica and Practical Pharmacy at the Rayapuram Medical School from the 5th July 1922 to the date of his deputation in January 1926. The other is a B.A. (Hons.) who was Lecturer in Chemistry at the Medical College, Vizagapatam. These two officers have been deputed to carry out an investigation of indigenous drugs of South India generally.

Stipends to students in Madras Government Medical schools.

* 2081 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that stipends are paid by the Government at the rate of Rs. 25 per mensem to the pupils from the Ceded Districts undergoing training in the Madras Government Medical schools and at the rate of Rs. 15 per mensem to those who come from Tamil districts; and

(b) if so, the reasons for this difference ?

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A.—(a) & (b) The hon. Member is referred to the answer given to clause (c) of question No. 411 at the meeting of the Legislative Council held on the 21st August 1924.

Mr. R. VEERIAN :—" May I know the amount of stipends that is paid to the students coming from the Ceded Districts ? "

The hon. the RAJA OF PANAGAL :—" I think it is Rs. 25 per mensem. "

Mr. R. VEERIAN :—" In the answer given on 21st August 1924 it was stated that the stipends were discontinued after a certain date; therefore I want to know the exact amount. "

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

Public Health.

Anti-drink propaganda by the public health staff.

* 2082 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased to state whether Government have passed any orders to the effect that the public health staff should not carry on anti-drink propaganda and to place before the Council any orders on the subject of public health officers' attitude as to anti-drink propaganda ?

A.—The Government have passed orders that the public health staff should not be employed to carry on propaganda against the use of alcoholic liquor in G.O. Mis. No. 1776, P.H., dated 25th August 1925, which is placed upon the table.*

Mr. J. A. SALDANHA :—" May I know why the Government consider that the public health staff should not carry on anti-drink propaganda ? "

The hon. the RAJA OF PANAGAL :—" The anti-drink propaganda is connected with political agitation; and if the staff is allowed to carry on such propaganda it would be difficult to discriminate whether they are carrying on political propaganda or temperance propaganda. "

Mr. J. A. SALDANHA :—" May I ask whether the Government are aware that these officers employ themselves cheerfully in carrying on health propaganda ? "

The hon. the RAJA OF PANAGAL :—" They are expected to carry on such propaganda. "

Mr. J. A. SALDANHA :—" May I know whether Government consider that drinking is conducive or not conducive to the health of the people ? "

The hon. the RAJA OF PANAGAL :—" The question needs no answer. "

Mr. A. RANGANATHA MUDALIYAR :—" Does this restriction mean that the health officers should not even point out the evils of drink ? "

The hon. the RAJA OF PANAGAL :—" If anybody goes to them for advice, they are at liberty to advise him. "

* Printed as Appendix V on page 474 infra.

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Mr. J. A. SALDANHA :—" For instance, Sir, in Mangalore, the propaganda is carried on by such bodies as the Servants of India Society and the Depressed Classes Missions. I am not aware of any political propaganda against drink, Sir. "

The hon. the RAJA OF PANAGAL :—" My answer was general. I am not aware that there is no such propaganda in South Kanara. "

Mr. J. A. SALDANHA :—" Two of the hon. Ministers have visited Mangalore. May I know whether the Government consider that in that place there is no campaign needed against excessive drinking ? "

The hon. the RAJA OF PANAGAL :—" The hon. Member himself must be in a position to answer the question better. "

Mr. A. RANGANATHA MUDALIYAR :—" Sir, the health officers were carrying on temperance propaganda for some time. Has the hon. Minister any reason to think that that temperance propaganda lapsed into political propaganda ? "

The hon. the RAJA OF PANAGAL :—" In recent years there was such a tendency. "

Mr. A. RANGANATHA MUDALIYAR :—" On the part of the health officers, or on the part of the public ? "

Mr. J. A. SALDANHA :—" I am at a loss to see what connexion can there be between the two kinds of propaganda. When people are advised not to drink, where does the political propaganda come in ? "

The hon. the PRESIDENT :—" That is a very large question for the hon. Minister to answer. "

Mr. J. A. SALDANHA :—" That is a very easy question to answer, Sir. "

The hon. the PRESIDENT :—" The hon. Member is very optimistic. "

Religious and Charitable Endowments.

Contributions from temples to the Hindu Religious Endowments Board.

* 2083 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what amount of money has been collected till now by the Hindu Religious Endowments Board by way of contribution from temples and maths; and

(b) the total cost incurred up till now for the upkeep of the Hindu Religious Endowments Board ?

A.—(a) Rs. 40,869 up to 31st May 1926.

(b) Rs. 1,62,848 up to 31st May 1926.

Classification of temples as excepted and ordinary.

* 2084 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Local Self-Government be pleased to state whether the Hindu Religious Endowments Board has classified the temples into excepted and ordinary, and published the list ?

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A.—Lists of excepted and non-excepted temples are being prepared by the Hindu Religious Endowments Board. No lists of such temples have been published so far.

Education.

Appointment of junior deputy inspectors of schools.

* 2085 Q.—MR. B. RAMACHANDRA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) how the Government propose to recruit candidates to the new cadre of junior deputy inspectors;

(b) whether their duties and privileges are the same as those of the old supervisors;

(c) whether they are contemplated to be subordinates of the present deputy inspectors;

(d) what sort of control the District Educational Officers will have over the junior deputy inspectors that are going to be appointed;

(e) what the qualifications of these new officers are and whether L.T.'s are preferred;

(f) the number of them recruited till the end of May 1926; and

(g) what principle governs this distribution among the several districts?

A.—(a) The appointments are to be made by the Director of Public Instruction.

(b) No.

(c) & (d) The junior deputy inspectors will be attached to the offices of the deputy inspectors (senior grade) and will work under the supervision of the latter. These officers are under the administrative control of the District Educational Officer.

(e) The hon. Member is referred to the answer to clause (a) of question No. 2033.

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

MR. B. RAMACHANDRA REDDI:—"With reference to clause (g) may I know whether the Government have called for any information?"

The hon. Rao Bahadur Sir A. P. PATRO:—"No, Sir, it depends upon the number of schools in the district and the other requirements of the area concerned. On the report of the District Educational Officer the number is fixed for each district."

Criterion for granting concession fees.

* 2086 Q.—MR. J. A. SALDANHA: With reference to answer given to question No. 1445 on 13th February 1926, will the hon. the Minister for Education be pleased to state what is the criterion for granting special concession fees, whether being backward in education or being backward economically or both?

A.—The attention of the hon. Member is invited to rule 92 of the Madras Educational Rules.

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Remission of fees to Adi-Dravida pupils.

* 2087 Q.—MR. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether full remission of fees owing to poverty has already been granted to any pupils belonging to the depressed classes reading in any of the elementary sections attached to Government secondary schools or in the higher standards from 4th standard to 8th standard; and

(b) whether rule 92 of the Madras Educational Rules applies to 4th, 5th or higher elementary standards also attached to Government secondary schools or only to secondary schools and colleges?

A.—(a) The rules do not provide for the grant of full fee concessions to pupils reading in primary departments attached to Government secondary schools. Under rule 73 of the Madras Educational Rules pupils belonging to the depressed classes may be admitted without payment of fees in elementary schools under public management which do not form part of secondary schools.

(b) The rule applies to secondary schools or colleges, the former including the primary departments, if any, and not to higher elementary standards of elementary schools recognized as such.

Excise.

Illegal sale of toddy in the Presidency.

* 2088 Q.—MR. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) how many prosecutions were there during the past two years in the Presidency in each district regarding the illegal sale of toddy and how many ended in conviction or sentence;

(b) why licences are granted to toddy, arrack or tavern shops which have secret doors, windows or small holes to have illicit sale of alcohol after the fixed hours in several important districts;

(c) whether any reports were submitted to Government up to this by the inspecting authorities regarding the above secret openings; and

(d) whether there are any conditions in the licences to the effect that the vendors should not have secret holes or windows in their shops?

A.—(a) The Government are not in possession of the detailed information asked for. The attention of the hon. Member is, however, invited to the annual Excise administration reports which contain statements of offences against Abkari laws sent up to Magistrates for trial and the number of cases in which the offenders were convicted.

(b) The Government are not aware that licences are given to shops with secret doors, windows or small holes through which illicit sales are conducted after the fixed hours as alleged.

(c) No.

(d) Under condition 3 of the general conditions applicable to all abkari and opium licences sales should be conducted in an approved building which should have no possible means of

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ingress or egress in any direction except into the main street, and if there are other doors to the building, such doors should be kept locked under the seal of an officer of the Excise department.

Mr. R. VEERIAN :—" With reference to the answer to clause (b) may I know, Sir, whether the Government made any enquiries to see whether licences are not granted to shops which have secret doors and windows for the sale of toddy after the prescribed hours? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Secret doors for the sale of toddy after the fixed hours are prohibited by rules; if the rule is violated, the offenders will be prosecuted."

Mr. R. VEERIAN :—" Do the inspecting officers make any report on the matter? "

The hon. Rao Bahadur Sir A. P. PATRO :—" If there is any special violation of the rule, the inspecting officers will prosecute the persons it guilty of the offence."

Registration.

Revision of the scale of pay of sub-registrars.

* 2089 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the former Inspector-General of Registration, M.R.Ry. J. Venkatanarayana Nayudu Garu, made certain proposals regarding the revision of scales and emoluments of sub-registrars; and, if so, what they are; and

(b) if the answer is in the affirmative, whether the Government have taken or intend to take any action on those proposals?

A.—(a) Yes. The proposals were (1) to increase the minimum pay of sub-registrars from Rs. 65 to 75 a month, (2) to raise the pay of probationary sub-registrars from Rs. 35 to 45 a month on appointment and from Rs. 40 to Rs. 50 a month on passing the departmental tests.

(b) The Government were unable to accept the proposals.

Mr. B. RAMACHANDRA REDDI :—" With reference to the answer to clause (b) may I know whether it is due to financial grounds or whether it is due to the unwillingness of the Government? "

The hon. Rao Bahadur Sir A. P. PATRO :—" On a question of general policy, Government did not consider it feasible to revise the scales fixed only a few years ago."

Agriculture.

Tours made by the Deputy Director of Livestock.

* 2090 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to state—

(a) how many tours were made by the Deputy Director of Livestock to South Kanara in 1924-25 and 1925-26;

(b) how many animals he inspected;

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- (c) what is the value of those animals;
- (d) what these tours within South Kanara cost; and
- (e) what other work he did during the tour?

A.—(a) None in 1924-25; one in 1925-26.

(b) Five.

(c) Not known.

(d) Rs. 145-5-0.

(e) (1) Discussed the exchange of a breeding bull at Mangalore for one at Hosur.

(2) Drew up a new feeding ration for the breeding bulls at Mangalore.

(3) Interviewed the Secretary of the Venkataramana Temple Board of Education with reference to the opening of a dairy for the college at Karkal.

(4) Inspected a dairy farm at Koni.

(5) Interviewed the Secretary, Ramasamudra Kadu Panchayat, with reference to the premium for the breeding bull maintained at Karkal which had died.

Mr. J. A. SALDANHA :—" With reference to the answers to clauses (b) and (e), may I ask whether the work done as a result of the tour is commensurate to the cost? I submit this could have easily been done by his subordinates, especially as the Director of Agriculture had been there some time back? "

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" I do not grasp the significance of the question. It is the duty of the executive officers to supervise what work is being done by the subordinates and to see that they are properly done."

Mr. J. A. SALDANHA :—" May I ask the hon. Minister whether it is for the trifling work of examining five animals and having interviews with some persons that the Director toured to those places? "

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" He examined the cattle of the whole district; but these five animals were specially examined."

Mr. J. A. SALDANHA :—" But nothing is mentioned about the cattle of the whole district in the answer."

Industries.

Contribution to the Indian Institute of Science, Bangalore.

* 2091 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to state—

(a) on what grounds the annual contribution of Rs. 10,000 is paid to the Indian Institute of Science, Bangalore;

(b) whether any experts in that Institute were consulted for advice by the Madras Government officials and others in the Madras Presidency in the years 1924-25 and 1925-26; and if so by whom, and in what connexion; and

(c) what sums were paid to the experts so consulted and under what authority?

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A.—(a) With the object of getting major chemical problems arising in this Presidency investigated at the Indian Institute of Science, a non-recurring grant of Rs. 10,000 has been paid to the Institute.

(b) No advice on any specific point was sought from the experts in the Institute by the Government officials. Owing, however, to the absence of a suitable laboratory in this Presidency, Dr. Marsden, the late Industrial Chemist, worked in the Institute in the year 1924-25 and conducted several analyses and investigations in the laboratories of the Institute with the co-operation and assistance of the authorities and experts of the Institute. In the year 1925-26, the Leather Research Chemist worked at the Institute for over two weeks for the purpose of standardizing a number of liquor solutions in connexion with the tanning researches on which he is engaged.

The Government have no information whether the experts were consulted by any other people from this Presidency.

(c) No payment was made to the experts.

Mr. J. A. SALDANHA :—" May I know, Sir, how many major chemical problems were solved ? "

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" If the number is wanted, I should like to have notice of the question."

Veterinary.

Graduates of the Madras Veterinary College.

* 2092 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Development be pleased to state—

(a) the number of graduates that came out successful from the Madras Veterinary College within the last five years ;

(b) how many of them were stipendiaries ;

(c) how many of them were recruited year after year for the last five years to Government service ;

(d) whether such recruitment has been stopped of late ; and

(e) if so, for what reasons ?

A.—(a) 104.

(b) 102.

(c) 1922 12

1923 Nil.

1924 5

1925 9

1926 Appointments not yet made.

(d) No. In 1923 thirteen posts of inspectors were abolished consequent on the acceptance of the recommendations of the Retrenchment Committee and these thirteen men were utilized for the new dispensaries and touring billets opened that year.

(e) Does not arise.

[15th July 1926]

Fisheries.

Pearl fishing operations at Tuticorin.

* 2093 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that pearl fishing operations have been recently inaugurated at Tuticorin ;

(b) if so, what were the receipts derived and expenditure incurred in connexion with such operations ;

(c) what was the revenue derived and expenditure incurred from chank fishing in the Madras Presidency during the last three years ; and

(d) which are the localities where chank fishing is carried on ?

A.—(a) Yes.

(b) Rs. 2,25,498-6-0 and Rs. 71,081-10-8 respectively.

(c)

Year.	Revenue.		Expenditure.	
	RS.		RS.	
1922-23	97,913		51,546	
1923-24	98,655		48,123	
1924-25	50,462		30,298	

(d) Off the coasts of Tinnevely, Ramnad, Tanjore, South Arcot, Chingleput and Nellore districts.

2094 Q.—[Vide Unstarred Questions infra.]

Education.

Staff of the Government colleges in Andhra districts.

* 2095 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Education be pleased to state—

(a) how many non-Andhras are serving in Government colleges located in the Andhra districts that come under the Andhra University Act ;

(b) whether it is a fact that recently non-Andhras have been posted to certain colleges in the Andhradesa to fill up certain vacancies ; and

(c) whether the Government have issued instructions that the Director of Public Instruction should not appoint non-Andhras to work in those colleges ?

A.—(a) Out of 52 appointments 21 are held by non-Andhras.

(b) Yes. Two non-Andhras were recently posted as qualified Andhras were not available.

(c) No. The hon. Member is, however, referred to the general instructions issued in G.Os. No. 82, Public, dated 27th January 1922, and No. 658, Public, dated 15th August 1922, placed on the Editors' table.

Establishment of the office of the Director of Public Instruction, Madras.

* 2096 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Education be pleased to state the proportion of Tamilians to Andhras in the office of the Director of Public Instruction, Madras ?

A.—The proportion is 39 : 2.

2097 Q. } [Vide Unstarred Questions infra.]
2098 Q. }

Local Boards.

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Salaries of teachers of local board schools, Omalur taluk.

* 2099 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 teachers of the local board schools of Omalur taluk, under the Sankari Taluk Board, were not paid their salaries for four months since November 1925;

(b) whether the financial position of the taluk board is in an unsatisfactory condition;

(c) whether these schools are getting provincial grants for their maintenance; and

(d) if so, how this could occur if those grants are utilized only for the purposes of these schools?

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

(b) Yes, owing mainly to the failure of the Taluk Board to collect its revenues.

(c) Yes.

2100 Q. }
2101 Q. } [Vide Unstarred Questions infra.]
2102 Q. }

Municipal Councils.*Constitution of Udipi town into a municipality.*

* 2103 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether certain people of the town of Udipi have submitted a memorial to Government against the proposal to constitute Udipi town into a municipality;

(b) the area of the Udipi town as covered by the Towns Nuisances Act:

(i) its population, (ii) the area and population of the proposed municipal town, the approximate amounts spent upon (1) the lighting, (2) repairs of roads, (3) scavenging, (4) drainage, (5) schools, etc., within the town during the last five years closing 1925 April, as compared with those matters outside the town within the taluk of Udipi,

(c) the extra expenditure for sanitation and other purposes during the Pariyayam ceremonies in January every second year within the town of Udipi, in the years 1926, 1924 and 1922;

(d) (i) whether these tenants in the Udyawar, Tons and other villages on the coast suffer from want of any roads except one, the one from Udipi to Mulpe;

(ii) whether the last is maintained by the district board and not the taluk board;

(e) the length and cost of roads made at the cost of the taluk board within the town of Udipi, the town area as enclosed under the Town Nuisances Act, plus the area within a mile on each side of the town, and the rest of the Udipi taluk; and

(f) if no municipality can be constituted at Udipi, whether Government have ascertained if sufficient grounds exist for establishing at least a union board for the town?

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A.—(a) Yes.

(b), (c) & (e) The population of Udipi as per census of 1921 is 11,892. The area of the proposed municipality is 3,131.31 acres and its population is estimated to be over 13,000. The Government have no information in regard to the other points mentioned in these clauses.

(d) (i) The Government have no information.

(ii) The road from Udipi to Malpe is maintained by the district board.

(f) The question is under the consideration of the Government.

2104 Q. }
2105 Q. } [Vide Unstarred Questions infra.]
2106 Q. }
2107 Q. }

Public Health.*Mode of vaccination in villages.*

* 2108 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the village headmen are required, when asked to do so by vaccinators and their superior officers, to collect the children in the village for vaccination and inspection; and

(b) if so, the arrangements made by the Government to compensate the earning mothers or other guardians who have to be with the children for their loss of wages or other income for the day?

A.—(a) Yes.

(b) No such arrangement has been made.

Religious and Charitable Endowments.*Collectors as agents of the Hindu Religious Endowments Board.*

* 2109 Q.—The RAJA OF RAMNAD: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Collectors have been required by any Government Order to act as agents of the Hindu Religious Endowments Board and to report cases of mismanagement of temples, etc.;

(b) if the answer is in the affirmative, how many Collectors have responded to that direction; and

(c) if the answer is in the negative, why the Collectors are sending reports to the Hindu Religious Endowments Board?

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

(c) Collectors have been requested to supply the President of the Hindu Religious Endowments Board with such information as he requires provided that it can be furnished without the necessity for an elaborate enquiry or investigation.

2110 Q.—[Vide Unstarred Questions infra.]

Criminal Tribes Act.*Management of the Criminal Settlement at Kavali.*

* 2111 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that Rev. S. D. Bawden, Manager of the Criminal Settlement at Kavali, Nellore district, has given notice to the Government that he would give up the management of that settlement;

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- (b) if so, what the Government propose to do with the management;
 (c) whether it will be placed under the management of a police officer;
 and
 (d) whether it is a fact that the Government propose to remove the adult settlers from Kavali, to any irrigation project that is undertaken by the Government?

A.—The whole question of the future management of the Kavali settlement is under the consideration of Government in consultation with the present Manager the Rev. S. D. Bawden and the Labour Commissioner.

2112 Q.—[Vide Unstarred Questions infra.]

Forests.

Permission to take leaf manure from unreserves.

* 2113 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Home Member be pleased to state—

- (a) whether leaf manure of all sorts was permitted to be taken free of cost from all unreserves in 1912 as notified in the District Gazette then;
 (b) whether the local officers overlooked or forgot the said notification which was accordingly republished in 1925;
 (c) whether several persons were compelled to pay penalties for acting under the permission granted in 1912; and
 (d) if so, what is the total amount collected in Anantapur during the five years, i.e., 1920 to 1925, and whether the amount so collected has been refunded or ordered to be refunded?

- A.—(a) Leaf manure of all sorts was permitted to be taken from all unreserves on payment of cost. Free removal of it was restricted to the inhabitants of the village where it existed, and those of the neighbouring villages.
 (b) The local officers do not seem to have overlooked or forgotten the said notification. It was however republished at the instance of the hon. Member who has asked the question.
 (c) Penalties were enforced in respect of only a few persons. They were rightly charged as they had omitted to obtain free permits.
 (d) The amount of compounding fees collected between 1920 and 1925 was Rs. 52-4-0. Of this amount Rs. 25 wrongly collected from one individual was refunded.

Forest Panchayats.

Forest Panchayat Officer, Nellore district.

* 2114 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Home Member be pleased to state—

- (a) whether the Forest Panchayat Officer has taken charge in Nellore district, and if so, when;
 (b) the programme of work that he undertakes;
 (c) whether propaganda forms part of his work; and
 (d) of which department of Government he is a subordinate?

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- A.—(a) No. Orders have however been issued to post two special deputy tahsildars with effect from the 15th July.
 (b) It will be settled at the time the officers assume charge.
 (c) Yes.
 (d) The Revenue Department.

Quarterly report on forest panchayats.

* 2115 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state with reference to G.O. No. 279, Development, dated 25th February 1926—

- (a) the number of days a deputy tahsildar of panchayats is expected to be on tour in a month of thirty days;
 (b) the reasons for giving a remission of assessment in the case of Nedungunam and Bholapur panchayats;
 (c) the reasons for prescribing the number of cow units for which permits might be issued for the respective panchayat forests and whether any remission of assessment is granted as a rule in cases where the actual number of cow units for which licences are issued fall below the number prescribed in the respective agreements;
 (d) whether the panchayats concerned were credited with the composition fees levied for the offences reported by them and if not why not; and
 (e) the reasons, if any, why the panchayats referred to in the penultimate sentence of paragraph 1 of the Forest Panchayat Officer's letter reduced the grazing rates to less than the rates fixed in the agreement and the reasons why the panchayat officer worked towards the restoration of the rates to the agreement rates?

- A.—(a) A minimum period of twenty days in a month.
 (b) These two panchayats were given a partial remission of the lease amounts payable by them in order to prevent them from working at a loss, as the lease amounts fixed in respect of the panchayats proved to be high in proportion to the receipts, and also in order to enable them to employ watchers on suitable pay for the protection of the forests under their control.
 (c) The number is prescribed in order to prevent the overgrazing of the forests. The Forest Committee proposed that one of the duties of the panchayats should be to limit the number of cattle to the capacity of the ground. A clause is included in the form of agreement limiting the number of cattle permitted to graze in a forest to a specified number of cow units. Remission is not given as a rule in cases where the actual number of cow units for which permits are issued falls below the number prescribed in the agreements. In granting remissions, each case is dealt with on its merits and the chief points considered are whether the remissions are necessitated by causes beyond the control of the panchayats and whether the financial position of the panchayats in so far as it is the result of its own management is such as to justify the grant of the remission.

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- (d) No. The composition fees levied for offences reported by forest panchayats are not generally credited to panchayat funds. Only such panchayats as have been specially empowered by Government to compound forest offences committed in the area under their charge are allowed to credit the composition fees to their funds.
- (e) The Forest Panchayat Officer reports that the panchayats reduced the grazing rates to gain popularity with the villagers without considering the loss which they would themselves sustain. The Forest Panchayat Officer arranged for the restoration of the rates specified in the agreements in order to prevent loss of revenue to the panchayats.

11-30 a.m. Mr. A. RANGANATHA MUDALIYAR :—"Sir, if the officer is required to be on tour for a minimum period of 20 days, how is it that the work of the officers who tour for 25 days in a month is considered unsatisfactory?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I cannot answer an hypothetical question."

Mr. A. RANGANATHA MUDALIYAR :—"It has been referred to."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"It all depends on the inspection, I suppose."

Mr. A. RANGANATHA MUDALIYAR :—"With reference to clause (b) may I know what was the amount the panchayats earned from the reserves?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Notice of the question, Sir."

Mr. A. RANGANATHA MUDALIYAR :—"How came it that the amount fixed was considered as a loss to the panchayats?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Notice, Sir."

Mr. A. RANGANATHA MUDALIYAR :—"With reference to the answer to clause (c) I should like to know whether any such limitation was fixed when the forest panchayats were working under the Forest Department?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I suppose so."

Mr. A. RANGANATHA MUDALIYAR :—"Will the hon. Member kindly make himself sure?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"If the hon. Member wants to have that information, he will kindly give notice of another question."

Mr. A. RANGANATHA MUDALIYAR :—"Cannot this matter be left to the good sense of the panchayats as regards the number of cows that can be allowed to graze in the forests?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I do not think so, Sir."

Mr. A. RANGANATHA MUDALIYAR :—"When the expected number of cow units do not take permits, how does the hon. Member think that the fall is not due to causes beyond the control of the forest panchayats? When they

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fixed the number of cow units, they expected that a particular amount would be received. I find that the Government went so far as to give remissions. When the expected number is not reached, how is it that no remission is given?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Notice of the question, Sir."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, in both the cases the damage is the same. I do not see how the mere fact that panchayats are empowered to compound offences makes a difference?"

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

Mr. A. RANGANATHA MUDALIYAR :—"Some forest panchayats are empowered to levy compounding fees and others not. In the case of panchayats not so empowered, the departmental officer collects the amount. If the forest panchayat is empowered to collect the amount it is credited to its own funds. In the other case it is deprived of the benefit of the amount collected."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"As regards the first part of the question, there is a principle on which the distinction is based. The answer to the second part is that the question is under consideration."

2116 Q. } [Vide Unstarred Questions infra.]
2117 Q. }

Civil Service.

Increments to officers of Imperial and Provincial services.

* 2118 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue, the hon. the Law Member and the hon. the Minister for Development be pleased to state—

(a) whether officers appointed on an All-India basis are allowed to earn their increments even during their officiating period or period of probation; and

(b) whether officers of the provincial services like the Madras Agricultural Service also are similarly allowed to earn their increments and, if not, why not?

A.—(a) Yes.

(b) In most cases there is no difference in treatment. The exceptions are noted below:—

(i) *District Munsifs*.—District munsifs draw the same pay throughout their acting period and in the first year after their confirmation. Their initial pay has been so fixed as to cover the normal interval between the date of first acting and the date of confirmation.

(ii) *Forest, Agricultural and Civil Veterinary Department*.—Officers officiating in the Provincial Civil Service do not receive any increment as the initial pay of the service is considered adequate.

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The direct recruits to the Provincial Civil Service get only a fixed pay sanctioned by the Secretary of State at the time of the revision of the scales of pay in 1920. This pay was considered sufficient for the class of men intended for this service and for the nature of the work entrusted to them while on probation.

Irrigation (Minor Works).

Irrigation sources in Anantapur district.

* 2119 Q.—MR. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) the number of irrigation sources in Anantapur district which fall under classes IV and V; how many of them are tanks and how many channels;

(b) how many in each of the heads and classes above mentioned are classed as 'precarious';

(c) how many channels of those classed as precarious are in Kadiri taluk and how many in other taluks of the district;

(d) whether any investigation has been made into the question as to whether those not now classed as precarious are actually precarious and if so, when and by whom; and

(e) whether any further investigation is contemplated in view of the present state of affairs?

A.—(a) The information is available in the Settlement Registers of the villages, which are for sale to the public.

(b) & (c) In the year 1904 the Government decided as an experiment in some districts to charge crops grown under sources of doubtful supply according to their nature as dry or wet and not according to the classification of the land. For this purpose all sources of the IV and V classes except river and spring channels and tanks which are riverfed or connected with irrigation systems and except some tanks classed as of five months' capacity, are at present treated as doubtful or precarious.

The number of sources coming under the scheme in each of the taluks is given below:—

Taluk.		Class IV.	Class V.
Anantapur ...	...	25	19
Gooty ...	...	16	21
Tadpatri ...	...	6	4
Kalyandrug ...	...	30	18
Dharmavaram ...	...	34	17
Penukonda ...	...	66	34
Hindupur ...	...	77	100
Madakasira ...	...	59	42
Kadiri ...	...	323	118
Total ...	...	636	373

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How many of these sources are tanks and how many are channels is not known except in the case of Kadiri taluk in which 299 tanks of the fourth class, 108 tanks of the fifth class, 24 channels of the fourth class and 10 channels of the fifth class have been included in the scheme.

(d) As it was ultimately decided to include in the scheme all sources in classes IV and V with the exceptions mentioned in the answer to clauses (b) and (c), no investigation in the nature of individual sources was made.

(e) It is not understood what the hon. Member refers to as the 'present state of affairs,' but the working of the scheme of optional charge referred to is under examination.

2120 Q. } [Vide Unstarred Questions infra.]
2121 Q. }

Village Establishments.

Action taken on the resolutions of the Sixth Madras Presidency Village Officers' Conference.

* 2122 Q.—MR. A. CHIDAMBARA NADAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the resolutions of the Sixth Madras Presidency Village Officers' Conference held on 1st February 1925 at Chidambaram were communicated to the Government;

(b) if so, whether the Government have taken any steps in the matter;

(c) whether the Government have considered the advisability of paying a mileage of 2 annas per mile when the village officers attend the taluk office; and

(d) whether the Government have any scheme on hand to alter the present system of jamabandi which is a great hardship to the village officers?

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

(b) The Government have requested the Board of Revenue to scrutinize the proceedings passed at the conference and to submit to Government any points which, in its opinion, require the orders of Government.

(c) The Government have considered the question of the grant of travelling allowance to village officers for their journeys to taluk headquarters and have decided not to sanction such payment.

(d) The answer is in the negative. The Government do not agree that the present system is a great hardship to the village officers.

MR. J. A. SALDANHA:—"With reference to the answer to clause (b) may I know whether the Government have received the reply of the Board of Revenue?"

The hon. MR. N. E. MARJORIBANKS:—"I am not aware of it, Sir."

MR. J. A. SALDANHA:—"With reference to the answer to clause (c) are the Government aware that village officers are constantly ordered to come to the headquarters by the Tahsildars and the Collectors—how many other officers I do not know—with the result that they are put to inconvenience, trouble, loss of time and money in travelling to and fro?"

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The hon. Mr. N. E. MARJORIBANKS:—"No, Sir."

Mr. J. A. SALDANHA:—"I might say the experience of myself and others is to the contrary. What I want to know is this: how can village officers being paid so small a salary maintain themselves if they are ordered to come so often and if they spend money out of their own pockets for travelling? Will the Government be pleased to make enquiries in the matter if the hon. Member does not know about it? The duties of the village officers have increased by various enactments which did not exist before and their travelling has increased."

The hon. Mr. N. E. MARJORIBANKS:—"I am not aware of any ground for enquiry."

Diwan Bahadur P. KESAVA PILLAI:—"May I know the grounds on which the Government have decided not to sanction the allowance?"

The hon. Mr. N. E. MARJORIBANKS:—"They are not aware of any ground for sanctioning it."

Diwan Bahadur P. KESAVA PILLAI:—"Are not the Government aware that these people have to pay a lot of money for lodging and boarding when they go to headquarters?"

The hon. Mr. N. E. MARJORIBANKS:—"The Government do not know it, Sir."

Mr. J. A. SALDANHA:—"Are the Government aware that during jamabandi, some of the officers and clerks that have to go with the Collector or Tahsildar picket on the village officers who have to find the funds for giving them meals at the village temple or chavadi? Is it not the practice in several places?"

The hon. Mr. N. E. MARJORIBANKS:—"It is not a fact, Sir."

Diwan Bahadur P. KESAVA PILLAI:—"Have the Government never heard jamabandi mamul being collected in the villages to feed the Collector and the establishment?"

The hon. Mr. N. E. MARJORIBANKS:—"There is a provision that if there are such exactions, the officers will be dismissed or otherwise dealt with. It does not follow that there is this practice."

Diwan Bahadur P. KESAVA PILLAI:—"Are not the Government aware that village officers have to travel 30 or 31 miles in obedience to the summons from the Tahsildar or the Deputy Collector? Where are they to find funds for their travelling charges?"

The hon. Mr. N. E. MARJORIBANKS:—"I do not know whether it is a request for information or an argument."

Mr. J. A. SALDANHA:—"Will the Government be at least pleased to make an enquiry whether this old system is in practice? Confidential enquiries may be made."

The hon. the PRESIDENT:—"The hon. Member is suggesting a course of action."

Mr. J. A. SALDANHA:—"Will the Government enquire whether the old system of taking jamabandi mamul exists in several places and whether the village officers should not be compensated for their travelling to the headquarters?"

The hon. the PRESIDENT:—"They are suggestions for action."

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Diwan Bahadur P. KESAVA PILLAI:—"With reference to the answer to clause (b), may I know whether the Government have not received any communication from the Board of Revenue?"

The hon. Mr. N. E. MARJORIBANKS:—"I said I did not know. I ask for notice."

Mr. J. A. SALDANHA:—"The Conference was held in 1925. Is it possible that the Government should be waiting for such a long time?"

The hon. the PRESIDENT:—"It is not a question whether it is possible or not. It is a fact."

UNSTARRED QUESTIONS.

Industries.

Strength of the Government Industrial Institute, Madura.

2094 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Development be pleased to state—

(a) how many depressed class students are there now at the Government Industrial Institute, Madura, receiving instructions in wood work and in metal work separately;

(b) what is the number of non-depressed class students on the whole; and

(c) whether there are any Brahmans receiving instructions at this Institute, if so, how many?

A.—(a) Carpentry section—three.

Metal work section—one.

(b) 83.

(c) Yes; 11.

Education.

Concession of fees to certain Adi-Dracida students.

2097 Q.—Mr. R. VEERIAN: With reference to question No. 1722 answered at the meeting, dated 22nd March 1926, will the hon. the Minister for Education be pleased to state whether any inquiries have been made in connexion with the ten students of the depressed classes who pay full fees as to why the concessions were not allowed in their cases though poverty certificates were granted?

A.—The students were not given the concessions because the managements thought that, as scholarship holders, they were not entitled to them. Concessions have since been given or promised to nine students. One student has not produced a poverty certificate.

Excise.

Location of the toddy shop in Gudiyattam.

2098 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that there is a toddy shop located within 30 yards of the Adi-Dravida locality in Gudiyattam kasha, North Arcot district, and the same is there for the past ten years; and

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(b) whether this is likely to be shifted this year to some other site far away from the Adi-Dravida locality to avoid disturbance, etc.?

A.—(a) Government have no information.

(b) A copy of the question will be forwarded to the Collector of North Arcot in order that the Excise Advisory Committee for Gudiyattam may consider the matters with which it deals.

Local Boards.

Representation of Adi-Andhra community in certain union boards.

2100 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state why no member belonging to the Adi-Andhra community was nominated to the following union boards in the Nellore district:—

Buchireddipalem Union Board,	Atmakur Union Board,
Koyur Union Board,	Venkatagiri Union Board,
Allur Union Board,	Kanigiri Union Board,
Korali Union Board,	Sulurpet Union Board?
Nayudupet Union Board,	

A.—As stated in the answer to question No. 1561, members of the depressed classes have been nominated to the Allur and Kanigiri Union Boards. The President, Taluk Board, Atmakur, reports that there are no suitable persons available from the depressed classes for nomination to the Atmakur Union Board. The Government have no information as to the reasons why the Presidents of the Taluk Boards concerned did not nominate an Adi-Andhra to the other union boards mentioned in the question.

Alleged refusal of admission for the depressed classes in certain motor buses.

2101 Q.—Mr. R. VEERIAN: With reference to question No. 1238, answered at the meeting, dated 8th February 1926, will the hon. the Minister for Local Self-Government and the hon. the Law Member be pleased to state—

(a) whether it is a fact that the members of the depressed classes are denied admission into the following motor buses plying for hire in the Coimbatore and Trichinopoly districts licensed by the Coimbatore and Trichinopoly District Board;

- (1) from Dharapuram to Tiruppur,
- (2) from Erode to Dharapuram,
- (3) from Uttukuli to Dharapuram,
- (4) from Karur to Kangayam; and

(b) whether the conditions in the 'G' permit, as notified at page 1240 in the *Port St. George Gazette*, Part I, dated the 21st October 1924, regarding Motor Vehicles (Act) Rules are made known to all the motor bus owners plying for hire?

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

(b) The amendments to the 'G' permit form were published both in English and in all the vernaculars in the *Port St. George Gazette*. It is the duty of District Magistrates to bring the

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amendments to the notice of motor bus owners when issuing the permit. The Government have no reason to believe that they do not do so.

Petition from the Indian Christians of Bhimanapalli.

2102 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 they have received a resolution, dated 24th March 1926, from the Indian Christians passed at their meeting on 22nd instant at Bhimanapalli, Godavari district, requesting the Government to appoint an Indian Christian as a member of the District Board and as a member of the District Educational Council to represent the Indian Christian community; and

(b) if so, how the matter was disposed of?

A.—(a) Yes.

(b) In regard to the request for the appointment of an Indian Christian as a member of the District Board, no action was considered necessary as there was already one elected member of the Indian Christian community on the District Board. As regards the appointment to the District Educational Council, the suggestion was that one Mr. A. Andrews might be appointed as a member of the District Educational Council in place of the Rev. R. C. Bensen, an elected representative of the Canadian Baptist Mission. As the seat is an elected one, it is for the Mission to elect its representative. The Mission has already elected the Rev. J. B. McLaurin in the place of the Rev. Bensen.

Municipal Councils.

Suits instituted by the Municipal Council of Cannanore.

2104 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state the number of civil suits instituted by the Municipal Council of Cannanore during the last five years ending with 31st March 1926, appeals and second appeals filed against the decrees of the courts and their results?

A.—The Government have no information.

Licence fees on weaving with maggams.

2105 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the memorial, dated 14th January 1926, submitted by the members of the Executive Committee appointed at a public meeting of the owners of weaving companies in Cannanore and other adjacent parts on the 20th December 1925 to protest against the action of the Chairman of the Cannanore municipality in issuing notification empowering the Council to levy licence fees on weaving with maggams and on printing presses has been received;

(b) if so, whether the Government have perused the by-laws framed by the Cannanore Municipality as per section 249 of the District Municipalities Act V of 1920; and

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(c) whether the Government are aware that the High Court of Judicature at Madras set aside the finding and sentence of the Bench Court, Cannanore, on the criminal revision petition No. 167 of 1925 filed by one Mr. Alampath Krishnan in connexion with a fine of Rs. 10 for failure to take out a licence under section 249, Act V 1920, and passed orders to refund the fine?

A.—(a) Yes.

(b) No by-laws are issued under section 249 of the District Municipalities Act. A copy of a notification prescribing the licensing conditions and issued by the municipal council under section 249 of the Madras District Municipalities Act, 1920, was sent to the Government with a memorial dated 14th January 1926 from the proprietors of weaving establishments in Cannanore. The Government have perused the conditions contained in this notification.

(c) Yes.

Medical.

Measures to cure leprosy.

2106 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state what measures are being taken for combating the disease of leprosy, for segregation of lepers in their infectious condition, and for their care in general and through which agencies and at what cost?

A.—There is a leper settlement at Tirumani, Chingleput district, managed by the United Free Church of Scotland Mission towards the maintenance of which the Government propose to make a contribution of Rs. 1,10,500 during 1926–27. This settlement has accommodation for 350 patients who receive treatment by injection from a qualified doctor. Temporary sheds to accommodate 150 patients are under construction.

There are also ten leper asylums in different parts of the Presidency managed by various mission bodies towards the maintenance of which the Government make capitation grants at the rates shown below:—

		Grant sanctioned per mensem per patient.			Maximum grant per annum.
		RS.	A.	P.	
Leper Asylum, Saluru, Vizagapatam district	..	4	8	0	6,000
Do. Vizianagram, Vizagapatam district	..	4	8	0	3,300
Do. Narasapur, Kistna district	..	4	8	0	1,350
Do. Bapatla, Guntur district	..	4	8	0	5,400
Do. Koduru, Cuddapah district	..	4	8	0	1,900
Do. Vadathorasalur, South Arcot district	..	5	0	0	3,900
Do. Kumbakonam, Tanjore district	..	4	8	0	3,780
Do. Manamadurai, Ramnad district	..	4	8	0	9,720
Do. Chevayur, Malabar district	..	4	8	0	8,000
Do. Mangalore, South Kanara district	..	4	8	0	2,670

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The Lady Willingdon Medical School, Madras.

2107 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many lady candidates are undergoing training in the L.M.P. course at the Lady Willingdon Medical School, Madras;

(b) whether all of them are holders of completed Secondary School-Leaving Certificates;

(c) how many of them have passed other examinations equivalent to Secondary School-Leaving Certificate in article 1 of the Public Service Notification; and

(d) how many students have been exempted from either of the qualifications, Secondary School-Leaving Certificate or other equivalent examinations in article 1 of the Public Service Notification?

A.—(a) Sixty.

(b), (c) & (d) All the students hold completed Secondary School-Leaving Certificates.

Village Panchayats.

Inspection of the Village Panchayat Court, Oragadam.

2110 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Oragadam Village Panchayat, Chingleput taluk, was at any time inspected by the following:—

Registrar-General of Panchayats or his Personal Assistant, President, Chingleput Taluk Board, or any of the Revenue officials;

(b) if so, whether any remarks have been made by any of them about the various activities of the panchayat, and what those remarks are;

(c) whether it is a fact that the taxes collected in 1924 by the President of this Village Panchayat remained in his hands for nearly a year and if so, what steps were taken by the Registrar-General in the matter of depositing the sum in the local branch post office savings bank or the co-operative society as laid down in rule 61 of the rules framed under the Act;

(d) whether the panchayat is properly maintaining its minute book and other records from the time of its origin; and

(e) whether it is a fact that the appointment of honorary auditor in July 1925 to this village panchayat was cancelled in November 1925?

A.—(a) The panchayat was inspected by the following officers on the dates noted against each:—

(1) The Registrar-General of Panchayats—30th July 1923.

(2) The President, Taluk Board, Chingleput—15th August 1925.

(3) Personal Assistant to the Registrar-General of Panchayats—20th October 1925.

It does not appear to have been inspected by any revenue officer.

(b) At the time of his inspection, the Registrar-General of Panchayats advised the villagers to be united and gave them general instructions as to the conduct of work by the panchayat.

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The President, Taluk Board, Chingleput, inspected the books and made an entry in the cash book instructing the panchayat to pay the cash balance into the Post Office Savings Bank.

The Personal Assistant to the Registrar-General of Panchayats also advised that the funds of the panchayat should be lodged in the Post Office Savings Bank and that a sum of Rs. 5 should be left with the president as permanent advance. He found that the accounts and books were fairly well maintained.

- (c) A sum of Rs. 51-3-0 was collected for the panchayat in 1924 by the village headman who is also a member of the panchayat. Out of the amount collected, the village headman is reported to have paid a sum of Rs. 15-10-0 for the expenses of the panchayat. It is said that the President of the Panchayat sent several *yadhasts* to the headman to hand over the balance to him, without success. The balance was, however, shown in the accounts of the panchayat.

The Personal Assistant to the Registrar-General of Panchayats noticed in the course of his audit on 20th October 1925 that the village panchayat had a balance of Rs. 7-14-0 and gave orders to the president to deposit the amount in the Post Office Savings Bank keeping with him only a sum of Rs. 5 as permanent advance. He was also directed to obtain and send a resolution of the panchayat on the above lines. The resolution was subsequently sent to the Registrar-General of Panchayats.

- (d) The minute book and other records relating to accounts have been fairly well maintained by the village panchayat from the time when it became competent to function.

- (e) Yes; it was cancelled as the accounts were audited by the Personal Assistant to the Registrar-General of Panchayats

Criminal Tribes Act.

The Government Industrial School for girls of criminal tribes at Nellore.

2112 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

- (a) when the Government Industrial School for girls of criminal tribes at Nellore was started;

- (b) the present strength of the school;

- (c) the nature of the industrial education imparted;

- (d) the age of the girls in the school;

- (e) whether any needlework, basket-making and other cottage industry such as rope or tape making are being taught;

- (f) whether there is any free hostel accommodation for them;

- (g) to what communities of criminal tribes the girls belong;

- (h) whether any scholarships are awarded to them;

- (i) whether drawing, painting, reading and writing are being taught;

- (j) whether there is any such industrial school started by the Government on these lines in any other district; and

- (k) if not, whether there is any such proposal to start such an industrial school on the southern side of the Presidency?

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4.—(a) The Industrial School at Nellore was originally started by the Salvation Army. In 1915 the management, at the instance of the Government, agreed to admit into the school some of the children from the Kalichedu criminal settlement on a grant-in-aid basis. In 1917, the institution was constituted an industrial school under the Criminal Tribes Act. From 1925 the school has been set apart exclusively for children belonging to criminal tribes.

- (b) Forty-two on the 1st October 1925.

- (c), (d), (e) & (i) Instruction is imparted in such subjects as sewing, lace-making, etc. The Government have no detailed information as to the subjects taught or the age of the girls.

- (f) Yes.

- (g) The Government have no information.

- (h) No scholarships are awarded. The Government bear the whole expenditure.

- (j) & (k) No.

Planters Labour Act.

Rules regarding sanitation, etc., in planters' estates.

2116 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state why no rules have been issued by the Government under the Planters Labour Act for the accommodation, sanitary arrangements, etc., as required by that enactment in the planters' estates?

4.—The necessity for framing any rules on the subject has not been felt since, in the estates to which the Act applies, housing, sanitary and medical arrangements are reported to be satisfactory.

Condition of labourers in the Wynad planters' estates.

2117 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased—

- (a) to place before the House any report the Honorary District Labour Officer, Malabar, has made as to the condition of the labourers in the Wynad planters' estates; and

- (b) to state whether he has found the housing and other arrangements as required by the Madras Planters Labour Act satisfactory, after visiting any planter's estates?

4.—(a) The Honorary District Labour Officer, Malabar, has made no report to Government.

- (b) The Government have no information as to any enquiries made by the Honorary District Labour Officer.

Public Service.

Recommendations of the non-gazetted officers' conference, Trichinopoly.

2120 Q.—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state—

- (a) whether Government have considered the recommendations submitted at the sixth provincial conference of non-gazetted Government officers held at Trichinopoly in December last; and

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(b) whether Government propose to pass any orders on each of their recommendations?

A.—(a) Yes.

(b) Orders will be issued shortly.

Progress made by the committee on communal representation in Government services.

2121 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state what progress has been made by the committee appointed to investigate the question of communal representation in Government services?

A.—The Government are not aware what stage the committee's deliberations have reached.

II

QUESTION REGARDING JAMABANDI ALLOWANCES TO VILLAGE OFFICERS.

[Note.—An asterisk * at the commencement of a speech indicates revision by the Member.]

* Mr. A. RANGANATHA MUDALIYAR :—“ Sir, yesterday I handed in to your office a question which I wanted to be answered by the hon. the Revenue Member. He was good enough to waive notice of the question. I want to know, Sir, whether the Government are aware that the jamabandi allowances due to village officers for fasli 1335 have been paid in some districts and not in others and even in the same district not in the case of all villages. I would like to know if the hon. the Revenue Member will give us some information with regard to the matter.”

* The hon. Mr. N. E. MARJORIBANKS :—“ Sir, the question is as follows :

(a) Whether the regrouping of villages recently carried out by the Government did not continue to be in operation throughout the last fasli 1335 ?

“The answer is ‘yes.’

(b) Why, if so, the jamabandi allowances whose abolition was consequent on the restoration of all the village officers abolished in the course of regrouping were not paid to very many of the village officers in the Presidency for fasli 1335 ?

“The answer to that is this. The restoration of village officers and the revision of salaries are subject to the condition that this year's budget grant is not to be exceeded. If jamabandi allowances are paid to village officers out of this year's grant, it will necessarily be exceeded as the revision of salaries was calculated on the assumption that jamabandi allowances would be discontinued. Pending the orders of the Government, the Board of Revenue has suspended the payment of jamabandi allowances to village officers. The payment of allowances to village menials has not been suspended.

“The third question is—

(c) Whether the Government will sanction the payment of the allowances now kept under suspension and, if so, when ?

“Answer—This matter is under examination at present.”

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III

QUESTION REGARDING THE DISTRESSED CONDITION OF FISHERMEN IN THE WEST COAST.

* Rao Sahib P. V. GOPALAN :—“ Mr. President, Sir, I just want to make a statement for your ruling. I have tabled some interpellations concerning the present acute distress prevailing among the fishermen on the West Coast. I understand that they have been answered by the department concerned. I am afraid that the Council will sit only until Saturday and unless these questions are answered to-morrow the answers are of no use to me. The condition is serious. I shall have to move the adjournment of the business of the House to-morrow in case I do not get these questions answered, since I am anxious that something should be done with regard to the present situation of the fishermen in the West Coast.”

* The hon. Diwan Bahadur Sir T. N. SIVAGNAM PILLAI :—“ No objection.”

IV

DISCUSSION REGARDING DISTRIBUTION OF COPIES OF SELECT COMMITTEE PROCEEDINGS.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether the hon. the Law Member has come to any decision regarding the grant of copies of proceedings of the Select Committee ? It was promised that some answer would be given that afternoon. To my knowledge, no answer has been given.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ There are a few copies available not enough to go round. There is not enough time to print copies.”

V

DISCUSSION REGARDING RESOLUTION RE THE REMOVAL OF SEX DISQUALIFICATION.

* Mr. A. RANGANATHA MUDALIYAR :—“ In the agenda circulated to us, the resolution regarding the removal of the ban on women standing as candidates is entered. That resolution has to come for discussion in this meeting if it is to be useful. So, I would like to know whether facilities are going to be afforded for it, before the House rises.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ It lies entirely in the hands 11-45
of the hon. Member. It is open to him at any stage to move the matter in a.m.
the proper way. It depends also on how long this House, with your permission, Sir, is going to sit. I think my hon. Friend from Malabar told me this morning that if the House sat till the end of Saturday, he expected to be able to finish this particular business. I am not quite sure that it will be done, but there it is. I do not think the resolution will take much time ; but it is entirely a matter for the House and for you to decide, Sir.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ As the agenda stands, the resolution stands in my name, and I am very anxious to move it. But we are in the middle of this Bill, and as my hon. Friend the Law Member stated, I told him and I believe that it will be possible, if we continue to sit without any break, to finish this Bill certainly by Saturday evening, if not earlier.

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Probably, it may be finished even by lunch time on Saturday. In any case, of course, subject to all possibilities, I hope to be able to finish this before Saturday evening. However important women's franchise may be—and I myself consider it is very important—I think it will not be convenient to have a break in the Malabar Tenancy Bill. Subject to that, I am in your hands and in the hands of the hon. House.

* The hon. the PRESIDENT:—"I think the Governor has allowed only six days for non-official business."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"What he has really done is to allow five days for non-official business and one day for the resolution. That is what has been done till now. If, however, the Bill is part-heard, so to say, and if the addition of half a day or a day more would facilitate matters, I do not object to the giving of permission to go on."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Of course, my friend is good enough to say, though His Excellency has formally allowed for this sitting only five days for non-official business, that if an addition of half a day or one day will enable the Council to finish the work on hand, that of course will be done."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"His Excellency will be requested to allot . . ."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Yes, yes. But may I remind my friend that when this Bill came up in February before this Council, it was adjourned to a future sitting of this Council, and that after consultation between my friend and certain other Members of Government and myself and some others, it was agreed then, that time would be allowed for the consideration of this Bill fully and for the third reading of this Bill before the dissolution of this Council. My friend also formally gave that undertaking before this Council. There is no doubt whatever that this was the intention of the Government also. I do not mean to insinuate that my friend will in any way recede from that promise, but what I say is that instead of finishing a portion now in five days and postponing the rest to the next meeting, it will be convenient to dispose of this Bill in this sitting itself by Saturday evening."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I have no objection to anything that has fallen from my hon. Friend from Malabar; but the position summarised is this. Apparently at the request of the hon. the Muhammadan Members of this Council, we are not sitting after Saturday evening. My hon. Friend from Malabar thinks that before Saturday evening this Bill will be over."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I think so."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Therefore it appears to me that the only question for the House to consider is if His Excellency is giving facilities for the consideration of this matter until Saturday evening, whether it ought to go on until Saturday evening. The other point that has been raised is Mr. Ranganatha Mudaliyar's, namely, whether within that time, i.e., before Saturday evening, any time would be given for his resolution. That is a matter entirely for the House to decide and if it decides either way, I will communicate that decision of the House to His Excellency and then take his orders thereon."

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* Diwan Bahadur M. KRISHNAN NAYAR:—"With reference to that, I may say that it will be inconvenient to have a break in the middle of the discussion of this Bill and we may take up that other resolution after this Bill is over which would be by Saturday evening."

* Mr. A. RANGANATHA MUDALIYAR:—"I do not want, Sir, that any time which in the usual course has been given for the consideration of the Malabar Tenancy Bill should be taken away from it. May I suggest that it will be convenient to take it up before the lunch hour to-morrow or the day after and that the two hours in the afternoon may be spared for the consideration of the resolution? I do not think it will be taking much of the time of the Council."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Personally, I am with the President of the Council."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"I am entirely in your hands, Sir."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am also in your hands, Sir. I am agreeable to anything that you may decide."

* The hon. the PRESIDENT:—"Everything will depend on the course the Malabar Tenancy Bill takes. If hon. Members are optimistic that it will be over by Saturday evening, I think by to-morrow we shall be able to say whether the Malabar Tenancy Bill will reach its goal by Saturday evening. To-morrow I think we will be in a better position to say whether the Tenancy Bill can be disposed of at this sitting. Probably, that will be the best time to decide upon our future course."

VI

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

* The hon. the PRESIDENT:—"I have to announce to the House that the following Acts have been assented to by His Excellency the Governor-General on the dates marked against them:—

Acts for the Registration of Nurses and 9th June 1926
Midwives in the Presidency of Madras.

The Madras Village Officers Restoration Act. 14th „ 1926 "

VII

THE MALABAR TENANCY BILL—cont.

* The hon. the PRESIDENT:—"I understand that yesterday, towards the conclusion of the proceedings, Mr. A. Ramaswami Mudaliyar proposed an amendment to amendment No. 106, namely, that the words 'or their representatives in interest except by purchase' be added. That is the question now before the House."

* Diwan Bahadur M. KRISHNAN NAYAR:—"The question is this. My Friend Mr. Chidambara Nadar has moved his amendment. The meaning of it is that all those kanamdars whose rights originated in or before 1853 as well as the assignees from them including all kinds of assignees should have the right. To that Mr. Krishna Rao moved an amendment which was withdrawn. My hon. Friend, Mr. Ramaswami Mudaliyar then moved his

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amendment and that is the amendment which is now under consideration. That amendment is to this effect: that all the original kanamdars of 1853 and before, and the assignees from them and their representatives except purchasers for valuable consideration should have the right. That is the amendment. I object to that amendment. I am in support of my Friend Mr. Chidambara Nadar's amendment and I adhere to that, Mr. President. And I oppose the other amendment. As I am very anxious to finish this soon, I do not want to expand or to speak upon that. So, my position is this: that I accept the original amendment and oppose the amendment to that amendment."

Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I have to oppose the amendment before the House. I wish to say this that as the amendment goes, only persons who have taken an assignment by sale are to be excluded. If the object of the Mover of the amendment has been that the land should run in the family, then I submit that the amendment, as it stands, does not serve the purpose. People who got the land either by sale, bequest or gift—they can as well be strangers—should be brought within the scope of the particular amendment inasmuch as there is nothing which says that bequest or gift is given to the members of the family alone. Unless that is made clear, the position of a person who purchases the property, even though he purchases it at its full value, would be certainly worse than that of a stranger who gets the property either by gift or by sale. Again, Sir, I wish to draw the attention of the House to this fact. Suppose a person purchases it immediately after 1853 and the land has been handed over from descendant to descendant, I for one, would certainly hesitate before the tenure of such a family is disturbed, so that if necessary, I submit to the House, an amendment might be moved in order that cases of assignment by sale beyond a particular number of years ought also to be classified in the same way as those of persons who were holding the land from before 1853. So that, Sir, unless the amendment is properly worded or improved on the lines that I suggest, I for one, would certainly oppose the amendment moved by Mr. Ramaswami Mudaliyar and support the one moved by Mr. Chidambara Nadar."

Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I oppose Mr. Ramaswami Mudaliyar's amendment and support the amendment of my Friend Mr. Chidambara Nadar. I think and I believe, Sir, that the object of this Bill is to restore to the kanamdar or verumpattamdar the rights and privileges which they have been deprived of since the inception of the British rule. It is said here, Sir, that the British law courts have imported British landlordism into our land and given the janmis rights which they did not possess before the British rule in India. Sir K. Venkatarreddi Nayudu was stating that the British Judges decided according to the law that existed there; but what I say, Sir, is that British Judges decided according to the law that existed in another land. In the absence of any law, they ought to have proceeded on the custom existing, which they did not do. Sir, the kanamdar was the owner of the land . . ."

* The hon. the PRESIDENT:—"We seem to have already heard of this before. Will the hon. Member confine himself to this particular amendment of Mr. Ramaswami Mudaliyar, namely, the addition of the words 'otherwise than representatives by purchase'?"

Rao Bahadur C. NATESA MUDALIYAR:—"I am coming to that. Unless it is proved that the kanamdar was the owner of the land, he has no right to

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[Mr. C. Natesa Mudaliyar]

sell his land. Here the question of purchase comes. The kanamdar was the owner of the land; he had his own stake in the land and he derived his family name from the land and he could not be ousted from the land. That point was not expressed in this House. He could not be ousted from his land except on political or economic grounds, except when he proved fraudulent to his lord, or refused to pay what is generally called rent but what I will prefer to call 'contribution' to his landlord or to cultivate the land. It is only on those grounds that the janmi had a right to evict him; but even there, he had no right to evict him unless he brought the kanamdar before an assembly, the *kuttam*. The janmi himself had no right to evict the kanamdar. That was the custom that was existing before the British came. They had to bring the kanamdar before the *kuttam* or assembly and then find out whether he was right or wrong.

"Then, Sir, the kanamdar was the owner of the land (Mr. Prabhakaran Tampan: 'Hear, hear') whether cultivating or non-cultivating. He leased his land to the verumpattamdar, and when the verumpattamdar wanted money, the kanamdar financed him. He gave the verumpattamdar one-third of the produce, and shared the rest of the produce equally with his lord, the janmi. So, Sir, they say that all these three have had equal shares in the land. What I contend is that the kanamdar was the owner of the land, and that he leased the land to the verumpattamdar, and paid a contribution to the janmi. It is said, Sir, that the janmis do not know where their lands are lying. It is the kanamdar that knows it. The janmis do not pay a single pie for the improvement of the land. It is the kanamdar that was taking care of and improving the land. What Malabar is to-day is due to the energies of the kanamdar. The kanamdar was the owner of the land even in pre-British days. So, Sir, when a man owns land he has every right to sell it and when he sells it he sells it with all the privileges and liabilities attached to that land. Even supposing the kanamdar is a tenure holder. . . ."

* The hon. the PRESIDENT:—"Order, order. The hon. Member is discussing the general position of the kanamdar. What we are now on is this particular amendment, namely, that the provisions of clause 7 should apply only to those whose claims arose on or before 1853. The hon. Member must confine himself to that class of kanamdars and not travel over the whole question of the kanamdars."

Rao Bahadur C. NATESA MUDALIYAR:—"In my opinion, the kanamdar, whether cultivating or non-cultivating, is the owner. Now according to Mr. Ramaswami Mudaliyar's amendment, no one can get rights by purchase from the kanamdar. What I say is that the purchaser should have as much right as the kanamdar who sold it. Then, Sir, even supposing, as Mr. Prabhakaran Tampan and others have said, that the kanamdar is a tenure holder, even according to the definition of tenure-holder, his successors in interest including the purchaser have got as much right as the tenure-holder."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Before you put this amendment to the House, may I know the exact form of the wording of it. About the substance, there is no misunderstanding."

Mr. A. RAMASWAMI MUDALIYAR:—"I will make a verbal amendment, Sir, and that is

"to have the words 'transfer for valuable consideration' instead of the word 'purchase', as that would better express the idea."

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* Diwan Bahadur M. KRISHNAN NAYAR :—"What I wanted to suggest was this. The substance of Mr. Chidambara Nadar's amendment and that of amendment No. 108 of Mr. Ramalinga Chettiyar are exactly the same. It seems to me, subject to the opinion of the Advocate-General, that the wording of amendment No. 108 is very much better and that it might be adopted as it conveys exactly the same meaning as amendment No. 106, which says 'whose claim dates back from or before 1853 by continuance of the demise or lease of the holding without any break either by themselves or their heirs.' The amendment does not fit in well."

* The hon. the PRESIDENT :—"Let us dispose of Mr. Ramaswami Mudaliyar's amendment first. The question is

'to add the words, at the end of Mr. Chidambara Nadar's amendment, "otherwise than by transfer for valuable consideration".'

The amendment was put and declared lost.

Mr. A. Ramaswami Mudaliyar demanded a poll; the House divided thus :—

Ayes—24.

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|---|--|
| 1. Mr. S. Arpudaswami Udayar. | 13. Mr. K. Raghuachandra Ballal. |
| 2. Rao Sahib T. C. Tangavelu Pillai. | 14. Rao Bahadur C. V. S. Narasimula Raju. |
| 3. Mr. K. Prabhakaran Tampan. | 15. Rao Sahib R. Srinivasan. |
| 4. Diwan Bahadur T. R. Ramachandra Ayyar. | 16. S. R. Y. Ankineedu Prasad Bahadur. |
| 5. Mr. Manjappa Hegde. | 17. Mr. K. Sitarama Reddi. |
| 6. " A. Ramaswami Mudaliyar. | 18. " Chavadi K. Subrahmanya Pillai. |
| 7. " L. C. Guruswami. | 19. Diwan Bahadur K. Suryanarayana murti Nayudu. |
| 8. Zamindar of Kallikota and Atagada Estates. | 20. Mr. K. Venkatachala Padayachi. |
| 9. Mr. V. Madhava Raja. | 21. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 10. Rao Bahadur B. Moniswami Nayudu. | 22. Rai Bahadur T. M. Narasimhacharlu. |
| 11. Mr. C. Muttayya Mudaliyar. | 23. Mr. B. Ramachandra Reddi. |
| 12. " K. S. Ponnuswami Pillai. | 24. Khan Bahadur Haji Abdullah Sahib Bahadur. |

Noes—29.

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|---|--|
| 1. Rao Bahadur C. Natesa Mudaliyar. | 16. Diwan Bahadur M. Krishnan Nayar |
| 2. Mr. R. Madanagopal Nayudu. | 17. Rao Bahadur P. Raman. |
| 3. Rao Bahadur T. A. Ramalinga Chettiyar. | 18. Mr. J. D. Samuel. |
| 4. Mr. J. A. Saldanha. | 19. " R. Veerian. |
| 5. " A. Ranganatha Mudaliyar | 20. " Muhammad Ghose Mian Sahib. |
| 6. " A. Chidambara Nadar. | 21. Sriman Sasibhushan Rath Mahasayo |
| 7. " M. Gangaraju. | 22. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 8. " C. Gopala Menon. | 23. Mr. T. M. Moidu Sahib. |
| 9. " P. Peddiraju. | 24. " L. K. Tulairam. |
| 10. " B. P. Sesha Reddi. | 25. " K. Uppi Sahib. |
| 11. " M. Sitayya. | 26. " C. V. Venkatarangana Ayyangar |
| 12. " S. Satyamurti. | 27. " B. Venkataratnam. |
| 13. " T. Adinarayana Chettiyar. | 28. " Naganna Hegde. |
| 14. " P. Anjaneyulu | 29. " C. Venkatarangam Nayudu. |
| 15. " Muhammad Meera Sahib. | |

The amendment was lost.

At this stage, there was a pause owing to the hon. the President consulting the Advocate-General (Mr. T. R. Venkatarama Sastriyar) and Mr. Krishnan Nayar so as to settle the exact wording of Mr. Chidambara Nadar's amendment.

Mr. S. SATYAMURTI :—"On a point of order, Sir. May I know what you are doing?"

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* The hon. the PRESIDENT :—"We are drafting the exact wording of the amendment."

Mr. S. SATYAMURTI :—"I object to any drafting being done here and any amendment being flung on the floor of this House at any time, as it will mean the use of your power to suspend the Standing Order."

* The hon. the PRESIDENT :—"There is no question of bringing in a new amendment. It is only a question of making as perfect as possible the drafting of the amendment."

Mr. S. SATYAMURTI :—"May I suggest that drafting on the spur of the moment will be less perfect than drafting done at home?"

* Diwan Bahadur M. KRISHNAN NAYAR :—"May I make a personal appeal to my Friend Mr. Satyamurti? The House has come to an understanding with reference to the subject-matter of what we are preparing."

Rai Bahadur T. M. NARASIMHACHARLU :—"No."

* Diwan Bahadur M. KRISHNAN NAYAR :—"At least a majority (Voices of 'Not at all')."

* The hon. the PRESIDENT :—"Before putting the amendment to vote, I want it to be as perfect as possible."

* Diwan Bahadur M. KRISHNAN NAYAR :—"There is the substantial amendment of Mr. Chidambara Nadar, and I think it would conduce to the dignity of the House as a whole that the wording of it should be as good as possible."

Mr. S. SATYAMURTI :—"You should have done it earlier."

* The hon. the PRESIDENT :—"Since there is some dispute about re-drafting, I will put it as it is."

Mr. Chidambara Nadar's amendment was put to vote and declared lost.

Diwan Bahadur M. Krishnan Nayar demanded a poll and the House divided as follows :—

Ayes—37.

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|---|--|
| 1. Mr. K. P. Raman Menon. | 20. Rao Bahadur P. Raman. |
| 2. Rao Bahadur C. Natesa Mudaliyar. | 21. Mr. J. D. Samuel. |
| 3. Mr. A. Ramaswami Mudaliyar. | 22. Rao Sahib R. Srinivasan. |
| 4. Diwan Bahadur P. C. Ethirajulu Nayudu. | 23. Mr. K. Sitarama Reddi. |
| 5. Mr. L. C. Guruswami. | 24. " Chavadi K. Subrahmanya Pillai. |
| 6. " R. Madanagopal Nayudu. | 25. " R. Veerian. |
| 7. Rao Bahadur B. Moniswami Nayudu. | 26. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 8. Mr. C. Muttayya Mudaliyar. | 27. Mr. B. Ramachandra Reddi. |
| 9. Rao Bahadur T. A. Ramalinga Chettiyar. | 28. " Muhammad Ghose Mian Sahib. |
| 10. Mr. J. A. Saldanha. | 29. Sriman Sasibhushan Rath Mahasayo. |
| 11. " A. Ranganatha Mudaliyar. | 30. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 12. " A. Chidambara Nadar. | 31. Mr. T. M. Moidu Sahib. |
| 13. " M. Gangaraju. | 32. " Qadir Muhi-ud-din Sahib. |
| 14. " C. Gopala Menon. | 33. " L. K. Tulairam. |
| 15. " B. P. Sesha Reddi. | 34. " K. Uppi Sahib. |
| 16. " S. Satyamurti. | 35. " C. V. Venkatarangana Ayyangar. |
| 17. " T. Adinarayana Chettiyar. | 36. " Naganna Hegde. |
| 18. " Muhammad Meera Sahib. | 37. " C. Venkatarangam Nayudu. |
| 19. Diwan Bahadur M. Krishnan Nayar. | |

Noes—3.

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|-------------------------------|-------------------------|
| 1. Mr. K. Prabhakaran Tampan. | 3. Mr. V. Madhava Raja. |
| 2. Zamindar of Mandasa. | |

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Neutral—40.

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|---|---|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 21. Rao Sahib P. V. Gopalan. |
| 2. " Mr. T. E. Moir. | 22. Zamindar of Kallikota and Atagada Estates. |
| 3. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 23. Hony. Lieut. Madurai. |
| 4. " Rao Bahadur Sir A. P. Patro. | 24. Mr. B. Obalesappa. |
| 5. " the Raja of Panagal. | 25. " K. S. Ponnuswami Pillai. |
| 6. Mr. T. R. Venkatarama Sastriyar. | 26. " K. Raghuchandra Ballal. |
| 7. Rao Bahadur V. T. Krishnama Achariyar. | 27. Rao Bahadur C. V. S. Narasimha Raju. |
| 8. Mr. G. T. Boag. | 28. Mr. P. Peddiraju. |
| 9. " V. Pandrang Row. | 29. " M. Sitayya. |
| 10. " S. Arpudaswami Udayar. | 30. " V. C. Vellingiri Gounder. |
| 11. Rao Sahib T. C. Tangavelu Pillai. | 31. " P. Anjaneyulu. |
| 12. Diwan Bahadur T. R. Ramachandra Ayyar. | 32. " G. Rameswara Rao. |
| 13. Capt. E. G. Windle. | 33. " K. Sarvarayudu. |
| 14. Mr. D. Manjappa Heggade. | 34. S. R. Y. Ankinedu Prasad Bahadur. |
| 15. Sir Alexander MacDougall. | 35. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 16. Mr. J. A. Davis. | 36. Mr. K. Venkatachala Padayachi. |
| 17. " H. B. Ari Gowder. | 37. Rai Bahadur T. M. Narasimhaacharu. |
| 18. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 38. Mr. T. M. Narayanaswami Pillai. |
| 19. Mr. A. V. Bhanji Rao. | 39. " Haji Abdulla Haji Quasim Sahib. |
| 20. " N. Devendruda. | 40. " B. Venkataratnam. |

The amendment was carried.

* Diwan Bahadur M. KRISHNAN NAYAR :—" This amendment (114) is exactly the same as the amendment about cultivating tenants under section 6. What I suggest is that there were some sections relating to renewal fees which were dropped by the Select Committee, and just as we adjourned exactly similar amendments till after the consideration of other sections relating to renewal fees and other things, this also may be adjourned, and that is the only logical course."

This was agreed to.

New proviso to clause 7.

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

Add the following as the first new proviso :—

'Provided that a holding which is more than 25 acres in extent shall not have permanent right under this section.'

"The underlying principle of this legislation is to safeguard the interests of the cultivators. The idea is that for the maintenance of one family 25 acres of land are sufficient. Mr. Logan also thought so and restricted his proposals of occupancy to lands less than 25 acres in extent. So, I suggest that holdings of more than 25 acres may be exempted from the operation of this provision. There are many holdings like that under big jannins in South Malabar. They are nothing but investments for the non-cultivating middle man who can take care of themselves. Therefore so far as such kinds of holdings are concerned, the Act should not operate."

Mr. V. MADHAVA RAJA :—" I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I cannot accept the amendment. Practically it nullifies the vote which has just been recorded. Practically, large portions of the holdings in Malabar are more than 25 acres in extent. So that if you carry this amendment, the result will be, that we shall be effacing, more or less completely, the result of the previous vote."

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* Mr. K. PRABHAKARAN TAMPAN :—" I have nothing more to add to what I have already stated. I leave the amendment to the House."

The amendment was put and lost.

Mr. Prabhakaran Tampam demanded a poll and the House divided as follows :—

Ayes—2.

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| 1. Mr. K. Prabhakaran Tampam. | 2. Mr. V. Madhava Raja. |
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Noes—43.

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|--|---|
| 1. Mr. K. P. Raman Menon. | 23. Mr. V. C. Vellingiri Gounder. |
| 2. " H. B. Ari Gowder. | 24. " S. Satyamurti. |
| 3. Rai Bahadur K. Venkatarreddi Nayudu. | 25. " T. Adinarayana Chettiyar. |
| 4. Rao Bahadur C. Natesa Mudaliyar. | 26. " P. Anjaneyulu. |
| 5. Mr. N. Devendruda. | 27. " Muhammad Meera Sahib. |
| 6. " A. Ramaswami Mudaliyar. | 28. Diwan Bahadur M. Krishnan Nayar. |
| 7. Rao Sahib P. V. Gopalan. | 29. Rao Bahadur P. Raman. |
| 8. Mr. L. C. Guruswami. | 30. Mr. J. D. Samuel. |
| 9. " R. Madanagopal Nayudu. | 31. " K. Sarvarayudu. |
| 10. Rao Bahadur B. Muniswami Nayudu. | 32. Rao Sahib E. Srinivasan. |
| 11. Mr. B. Obalesappa. | 33. Mr. Chavadi K. Subrahmanya Pillai. |
| 12. " K. S. Ponnuswami Pillai. | 34. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 13. Rao Bahadur C. V. S. Narasimha Raju. | 35. Rao Sahib P. V. S. Sundarāmurti. |
| 14. Rao Bahadur T. A. Ramalinga Chettiyar. | 36. Mr. B. Ramachandra Reddi. |
| 15. Mr. J. A. Saldanha. | 37. " Muhammad Ghouse Mian Sahib. |
| 16. " A. Ranganatha Mudaliyar. | 38. Sriman Sasibhushan Rath Mahasayo. |
| 17. " A. Chidambara Nadar. | 39. Mr. T. M. Moido Sahib. |
| 18. " M. Gangaraju. | 40. " L. K. Tulasiram. |
| 19. " C. Gopala Menon. | 41. " K. Uppi Sahib. |
| 20. " S. Muttayya Mudaliyar. | 42. " C. V. Venkataramana Ayyangar. |
| 21. " B. P. Sesha Reddi. | 43. " C. Venkatarangam Nayudu. |
| 22. " M. Sitayya. | |

Neutral—25.

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|---|--|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 13. Sir Alexander MacDougall. |
| 2. " Mr. T. E. Moir. | 14. Mr. J. A. Davis. |
| 3. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 15. Zamindar of Kallikota and Atagada Estates. |
| 4. " Rao Bahadur Sir A. P. Patro. | 16. Zamindar of Mandasa. |
| 5. " the Raja of Panagal. | 17. Hony. Lieut. Madurai. |
| 6. Mr. T. R. Venkatarama Sastriyar. | 18. Mr. K. Raghuchandra Ballal. |
| 7. " V. Pandrang Row. | 19. " G. Rameswara Rao. |
| 8. " S. Arpudaswami Udayar. | 20. S. R. Y. Ankinedu Prasad Bahadur. |
| 9. Rao Sahib T. C. Tangavelu Pillai. | 21. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 10. Diwan Bahadur T. R. Ramachandra Ayyar. | 22. Rai Bahadur T. M. Narasimhaacharu. |
| 11. Capt. E. G. Windle. | 23. Mr. T. M. Narayanaswami Pillai. |
| 12. Mr. Manjappa Heggade. | 24. " Haji Abdulla Haji Quasim Sahib. |
| | 25. " Qadir Muhi-ud-din Sahib. |

The amendment was lost.

Clause 7—cont.

* Mr. A. CHIDAMBARA NADAR :—" I beg to move—
'that the proviso be omitted.'

"Considering the fact that my motion No. 106 has been carried, there is no necessity for this proviso. For, you cannot expect to have a melkanam existing from 1853."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I second the amendment for this reason. The section, as it originally stood, gave fixity of tenure to all kanamdars, but as now amended, it gives fixity of tenures only to kanamdars and kuzbikanamdars whose rights originated in or before 1854. This

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proviso is to the effect that non-cultivating kanamdars who acquire their interests under a melkanam should not have this permanent right. As a matter of fact, the first melkanam we hear of is in the year 1868. We did not hear of melkanams in 1854. So there is no necessity for this proviso. Seeing that we are restricting the permanent occupancy right to kanams which originated before 1853 and seeing also that melkanam itself came into existence long after 1853 there is no meaning in retaining this proviso. I therefore second the amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"I oppose it. In the select committee it was decided that melkanams should not be encouraged and, I think if my memory serves me right, it was Mr. Krishnan Nayar himself who said that the protection sought to be given by this section might be confined to those who did not come by their holdings through melkanam. There are many kanamdars who have taken possession of their property through melkanam obtained from the janmi and by the purchase of the kanamdar's rights. Section 9 as amended includes the class as well. Considering all these, it is highly necessary that this proviso should remain."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I also oppose this motion. I shall be glad if the hon. Member in charge of the Bill will enlighten us as to the circumstances under which the select committee came to the conclusion that this proviso ought to stand. I attach very great importance to the observations of the hon. Mover and I have carefully gone into the Bill as amended by the select committee which contains this proviso. Further, in passing the previous amendment, we have made it necessary that this House should not agree to the omission of the proviso. In the definition of 'melkanam' which has been already adopted in the select committee, whether that definition will be modified later on or not, it is stated that a melkanam means a transfer of an interest in a holding in the possession of a tepant or kanamdar entitling the transferee to evict such tenant or kanamdar. The argument advanced by him, that simply because the previous amendment was accepted and the House took the kanams which came into existence subsequent to 1853 outside the scope of the provision, does not furnish reason for the omission of this proviso. I shall oppose the amendment because my hon. Friend has not advanced any reason for going behind the findings of the select committee."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I may say at once, Sir, that it does not affect the tenants in Malabar in the least, whether this proviso is omitted or retained. I accepted the motion for its omission only for this reason, viz., that the drafting of the section, upon which the reputation of the Council rests, may be alright."

"Now, with reference to the information which my hon. Friend wanted, I certainly did not put in my own amendment nor did I raise any objection to this proviso for this reason. As the section stood originally it gave permanent rights to non-cultivating kanamdars. There was, of course, a particular wish, I say tenderness, shown by the select committee for cultivators with which I also agreed. So that in respect of melkanamdars who were also cultivators, although there was a feeling of dislike against them, a compromise was effected in the select committee to this effect, that melkanams should not in any way be encouraged but that an exception might be made in favour of those who were also cultivators. So, this proviso, viz., that a non-cultivating kanamdar who acquired his interest under a melkanam shall not have permanent right under this section, was made in the Bill. What I tell

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the House is this: melkanams came into existence long after the year 1854, the earliest date to which this section relates. So that, there is no meaning in inserting any proviso dealing with melkanam when the section itself deals only with rights which originated on or before 1854. It was for that reason that I accepted the amendment. It seems to me that this is thoroughly logical. So far as the result is concerned, it does not affect the tenants in any way, but I wanted that there should be some logic in the framing of the Bill."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"It is difficult for us to intervene in a debate of this sort. But so far as the amendment goes, it has been stated that soon after a melcharth is created, the parties concerned may effect a compromise, the new purchaser acquiring the right of the kanamdar as a whole reducing him to the status of a verumpattamdar. Of course when he reduces the kanamdar to the status of a verumpattamdar it is quite different, but when he purchases his interest from him as a whole, subsequently, on the creation of a melkanam he becomes an assignee and the kanamdar as well. I wish to know from Mr. Krishnan Nayar whether he allows permanent occupancy rights in such cases also. If I understood him correctly, from the beginning he was saying that, so far as melcharths were concerned, their rights should not be recognized. If the second set of circumstances do exist, I think that he does really go back upon his own assurance given to this House."

* Mr. A. CHIDAMBARA NADAR :—"As the hon. Mover states that there cannot be a melkanam existing from 1853, I wish to press the motion for omission of the proviso."

The amendment was put and carried.

* Diwan Bahadur M. KRISHNAN NAYAR :—"Further consideration of clause 7 will have to be postponed and taken up after the disposal of the amendment (No. 114) of Mr. Raghuechandra Ballal relating to compensation to the janmis."

Further consideration of clause 7 was accordingly postponed.

Clause 8.

* Diwan Bahadur M. KRISHNAN NAYAR :—"I move
that the clause be omitted."

"After the select committee inserted this clause, I thought over the matter. There seems to be a feeling against giving retrospective effect to the provisions of this Act. For this reason and also in order to make the passage of the Bill easy not only in this House but also elsewhere and also for the reason that I too do not want to give retrospective effect to the provisions of this clause, I move for its deletion."

Mr. K. P. RAMAN MENON :—"I beg to second the motion. This clause was added to the Bill at the fag-end of the meetings of the select committee. I myself have all along been under the impression that it is too much for a legislature to make a provision of that kind which will indeed be setting back the hands of the clock. I therefore have great pleasure in seconding the motion for its deletion."

The amendment was put and carried. Clause 8 was omitted.

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Clause 9.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to move
'that clause 9 be omitted'.

"I think I need not detain the House long in the discussion of this clause giving reasons for the omission of this clause seeing that Mr. Krishnan Nayar himself has given notice of a similar motion. The very fact that he himself moved the deletion of clause 8 is proof positive that the House can have no hesitation whatsoever in omitting this clause."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I second the amendment."

The amendment was put and carried.

Clause 9 was omitted

Clause 10.

* Diwan Bahadur M. KRISHNAN NAYAR :—" I move my amendment—
'that the clause be omitted.'

"Sir, clause 10 reads thus :—

'The provisions of section 6 shall not apply to lands which, being cultivated by a janmi on the date of the passing of this Act, may thereafter be let to a verumpattam tenant or to land which being reclaimed by the janmi after the date of the passing of this Act and cultivated continuously for a period of 12 years may thereafter be let to a verumpattam tenant.'

"There are no home farm lands in Malabar and I do not see why the benefit of sixty of tenure or occupancy right should not be given to all classes of cultivating verumpattam tenants whether they are let in possession by the janmi after the date of the passing of this Act or whether the occupancy right relates to lands which have been reclaimed by the janmi and cultivated for a period of 12 years and thereafter let. As a matter of fact, we have already provided that even those cultivating tenants who are let into possession after the passing of this Act ought to have occupancy rights and there is no reason why that benefit should not be extended to all kinds of cultivating tenants, including those who are let into possession of lands which are now cultivated by janmis and those lands which may be reclaimed by janmis and leased hereafter. I therefore move for the deletion of this clause."

Mr. K. P. RAMAN MENON :—" I second the amendment."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" I oppose this motion for the deletion of clause 10. The janmis may spend a very large amount of money in reclaiming their home farm lands and after continuously cultivating such lands for a period of 12 years, if they were to let it to a verumpattam tenant and if you should provide that such verumpattam tenant also will have occupancy rights, it will be highly detrimental to the janmis. In the Estates Land Act we have no such provision and I do not see any reason why the janmis should be deprived of those lands which they take care to reclaim and cultivate for a period of 12 years. A landholder or a janmi may be directly interested in his own lands and he may have them for his own domestic purpose and why should occupancy rights be given to tenants even in respect of those lands? If a janmi has taken the trouble of reclaiming it, and has cultivated his land continuously for a period of 12 years, I see no reason why occupancy right in respect of such land should be given to tenants whom he may let into possession after a period of 12 years. For these reasons, I oppose the motion."

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Rai Bahadur T. M. NARASIMHACHARLU :—" I have to explain why I have also given notice of a similar motion to omit clause 10. I gave notice of motions to omit clauses 6 and 7 and I thought that as a consequence, this clause should also have to be omitted. But those motions have not been carried. I submit, therefore, that I have to oppose this motion, namely, to omit clause 10. I perfectly agree with the remarks which have fallen from my hon. Friend Mr. Muniswami Nayudu and I see no reason why the janmis should be deprived of their rights to home farm lands. It would be a different thing altogether if clause 6 were omitted. I submit that I recede from the position that I took. As a matter of fact, I oppose this motion for omission."

Mr. K. UPPI SAHIB :—" I also oppose this motion, because in North Malabar there are large tracts of home farm lands or garden lands belonging to the janmis and reclaimed by them after spending thousands of rupees on those lands. If the occupancy right passes into the hands of tenants, the janmis may not be able to raise the rent on their lands. So, if we give occupancy rights to the tenants even in the case of home farm lands, it would be very unfair to the janmis. I therefore oppose the motion."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I have also to offer a word of personal explanation, like my hon. Friend from Cuddapah. Though I gave notice of a motion exactly identical to this, when once the substantial motions made by me have not been carried out, I think it is my duty to oppose this motion. My hon. Friend Mr. Krishnan Nayar said that there were no home farm lands in Malabar and therefore, if this clause were omitted, it would not do much harm. May I draw his attention to the fact that this clause 10 does not merely refer to home farm lands which are at present home farm lands but it refers also to home farm lands which may be reclaimed by the janmis and cultivated by them continuously for a period of 12 years? Therefore, it contemplates two sets of lands, lands which are at present home farm lands and lands which may be reclaimed after the passing of this Act. I think it is unfair that we should give occupancy rights even in respect of these lands in respect of which it is but fair that we should preserve the rights in favour of the janmis."

Mr. T. R. RAMACHANDRA AYYAR :—" Sir, there are extensive home farm lands in Malabar. To say that there are no such lands is wrong. I can say that the Raja of Kollengode has got thousands of acres of home farm lands. What is the meaning of Mr. Krishnan Nayar's saying that there are no extensive home farm lands in Malabar? Is he prepared to contradict my statement?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" So far as the opposition to my amendment is concerned, I have nothing to say with reference to the argument of my several learned friends who have opposed my motion. But I have to say that my learned Friend Mr. T. R. Ramachandra Ayyar says that I am wrong. I say he is wrong. He referred to the lands belonging to the Raja of Kollengode which are not really home farm lands. As a matter of fact, the term itself is unknown to the people of Malabar. The Raja of Kollengode may be cultivating or may not be cultivating his own lands. That is what I have to say with reference to the statement that I made that there are no home farm lands. But with reference to the merits of the case, I have nothing to say further."

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Mr. T. R. RAMACHANDRA AYYAR :—"The section does not contain the words 'home farm lands' at all."

The amendment was put to the House and lost.

Mr. K. UPPI SAHIB :—"The motion that stands in my name runs as follows :—

'In line 3 for the words "let to a" substitute the words "demised to a kanamdar or leased to a kuzhikanam or".'

"Yesterday, this House wanted to draw a distinction between a verumpattamdar and a kuzhikanam tenant. I think in North Malabar there are kuzhikanam tenants who have been cultivating lands for a very long time and I want to include them also in this clause."

Mr. B. P. SESA REDDI :—"I second the amendment."

Mr. K. P. RAMAN MENON :—"I support Mr. Uppi Sahib. While considering clauses 6 and 7, it has already been agreed to by the House that cultivating tenants and non-cultivating tenants should have occupancy rights. The principle of section 7 is that occupancy rights should be given to either a kanam tenant or a kuzhikanam tenant who is installed in the land after the land is reclaimed or after the landholder has been cultivating it for a number of years. If the House agrees that verumpattam tenants cannot be given substantial rights in regard to the property coming under section 10 it stands to reason that the same disability should attach to kanam or kuzhikanam or kuzhikanam tenant. That is one of the main reasons why I support Mr. Uppi's motion. There are very many lands in North Malabar whose landholders restored them to their own possession by the exigencies of circumstances but let them out for a short period. To say that the moment they have let out their lands for a short period to their tenants, those tenants will have permanent occupancy rights to those lands would be unfair to the landholders. Therefore, so far as kuzhikanamdars and kanamdars in North Malabar are concerned, I think I must support Mr. Uppi Sahib."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I do not think there is any difference of opinion. I do not see the necessity for this amendment, because clause 7 says that all kanamdars for the first time cannot have rights of occupancy. The amendment would have been more pertinent if clause 7 remained as it was. Since we have changed it saying that only kanamdars that were in existence before 1853 and their representatives will have rights of occupancy there is no necessity for this amendment. Mr. Uppi Sahib's amendment reads thus:—In line 3 for the words 'let to' substitute the words 'demised to a kanamdar or leased to a kuzhikanam or'. Therefore the classes of cases contemplated here are cultivating kanamdars or cultivating kuzhikanamdars. Ordinary kanamdars can have no rights of occupancy. Therefore, there is no necessity for this amendment."

The amendment was put and carried.

Mr. K. UPPI SAHIB :—"The amendment that stands in my name runs as follows :—

'In the last line for the words "let to" substitute the words "demised to a kanamdar or leased to a kuzhikanam or".'

"Sir, this amendment is merely a consequential amendment. I formally move it."

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Mr. B. P. SESA REDDI :—"I second it."

The amendment was put and carried.

Clause 10 as amended was put, passed and added to the Bill.

Clause 11.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I beg to move— 1 p.m.

'that in line 3, before the words "the landlord" the words "or at the expense of" be inserted'."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I second the amendment."

The amendment was put and carried.

Clause 11 as amended was put, passed and added to the Bill.

New clauses after clause 11.

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, before we proceed further, I should like to know what becomes of homesteads. I want to know whether homesteads also come under the leases. We have disposed of the other kinds of tenants and have only to deal with homesteads."

* The hon. the PRESIDENT :—"The hon. Member must take legal opinion."

* Mr. K. PRABHAKARAN TAMPAN :—"I am not quite sure, Sir. I shall however formally move :—

'that the following clause be added after clause 11 and the remaining clauses be re-numbered :—

12. *A tenant in possession of a homstead on being served with a notice of a suit for eviction may apply to the court for an order that the landlord shall be directed to sell the land for a price fixed by the court. The court shall then fix the price of the land according to the market value and order the conveyance of the land by the landlord to the tenant. If, however, the tenant fails to pay the amount so ordered the application shall stand dismissed and the usual decree for eviction shall be passed: Provided that a homstead with the site of the house and compound shall not exceed one acre in extent'."*

* Mr. V. MADHAVA RAJA :—"I second it."

Mr. K. P. RAMAN MENON :—"My hon. Friend, Mr. Tampan, thinks that this is a good opportunity to get rid of the tenants. Sir, it has been repeated often that homsteads cause great difficulty to the landlords. If the landlord wants to evict the tenant he has to pay for the building materials of the tenant. What the hon. Member now proposes to do is to compel the tenant to buy the land on which the house stands. Mr. Prabhakaran Tampan wants to take this opportunity to sell the land which is not at all profitable to him. This certainly would work to the detriment of the tenant."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, apart from the merits of the question, I am afraid there is a technical difficulty. This provision would interfere with the provisions of the Civil Procedure Code and would require the sanction of the Governor General before we can proceed with it. This was not contemplated in the original Bill. On the merits of the question, I may point out that homsteads come under one of these categories, either kanam

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holdings or kuzhikanam holdings or verumpattam holdings. Provision has already been made for these in clauses 6 and 7. No new provision is therefore necessary."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, the arguments advanced against this provision are all out of place. In the first place it is not obligatory on the part of the tenant to apply to the court for a sale. It is only when the janmi gives him notice of eviction that he needs go to court. Therefore, the tenant is not unnecessarily called upon to find the money. On the other hand this is a concession proposed to be conferred on him. Secondly, Sir, the hon. Member, Mr. Raman Menon, said that I was anxious to get rid of the unprofitable lands. If our karanavans should take the purchase value of all such sales for himself, the family will be practically expropriated. I, as a junior member, have not the least idea of it. My main idea is that the tenant of the homestead instead of getting occupancy right should be given the option to purchase the janmi's rights and that only when he was served with a notice of eviction. That is all he is entitled to."

* The hon. the PRESIDENT:—"What about the legal difficulty?"

* Mr. K. PRABHAKARAN TAMPAN:—"I am not a lawyer, Sir. We must consult the hon. the Advocate-General."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, I do not follow the idea underlying the language of this clause. It begins with a notice of suit for eviction; when that is received the tenant applies to the court for an order that the landlord shall be directed to sell the land for the price fixed by the court. Then if the tenant pays the amount, an order for the conveyance of the land from the landlord to the tenant is passed. If the tenant fails to pay the amount, the application shall stand dismissed. If the idea of the clause is that after the application of the tenant to the court, if the tenant does not finally pay the amount which he is directed to pay for the execution of the conveyance by the landlord, a decree for eviction might be passed, there may be difficulty, since this contravenes some of the provisions of the Civil Procedure Code. Therefore, I would suggest

'that the words "and the usual decree for eviction shall be passed" may be omitted and the words "and the landlord would be free to institute a suit for eviction" might be inserted in this clause'

"Then there will be no difficulty."

* Mr. K. PRABHAKARAN TAMPAN:—"I accept the amendment, Sir."

The amendment as amended was put to the House and lost.

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

'that the following clause be inserted as a new clause after clause 11 and the remaining clauses re-numbered:—

Nothing in this chapter shall affect the right of a janmi in any of his holding—

- (1) to make irrigation channel, footpath, road and ways into adjacent and other holdings,*
- (2) to work laterite and other quarries,*
- (3) to cut or use the usufructs of trees belonging to him:—*

Provided that the tenant shall be entitled to a proportionate reduction of michavaram or rent if by the exercise of such right his profits are decreased.'

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"My main object is to see that the property rights of the janmi should not be curtailed by giving occupancy rights to the tenants under him. If the landlord wants to make a small channel or footpath to the adjacent lands, it will be open to the tenant when he gets occupancy right to object to it. In the interests of his lands lying close to one another it is highly necessary that such a provision should be made. As regards the 2nd clause, in Malabar it is the prerogative of the janmi to work laterite and other quarries. It has been admitted in Sir Madhava Rao's report and Master Committee's report. That is one of the recognised rights of the janmis. As regards the 3rd clause, Sir, in some holdings there might be trees belonging to the janmi. The trees might have existed before the demise was granted; or they might have been reared by the tenant and the janmi might have paid for them. In such cases the trees belong to the janmi and are his property. I only say 1-15 p.m. that the usufructs of such trees should be treated as the janmi's property. I have also provided that if by the exercise of this right the profit of the holding is reduced, there must be reduction of the rent due to the janmi. I have provided against all contingencies. If the Council thinks that the Bill is not one of expropriation but only one for giving certain privileges to the tenants, it is obligatory that these rights should be preserved. With these words, I commend the amendment to the House."

Mr. V. MADHAVA RAJA:—"I second the amendment."

Mr. K. P. RAMAN MENON:—"I am speaking on behalf of the tenants of Malabar and I have no objection to accept the amendment with some modifications. We are not here to push through any measure by which the landlord's property is transferred to somebody else. We are here to secure permanent rights to some classes of tenants. We do not want the property of the landlord at all. If the landlord wants to make a road, I have absolutely no objection. He is doing it now and he may do it hereafter. Similarly, he may construct a channel. But the only difficulty is this; no injury should be done to the holding. Subject to that condition, I have no objection to accept the amendment. If my hon. Friend Mr. Tampan would so modify the clause as to make it innocuous and not to throw a bone of contention between the landlord and the tenant, I shall accept the amendment. I therefore propose

'that the words "without causing any injury to the tenant or to the holding of the particular tenant" be added.'

* Diwan Bahadur M. KRISHNAN NAYAR:—"As my Friend put it, I too have no objection to the amendment if it is amended as desired by my hon. Friend. Otherwise it will lead to serious difficulties. A tenant may be in possession of a particular house and garden on which it stands. The janmi may be desirous of cutting an irrigation channel through the front yard of the holding which will inconvenience the tenant very much. So, also, he may wish to cut a footpath across the courtyard of the tenant or dig a channel. If a janmi cuts a tree standing very near the tenant's house, there will be much inconvenience to the tenant. Without the addition of the words suggested by my hon. Friend 'without injury to the tenant or to his holding', the amendment cannot be accepted. I therefore second the amendment to the original amendment."

* Mr. K. PRABHAKARAN TAMPAN:—"I cannot accept the amendment suggested by my hon. Friends; because it is very vague. I have already provided that the rent should be reduced if by the exercise of any of these

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rights, the tenant's profits are decreased. The phrase 'without causing injury' is very vague. My amendment is a reasonable amendment. I shall leave it for the House to decide."

The amendment was put to vote and declared lost. A poll was demanded and the House divided as follows:—

Ayes.

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|--|---|
| 1. Mr. K. Prabhakaran Tampan. | 11. Mr. B. P. Sesha Reddi. |
| 2. " D. Manjappa Heggade. | 12. " V. C. Vellingiri Gounder. |
| 3. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 13. S. R. Y. Ankineedu Prasad Bahadur. |
| 4. Diwan Bahadur O. Tanickachalam Chettiyar. | 14. Mr. Chavadi K. Subrahmanya Pillai. |
| 5. Mr. A. V. Bhanaji Rao. | 15. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 6. " A. Ramaswami Mudaliyar. | 16. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. Diwan Bahadur P. C. Ethirajulu Nayudu. | 17. Rai Bahadur T. M. Narasimhaচারী. |
| 8. The Zamindar of Mandasa. | 18. Mr. B. Ramachandra Reddi. |
| 9. Mr. V. Madhava Raja. | 19. Sriman Sasibhusan Rath Mahasayo. |
| 10. " S. Muttayya Mudaliyar. | 20. Mr. T. M. Moidoo Sahib. |
| | 21. " K. Uppi Sahib. |

Noes.

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|-------------------------------------|-------------------------------------|
| 1. Rao Bahadur K. P. Raman Menon. | 8. Mr. C. Gopala Menon. |
| 2. Mr. R. Madanagopal Nayudu. | 9. Diwan Bahadur M. Krishnan Nayar. |
| 3. Rao Bahadur B. Muniswami Nayudu. | 10. Mr. P. T. Rajan. |
| 4. " C. Natesa Mudaliyar. | 11. Rao Bahadur P. Raman. |
| 5. Rao Sahib S. Ellappa Chettiyar. | 12. Mr. J. D. Samuel. |
| 6. Mr. J. A. Saldanha. | 13. " L. K. Tulasiram. |
| 7. " A. Ranganatha Mudaliyar. | |

Neutral.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 15. Mr. N. Deverdrudu. |
| 2. The hon. Khan Bahadur Muhammad Usman Sahib Bahadur. | 16. " L. C. Guruswami. |
| 3. The hon. Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 17. " P. N. Marthandam Pillai. |
| 4. The hon. the Raja of Panagal. | 18. " B. Obalesappa. |
| 5. Mr. T. R. Venkatarama Sastriyar. | 19. " K. S. Ponnuswami Pillai. |
| 6. Rao Bahadur V. T. Krishnama Achariyar. | 20. Rao Bahadur T. A. Ramalingam Chettiyar. |
| 7. Mr. G. T. Boag. | 21. Mr. A. Chidambara Nadar. |
| 8. " V. Pandrang Row. | 22. " M. Gangaraju. |
| 9. Khan Bahadur Abdolla Ghatla Sahib. | 23. " S. Satyamurti. |
| 10. Mr. S. Arpudaswami Udayar. | 24. " T. Adinarayana Chettiyar. |
| 11. Rao Sahib T. C. Tangavelu Pillai. | 25. " K. Sarabha Reddi. |
| 12. Diwan Bahadur T. R. Ramachandra Ayyar. | 26. Rao Sahib P. V. S. Sundaramurti. |
| 13. Captain E. G. Windle. | 27. Mr. T. M. Narayanaswami Pillai. |
| 14. Mr. J. A. Davis. | 28. " Muhammad Ghous Mian Sahib. |
| | 29. " Abdul Wahab Sahib. |
| | 30. " J. Naganna Hegde. |

21 hon. Members voted for the amendment and 13 against 30 remaining neutral.

The amendment was carried. The clause was added to the Bill.

Mr. K. Prabhakaran Tampan began to move the next amendment standing against his name, Amendment No. 138.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"On a point of order, Sir. This amendment is practically covered by clause 10. You will kindly look at clause 10. This question has already been considered. For '12 years' in clause 10, '30 years' is sought to be substituted. If clause 10 is referred to in the amendment then there will be some difference. Clauses 6

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and 7 are referred to in it. Under clause 7 if the kanam is let to a tenant, he will be a cultivating tenant. Reference to clause 7 is not necessary. We cannot be called upon to go over the same ground."

* Mr. K. PRABHAKARAN TAMPAN:—"My amendment refers, Sir, to lands, that are reclaimed and brought under cultivation by the janmi and let to a tenant even say, one year after such reclamation. My object is this; crops do not thrive well in a new land. The cultivation of such land will be very costly until it attains a kind of fertility. The landlord cannot derive the maximum benefit from his new land until he spends a lot of money over it. The tenants may not be able to spend for more than the bare necessities for raising the crops. It is therefore absolutely necessary that such class of lands should be excluded from the operation of the Bill. It is in the interest of agriculture that I propose this and the period is limited to 30 years."

* The hon. the PRESIDENT:—"The hon. Member is speaking on the merits of the motion."

* Mr. K. PRABHAKARAN TAMPAN:—"I have already spoken on the point of order. Clause 10 refers to lands continuously cultivated by the janmi for 12 years, while this clause falls altogether under a different category from that referred to by my hon. Friend."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, clause 6 has yet to be passed. Limitations which are intended to apply to clause 6 but which are not negated by clause 10 might be moved; but the question for consideration is whether the new clause which is sought to be introduced, has been negated by the vote already given on clause 10. It strikes me, Sir, that there is no necessary inconsistency. This is only an additional exception to clause 6 which has not been passed. Let me explain myself. Clause 10 says:

"The provisions of section 6 shall not apply to lands, which, being cultivated by a janmi on the date of the passing of this Act, may thereafter be let to a verumpattam tenant."

"Sir, that portion of the section may be omitted because the present amendment to the Bill does not concern lands cultivated by the janmi. Let me now proceed to the next part of clause 10 which is this:

"or to land which, being reclaimed by the janmi after the date of the passing of this Act and cultivated continuously for a period of 12 years may thereafter be let to a verumpattam tenant."

"That is to say, if the lands are reclaimed after the Act and they are continuously held by the janmi for twelve years and after that the property is let to a kanamdar or verumpattam tenant, then, no question of occupancy right shall arise under clause 6. Now, the idea underlying the present clause is this: in the case of lands that are reclaimed and let, if clause 6 were passed without this additional clause which is sought to be introduced, the result will be disadvantageous. The suggestion under this clause is that for a period of 30 years, at any rate, the janmi shall have the right to give it to tenants without rights of occupancy arising and after that period it shall be covered by the terms of section 6. This seems to me, Sir, not to be inconsistent with the vote given under clause 10."

Mr. K. P. RAMAN MENON:—"Although perhaps, Sir, there might be a slight difference between this new provision proposed by Mr. Prabhakaran Tampan and the cases covered by clause 10, the reasons which apply to section 10 apply equally to those portions of the new clause that are not covered by section 10. What are the classes of lands which are contemplated

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by Mr. Prabhakaran Tampan? They are lands which have been brought under cultivation by the landlords and which, whether he is in possession or not in possession, he proposes to lease out later and he wants those lands to be exempt from the provisions of sections 6 and 7 for a period of thirty years. That is, all lands whether cultivated by himself or not, for say 30 years before the passing of this Act, or immediately after the passing of this Act or in another period of 30 years after the exemption provision of section 6 comes into force, are covered by this proviso. What is section 10 as we have already enacted? Section 10 is that 'the provisions of section 6 shall not apply to lands which, being cultivated by a janmi', etc. Now, take a concrete instance which will be covered by the clause moved by Mr. Prabhakaran Tampan. Take a land which has been converted into farm land in 1900. We are in 1926; and if you take 30 years as a standpoint, that is a land that would be covered by the new clause which Mr. Prabhakaran Tampan wants to move. Is it not land that comes under the first portion of section 10? The first class of lands under section 10 is 'lands which being cultivated by a janmi on the date of the passing of this Act'. If the janmi was in possession in 1900 and the land is now being cultivated by the janmi, that is after the date of the passing of this Act, and if he wants to let out that land, under the new clause of Mr. Prabhakaran Tampan, it cannot be passed on for another period of four years. That is what he says. Again, with reference to the land which has been reclaimed within twelve years, there also he says that that land will not be allowed to have any disabilities imposed by section 6. So, the principle involved seems to be that instead of twelve years Mr. Prabhakaran Tampan wants thirty years, and the appropriate procedure will be to move it as an amendment to section 10. I would therefore submit that, as a matter of fact, the point of order raised by Mr. Krishna Rao is correct."

* The hon. the PRESIDENT:—"I should like to have some time to decide this question. Therefore I will ask Mr. Prabhakaran Tampan to postpone raising this question until clause 6 has been disposed of."

The House then rose for lunch.

After Lunch (2-40 p.m.).

New chapter after Chapter II.

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, before my hon. Friend Mr. Ramalinga Chettiyar moves his amendment No. 140, may I say one word? My hon. Friend Mr. Ramalinga Chettiyar says that he wants to add the clauses which he suggests in a new chapter after Chapter II. The whole of that amendment No. 140 relates to renewal and renewal fees. In the original Bill as introduced in this House, there was a provision for payment of renewal fees to the janmi. That was deleted by the Select Committee and my hon. Friend along with many other Members of the Council including myself want to restore it to the janmi. My Friend wants to introduce it into a new chapter. Of course, the question of its place should be considered with reference to its appropriateness and whether it is a new chapter or an old chapter is a matter of minor importance. My hon. Friend Mr. Raman Menon wants to insert a new clause in the existing Chapter III and to change the heading of that chapter, which is now 'Of Michavaram and Rent' into 'Of Michavaram, Rent and Renewal Fee', by another amendment. Instead of having a

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separate chapter for renewal fees, he wants to have a provision in Chapter III itself, so that if my Friend Mr. Ramalinga Chettiyar has no objection, probably that may be done, and the heading may be changed into 'Of Michavaram, Rent and Renewal Fee' instead of 'Of Michavaram and Rent'. The provision relating to renewal fee may then be introduced."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"So far as that is concerned, it is immaterial whether it be in Chapter III or in a separate chapter. There is no objection to calling Chapter III itself 'Of Renewal Fees, Michavaram and Rent.' That is a matter of form, and there is nothing of substance in it. If Mr. Krishnan Nayar wants it like that, I have no objection to Chapter III bearing as the heading 'Of Renewal and Renewal Fees, Michavaram and Rent.' So far as these provisions are concerned, I may say, Sir, it is one of the very strong objections that have been taken . . ."

* The hon. the PRESIDENT:—"Does the hon. Member agree to Mr. Krishnan Nayar's suggestion that this subject should be considered along with Mr. Raman Menon's amendment?"

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I do not agree to that. All that I said was that a separate chapter for these provisions was not necessary and the heading of the present Chapter III may be changed as 'Of Renewal and Renewal Fees, Michavaram and Rent,' I said I had no objection to it. But the provisions themselves I think will have to be taken up at once, and my anxiety is all the greater for this reason; that one of the main objections that have been taken to the Bill as it emerged from the Select Committee was that a clear right like that to the renewal fee, to which the janmis had been entitled, had been taken away and denied to them under the Bill. It was also said from the account sent by the agent of the Zamorin of Calicut, who was a Government servant, that this renewal fee was an exact thing and that it was not a thing varying with the season or with the ability of the janmi to exact. It was one of the recognized incomes of the tarwad and the amount of the renewal fee was more or less a definite amount, and on that the tarwad was always dependent for its income and expenditure. So, Sir, it seems to me that no reason has been shown for deleting this item of dues to the janmi and so far as these provisions I propose are concerned you will be pleased to see that in the first sub-clause A, I am only referring to the right of the janmi to the renewal fee and that of the tenant, whether he be a kanamdar or a verumpattamdar, to get a renewal. In sub-clause B, I speak Sir, of the amount of renewal fee that has to be paid by the kanamdar and in C and D, I provide for the renewal of verumpattam tenancies and for the payment of the renewal fees where it is customary. I may say at once that so far as verumpattam is concerned, it is not always that the verumpattadar pays a renewal fee. So, I have stated specifically that it is only in cases where it is customary at the present moment to pay renewal fee that it will have to be paid. So far as the fee itself is concerned, I have only adopted what was provided by my hon. Friend, the promoter of the Bill, in his original draft. As I was often saying before, Sir, it is a matter on which our knowledge of conditions is rather limited, and we cannot arbitrarily fix any fees. So I thought it fit to accept what was proposed by the hon. Member Mr. Krishnan Nayar himself. Now I find another proposal made by the hon. Member, Mr. Raman Menon, to which reference was made by the promoter of the Bill, and that is amendment No. 168 that fixes a year's net

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income as the renewal fee. So far as I have been able to gather, the renewal fee is never based on the net income of the land alone. At the present moment calculations are made mainly on the kanam amount and sometimes on the extent of the land. Now, Sir, to alter the whole thing and say that the renewal fee ought to be fixed on the basis of the net income is a matter which will have to be considered very carefully, because it makes an alteration in the present custom, and I do not think you will be justified in accepting a proposal like that without proper enquiry. On the whole, I think it is safer to accept the basis of a percentage of the kanam amount, which is now in vogue rather than blindfolded, get into a new field especially when we are not in a position to realize how that will work in practice. For that reason, I am sorry I cannot accept the proposal of the promoter of the Bill, who suggested to me a few minutes back that I might waive my present motion in favour of Mr. Raman Menon's. I have been saying that this is a very thorny and difficult subject, and if you go on changing the basis of everything, I do not know where we will be. So it is far better not to make changes in the arrangements that are existing at the present time. Very few gentlemen in this Council, even those from Malabar, are agreed on all points. Unfortunately they are divided, their interests are at variance, their views are divided and they represent different and mutually conflicting interests. Under these circumstances, it is safer to accept the basis that obtains at the present moment rather than accept new changes, such as, a year's net income for renewal fee. It is for these reasons that I beg to move my amendment:—

"Add the following clauses in a new chapter and re-number the other chapters:—

Chapter III.

Renewal and Renewal Fees.

"A. If a kanamdar entitled to permanent right of occupancy under section 6 or to permanent right of tenure under section 7 does not surrender his holding under the provisions of this Act, the landlord shall be bound to grant and the tenant to accept on the termination of the kanam demise and thenceforward at the end of every successive term a renewal on payment of the renewal fee."

"B. (1) The renewal fee payable by a kanam tenant on renewal of his demise shall be levied at the rate of 25 per cent of the kanam and 15 per cent of the additional kanam."

2) The Local Government may from time to time prepare tables for the whole or part of the Malabar district fixing the rate of renewal fee payable by a kanam tenant; such tables shall on publication in the Fort. St. George and the Malabar District Gazettes be receivable in evidence and the rates therein specified on those mentioned in sub-section (1) of this section, whichever rate is more favourable to the landlord, shall be the rate payable by the kanamdar for the renewal of his holding."

"The Local Government may from time to time by like publication cancel or vary the tables so published."

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"C. If a tenant entitled to a permanent right of occupancy does not surrender his holding under the provisions of this Act, the landlord shall be bound to grant and the tenant to accept on the expiry of the term of the tenancy and thenceforward at the end of every successive term a renewal, when such renewal is customary on payment of the renewal fee."

"D. The renewal fee payable by a tenant on renewal when such renewal is customary shall be one year's rent."

Mr. K. P. RAMAN MENON:—"Sir, you will please see that my amendment No. 168 and other amendments Nos 170, 171, 177, 180, 258 and 259 refer to the same point. The question is if any particular amount has to be paid to the janmi for continuing the tenancy without being disturbed by the janmi, whether it is a kanam tenancy or verumpattam tenancy. With reference to the verumpattam tenant, the question has now become absolutely unimportant, for no verumpattam tenants except those who are actually cultivating are given any permanent rights under the provisions of sections 6 and 7 and they are not persons who are usually subject to the customary renewal. So the question of verumpattam renewal does not come at all. The question that has to be considered is with reference to the kanam tenants. Now, one of the main grounds upon which the janmis walked out of the Select Committee and one of the main grounds upon which the janmis have been attacking the tenant party and others who sided with them, is that the Select Committee is responsible for taking away a right which they have been enjoying. Now, Sir, when once under the scheme of this Act, you settle a kanam tenancy to be a permanent right of occupancy in the land the term 'renewal fee' will not be appropriate. That term must be replaced by some other term. I would call it 'a recurring bonus' instead of 'renewal fee.' Probably there is not much in the name. I will not mind that name 'renewal fee' except it be that it is illogical to speak of renewal when there is a permanency in the tenure. Then the ground upon which the renewal fee or bonus is claimed by the janmis is shortly this. The theory of the law underlying the tenancy and the relationship between the janmi and the kanam tenant is this. A kanam tenant has advanced years ago, probably centuries ago, a certain amount of money to the janmi—which we may take either as mortgage or permanent tenure or any such thing it does not affect the matter,—at a rate of interest which was then prevalent. And the other conditions were regulated with reference to prices that were then in vogue in the market. All these things have changed, that is, the rate of interest has changed and the prices have changed and the landlord now says to the tenant, 'you are enjoying an exorbitant rate of interest for the money you advanced and I want to share with you a portion of that profit that you are getting, or you pay me something if you want to be kept in the land for another twelve years.' As a matter of fact, as a portion of the benefit that the tenant is allowed to reap or enjoy for a further period, at each time of renewal he gives over to the landlord a portion of what I may well call an 'unearned increment', that is, a portion of the difference in prices between the time the money was originally advanced and the time when the renewal is given. He also gives a portion of the extra interest that he is enjoying. The rates of interest have been fluctuating. And so he gives a portion of the extra interest. That constitutes the renewal fee. And that renewal fee collection is made for every period of twelve years. That is the theory of the

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law. Now, as a matter of fact, it is admitted that once a tenure is granted, this amount of money should be handed over to the janmi so that the tenant can hold on for another twelve years. I am not, of course, dealing with the question of settling the amount. If once it is admitted that on payment of a certain amount of money by the tenant at the end of twelve years, he shall continue for that period and on another payment, for another twelve years and so on, there is absolutely nothing wrong in legislating and saying that this state of things shall continue. Only you should pay this amount whatever it be at the end of every twelve years, and if the amount is so paid, the landlord has nothing to lose. Only at the end of twelve years he is allowed the right to say 'The legitimate renewal fee is Rs. 100; you are a wealthy man; you must pay Rs. 100'. If the tenant has a particular liking for the land, if he has some associations with the land, and if he is sufficiently wealthy, he will pay that and the landlord gets it. That is an exaction. If again there are other people who cast covetous eyes on this land, the landlord can say, 'there is so and so who is willing to pay Rs. 500; the legitimate fee is Rs. 100; so you may pay me anything approximating Rs. 500; then I shall give the land.' There again occurs the competition in renewal fee. When once there is a fixity of tenure this House will not fix a particular renewal fee and make it incumbent on the landlord to accept it or release the land which is held by a kanam tenant on the date of the passing of this Act to another. It is therefore that I say that there is really nothing that the landlord loses. The landlord gets what he is already getting and that he will be getting for all time to come. The other rights also the landlord enjoys now and he is not going to be deprived of them. Is it really compensation for the unearned increment which the tenant loses? As I have already explained before at the beginning of my speech, this really corresponds to a portion of the profit that the tenant reaps on account of the rise in prices and the difference in the rates of interest.

"Now I am going to proceed to that particular subject, the fixing of the amount. Fixing it at the rate of 25 per cent of the kanam amount is eminently satisfactory. For this reason in some instances, lands which are highly profitable are let out to kanam tenants at low kanams, and there are other instances in which lands have been practically mortgaged up to the hilt although they go by the name kanam. It is not possible to say as to when these kanams were granted, it is not possible to say that kanams granted twelve years ago shall be dealt with leniently, and it would not be possible for this House to legislate on these lines, and giving up the old idea of renewal fee, we transfer ourselves into the region of recurring bonuses. It will be more proper to fix it upon the profits of the land. That is why I say in my amendment that it ought to be one year's net profit. One year's net profit is one-twelfth of the profit for the twelve years' term. One-twelfth profit means one-twelfth plus the extra amount which is thrown into the bargain to compensate the landlord for the losses that he suffers. You will please see that the difference in prices and the difference in the rates of interest which go to the benefit of the tenant has to be divided and one-twelfth of that will be the amount which the landlord will be entitled to get if he gets it every year. What I say is instead of doing that, I am prepared to pay not only that, but the entire profits got for one year. This difference between one-twelfth of the unearned increment and the full profit of the land is the compensation that may be offered and it may be offered as recurring bonus. That, I think, is in the terms of the profits of the land and not in the terms of the percentage

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of the kanam amount. That is why I put one year's profit as the fee. So that my submission is this. Suppose it is a loss to the janmi; it is a sort of recognizing the particular right he has and putting him on a suitable basis, not allowing him to litigate. Hence the amendment that I would suggest to the amendment proposed by Mr. Ramalingam Chettiyar, is that instead of the words 'of the renewal fee' in clause A, substitute the words 'a bonus as compensation,' delete clauses B (1) and (2) and C altogether. In the alternative, I propose another amendment. Instead of leaving it at 15 per cent and 25 per cent fix it at one year's rent in clause B. Of course, it comes only after the first clause is considered. I shall move it then. So far as clause A is concerned, I move

'that in the last line for the words at the end "the renewal fee," the words "a bonus as recurring compensation" be substituted.'

Mr. C. GOPALA MENON :—"I second it."

* The hon. the PRESIDENT :—"What is the objection to the word 'renewal'?"

Mr. K. P. RAMAN MENON :—"It gives rise to a confusion of ideas."

Rai Bahadur T. M. NARASIMHACHARLU :—"The idea is to show that compensation has been provided for." (Laughter.)

* Rao Bahadur B. MUNISWAMI NAYUDU :—"My submission is that if my Friend (Mr. Raman Menon) keeps the word renewal I do not see why he should not keep the word 'fee' also. A permanent right is either under a statute or under a document executed. Further I understand there is a period fixed in the kanam documents. If the idea of the Mover is once in twelve years, then it is better to make it clear. If in a kanam document a specific period is mentioned, then, that period may be an important factor. So, I think, we should say 'at the end of every twelve years on payment of the renewal fee.' Instead of the words 'recurring compensation' I would move 'a special charge' may be substituted."

* Mr. K. PRABHAKARAN TAMPAN :—"What I understand is that it is proposed only to get rid of the term renewal fees. My friends are good enough to provide for a payment either as a bonus or a free gift or compensation; whatever it is, there must be title-deeds witnessing these transactions; they are absolutely necessary."

* The hon. the PRESIDENT :—"The amendment has only to do with the term 'renewal fee'."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I support the amendment of Mr. Raman Menon. Of course, it is natural for both of us to be supporting the same cause. In spite of minor differences of opinion amongst us, we go together, and it is quite natural that I should support this. No doubt, as my Friend the Mover admitted, there is nothing in the name so long as the janmis received the amount. Probably they themselves did not care under what name they received it. But really as my Friend Mr. Narasimhacharlu said,—he has understood the purpose, the gist, the object of my Friend Raman Menon's amendment, and it is this—this amount is paid on the kanam demise not in consideration of past enjoyment but for purpose of future enjoyment. Certain calculation is made between the janmi and the kanam tenant, basing their calculation on the amount of the kanam or on the seed capacity of the land or on the yield or sometimes on all these things put together or on two

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of the three things. Ultimately a certain amount is fixed. There is no standard for the amount, the amount varying with each locality, with each janmi, with each family and with different lands of the same family. Ultimately a sort of arrangement is come to, by which a certain amount is fixed as renewal fee and that amount is paid for the purpose of future enjoyment, ordinarily for a period of twelve years. Now, payment of renewal fees or whatever it may be, for future enjoyment is thoroughly inconsistent with the fixity of tenure, so that I think if you agree to pay—and we agree to it—this amount, it is really compensation and not renewal fee. It was renewal fee and it would be renewal fee if there were no permanent right. Once you get a permanent right, it is not proper to call it a renewal fee. It is compensation. Once you are prepared to pay a compensation . . .

* Mr. K. PRABHAKARAN TAMPAN :—“ For what ? ”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ Just to satisfy you,—not that I think that compensation is necessary,—but to satisfy those that think that compensation is necessary. This is really compensation because payment of renewal fee was necessary when there was no fixity. But once there is fixity, nothing is necessary. But still we are prepared to pay that amount. So that I submit my Friend's substitution of the words ‘ recurring compensation ’ is based upon sound reasons. Of course, according to my Friend Mr. Muniswami Nayudu it may be called a special charge. Probably the words recurring compensation seem to me more appropriate.

“ Then, with reference to the period, something was mentioned by my Friend Mr. Muniswami Nayudu. With reference to that, I think the provision, as it stands, is an additional advantage to the janmi. So it is better to retain the form of which notice was given by my hon. Friend.

“ Then, with reference to the rate, no doubt my hon. Friend Mr. Ramalinga Chettiyar has taken this provision from my original Bill. Of course, since then, much water has flown under the bridge. As a matter of fact, the suggestion to fix the renewal fee at a percentage of the kanam amount will work a great hardship in some cases on the janmis and in some cases on the tenants also. I will show presently how it will do so. There may be a land yielding a particular quantity of paddy, say, 1,000 paras and there may be another having the same yield. Now, there is no rule regarding the kanam amount so that for the two plots of land mentioned above yielding exactly the same amount of paddy there may be two different kanam amounts. In one case the kanam amount may be very high, Rs. 5,000 or Rs. 6,000, and in the other it may be very small, say, Rs. 500. Such instances are very common as there is no rule regarding the fixing of kanam amounts. So that in cases where the kanam amount fixed is very low, the janmi will stand to lose and in cases where the kanam amount fixed is high, the kanamdar will stand to lose. So that, if the renewal fee is fixed in relation to the kanam amount it will work hardship. The rate proposed by Mr. Raman Menon has been mentioned on more than one occasion previously. For instance, Sir Madhava Rao's Committee fixed the renewal fee at one year's net produce or net pattam minus the Government revenue. Another officer Mr. Dance stated that the renewal fee might be twice janma pattam. Fixing it at one year's pattam is quite reasonable.”

Diwan Bahadur T. R. RAMACHANDRA AYYAR :—“ I certainly object to the substitution of the words ‘ recurring compensation ’, the effect of which is to deceive the Council practically. Now, let us understand the real

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situation. Where the janmi has got a right of redemption he is getting a renewal fee and that renewal fee was taken away by the Select Committee with the idea of changing it into compensation. But compensation is quite different. Where a janmi was getting renewal fee, michavaram and along with it the right of eviction, you have taken away the right of eviction. What is the compensation for that? With the right of eviction he gets renewal fee. Now that right is taken away. Compensation should be provided for depriving the janmi of his right of eviction. My hon. Friends now want to introduce the word ‘ compensation ’ and make the world and the Council understand that they have given compensation. Mr. Raman Menon says : ‘ What does it matter what the name is ? ’ That is not the object. If the object is to call it compensation, say ‘ We have given compensation, why do you want more ? ’ I submit that the words ‘ renewal fee ’ must remain there. The renewal fee may be statutory or it may be customary. It does not matter. Now it is proposed to make it statutory whereas it was customary before. That is all. It does not make any difference. Therefore for depriving him of the substantial right of eviction, a substantial compensation must be paid. But no compensation is at all paid. Because, what he was getting when he had the right of eviction is what is now proposed to be given. They say it is one year's or two years' produce. That is a matter which will come up again and we will consider it later on.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ I entirely agree with Mr. Ramachandra Ayyar. Here we have got to consider what the janmi is now getting. He is getting michavaram every year and once in 12 years is getting renewal fee if he does not sue for eviction. It cannot be said for a moment that the janmi shall be deprived of these two sources of income.

“ The further question that arises in this connexion is whether he has got the right of eviction and whether that right is to be compensated. The first question has to be considered by the Council separately. There is no meaning in our mixing these two things together. I do not think it can ever be said that we can interfere with the payment of michavaram or with the usual payment of the renewal fee. We have to consider the question whether the conferring of occupancy right is to be compensated for or not. If the House comes to the conclusion that there is no right newly conceded in favour of the kanamdar as against the janmi, compensation may be dispensed with. But that is a question which requires very careful consideration. The courts have been holding for the last 70 years at least that kanam is a redeemable tenure. As against it, will this House be justified in taking away compensation altogether? I do not think I can agree that occupancy right can be conferred without the payment of compensation.

“ Now, regarding the quantum of renewal fee, I do not think we need discuss it at this stage. First of all we shall dispose of the question incidental to the payment of michavaram and renewal fee, whether the kanamdar is prepared to pay compensation or not and whether the janmi is to be compensated for or not for this right of eviction which is taken away from him. That is the question which we have to solve. We need not mix up the question of renewal fee with compensation. We have to view the question and give our vote whether the janmi deserves compensation or not. I am personally of opinion that he shall be compensated for the right that is being taken away from him.”

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Mr. K. P. RAMAN MENON:—"My Friend Mr. Ramachandra Ayyar said that my proposition to substitute for the words 'renewal fee' the words 'recurring compensation' was intended to deceive the Council . . ."

*The hon. the PRESIDENT:—"Not 'intended' but 'has the effect of' . . ."

Mr. K. P. RAMAN MENON:—"Yes, has the effect of deceiving the House and deceiving the general public. Of course, whether as a matter of fact the public and this House are so very gullible and deceivable is a matter for the public and the House to take note of. I have nothing to say on that. This misapprehension is chiefly due to the different lines of thought which we on the one side and they on the other have been pursuing for some time. Even in the Select Committee, my hon. Friend the Advocate-General will bear me out, when first of all a draft was prepared, I had something to do with it. When we resolved upon certain propositions we found that there was nobody who would draft a clause on those lines in a couple of days. Then I took upon myself the task of drafting it. I remained in Madras for two or three days and, with the help of Mr. Krishnama Achariyar, I drafted the clause which was subsequently sent to the hon. the Advocate-General. In the chapter with reference to this renewal fee, I put in the word 'compensation' and I intended it as compensation, compensation pure and simple. From that we will now go back to our argument. I have bestowed much thought upon it. I have always regarded renewal fee as compensation. Look at it from the logical point of view, look at it from the legal point of view? What is it except compensation? Hitherto, it is compensation for the janmi voluntarily giving up his right to the tenant for 12 years. He receives a renewal fee, whatever you call it, and then voluntarily sells up his right to the tenant for 12 years. Is it not compensation? Is it not price paid for being allowed to remain in the land for 12 years? It is compensation for the deprivation of the present possession by the janmi. So that he was selling his right for present possession in return for an amount paid or compensation which was either paid on the kanam amount or on the net produce. That was the case. Now, if this House resolves to give the tenant the right of occupancy, it is only right and proper that for this recurring right that he has got, the janmi should be paid a recurring compensation. It is therefore that I say that at the end of every 12 years give him a recurring compensation. There is absolutely nothing illogical or illegal in that. The law enforces compensation at the end of every 12 years. Now, what I say is, once for all fix the amount and ask the janmis to take it. It is really compensation and nothing else. That is why I have used the word 'compensation'. I had the idea of compensation in my mind ever since I began to think of this subject."

The amendment of Mr. K. P. Raman Menon in clause A of Chapter III, that for the words 'renewal fee' the words 'recurring compensation' be substituted, was put to the vote. Mr. K. P. Raman Menon demanded a poll. The House divided thus:

Ayes.

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| 1. Mr. K. P. Raman Menon. | 6. Mr. N. Devendrudu. |
| 2. " H. B. Ari Gowder. | 7. Rao Sahib S. Ellappa Chettiyar. |
| 3. " D. Appaya Chettiyar. | 8. Mr. C. Gopala Menon. |
| 4. Rai Bahadur Sir K. Venkateswami Nayudu. | 9. " S. Muttayya Mudaliyar. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 10. " R. Madanagopal Nayudu. |

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Ayes—cont.

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| 11. Mr. P. N. Marthandam Pillai. | 16. Mr. J. D. Samuel. |
| 12. " A. Ramaswami Mudaliyar. | 17. Rao Sahib R. Srinivasan. |
| 13. Diwan Bahadur P. C. Ethirajulu Nayudu. | 18. Mr. Muhammad Ghouse Mian Sahib. |
| 14. " M. Krishnan Nayar. | 19. Khan Bahadur P. Khalif-ul-lah Sahib. |
| 15. Rao Bahadur P. Raman. | 20. Mr. T. M. Moidoo Sahib. |

Noes.

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| 1. Mr. S. Arpudawami Udayar. | 13. Mr. S. Satyamurti. |
| 2. " K. Prabhakaran Tampan. | 14. " P. Anjaneyulu. |
| 3. Diwan Bahadur T. R. Ramachandra Ayyar. | 15. " Muhammad Meera Sahib. |
| 4. Mr. C. E. Wood. | 16. " K. Sarabha Reddi. |
| 5. Capt. E. G. Windle. | 17. S. R. Y. Ankineedu Prasad Bahadur. |
| 6. Mr. D. Manjappa Heggade. | 18. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. " V. Madhava Raja. | 19. Rai Bahadur T. M. Narasimha Chari. |
| 8. " T. Malleappa. | 20. Mr. B. Ramachandra Reddi. |
| 9. Rao Bahadur C. V. S. Narasimha Raju. | 21. Sriman Sasibhushan Rath Mahasayo. |
| 10. " T. A. Ramalinga Chettiyar. | 22. Mr. L. K. Tulashiram. |
| 11. Mr. M. Gangaraju. | 23. " K. Uppi Sahib. |
| 12. " B. P. Sessa Reddi. | 24. " J. Naganna Hegde. |

Ayes—20.

Noes—24.

The amendment was lost.

*Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I have got a small amendment to clause A. As the clause stands, it reads—

'If a kanamdar entitled to a permanent right of occupancy under section 6 or to a permanent right of tenure, etc., etc.'

"Then there is clause C which relates to other tenures than kanam and kuzhikanam tenures which are renewed at the expiry of 12 years. So I move that after the word 'kanamdar' the words 'or kuzhikanamdar' be inserted."

Rao Bahadur B. MUNISWAMI NAYUDU:—"I want to know from my hon. Friend Mr. Krishnan Nayar whether there is anything like kanam tenure or kuzhikanam tenure. If a kuzhikanam does not necessarily import the kanam amount, this amendment would be quite inoperative. Therefore the introduction of the word kuzhikanam may be taken up afterwards."

*Diwan Bahadur M. KRISHNAN NAYAR:—"I withdraw it."

*The hon. the PRESIDENT:—"Does Mr. Ramalinga Chettiyar desire that his amendments should be put one after another or all together?"

*Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"One after the other."

Clause A of Chapter III was put to the House and carried, and was added to the Bill.

Clause B of Chapter III.

Mr. K. P. RAMAN MENON:—"I move an amendment to clause B. Two items are involved in this clause. The clause reads—

'(1) The renewal fee payable by a kanam tenant on renewal of his demise shall be levied at the rate of 25 per cent of the kanam and 15 per cent of the additional kanam.'

"There is no provision in the Act itself for raising the additional kanam. I believe my Friend here means additional kanams as are found in the documents. If that is so, it is all right. I would propose to fix the renewal fee

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with reference to the rent of the land. The reason why I propose this amendment is this: it has been very often said here and elsewhere that it is always better to see that as far as possible no injury is done to any particular class of people. This is important in considering the severe aspects of this Bill. As my hon. Friend Mr. Krishnan Nayar pointed out . . ."

* The hon. the PRESIDENT :—"I believe copies of these amendments have been circulated to all the Members of the House."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Mr. Ramalinga Chettiyar's amendments?"

* The hon. the PRESIDENT :—"Yes. Could not Mr. Raman Menon have given notice of his amendment?"

MR. K. P. RAMAN MENON :—"I was coming to that. In amendment No. 168, you will be pleased to find the same subject matter as I have mentioned in this amendment. Instead of moving that amendment separately, I bring it here. If I move it here, I need not move it afterwards."

"My reason for standardising this renewal fee is that there are kanams in which large profits are realized and where the kanam amounts are small. On the other hand, there are kanams in which moneys advanced by the landlords are higher and it will be penalising the janmis who have not received large amounts to deprive them of their dues. Take this case for example: a field is granted by janmi 'A' on a kanam of Rs. 100 and a field of equal value is granted by janmi 'B' on a kanam of Rs. 200. Then according to Mr. Chettiyar's amendment janmi 'A' would be getting Rs. 25 only and janmi 'B' would be getting Rs. 50. There is no reason why janmi 'B' should get more than janmi 'A'. On the other hand, if you take the value of the produce of the land as the standard, it will be easily ascertainable, because if the land is let out to a verumpattamdar or kanam tenant or a kuzhikanam tenant, you can easily understand what the net produce of the land is. By net produce of the land, I mean produce of the land minus the cost of cultivation. I do not take the Government revenue. Suppose after deducting the cost of cultivation, the annual net produce of a land comes to 1,000 or 2,000 paras; it will be roughly equal to Rs. 800. I say that this is the amount which should be levied as the renewal fee. This method of calculation has been supported by various other people who have considered the matter. I therefore move

that instead of the words "25 per cent of the kanam and 15 per cent of the additional kanam" the words "one year's net produce" be inserted."

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

* Mr. K. PRABHAKARAN TAMPAN :—"I have given notice of an amendment involving the rate of renewal fees. It comes under item 177 and it reads thus:

"The renewal fee payable by a tenant on renewal of his holding shall not exceed the aggregate of four years' net income derived by the tenant from the holding."

"May I know whether I can move it now or after the amendment of Mr. Raman Menon has been put to vote?"

* The hon. the PRESIDENT :—"Does he want to move his amendment?"

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* Mr. K. PRABHAKARAN TAMPAN :—"I do not know. I want to know the opinion of the House. If the House is prepared to allow me I shall move it."

The House not dissenting, Mr. Prabhakaran Tampam moved his amendment.

Mr. K. PRABHAKARAN TAMPAN :—"The amendment that I wish to move runs thus:

"All kanam, kuzhikanam and other tenures that are subject to periodical renewals shall be renewed on the expiration of twelve years from the date of the demise. The renewal fee payable by a tenant on renewal of his holding shall not exceed the aggregate of four years' net income derived by the tenant from the holding."

"It has been admitted both by the hon. Mover of the Bill and others that the kanam amount and michavaram of holdings vary very much. They vary not only with regard to individual janmis but with regard to particular taluks of the district. The nature of each holding is different from that of the other. In other words, there is no standard rate of the kanam imposed on the land or the michavaram due on a holding. The kanam amount might vary from Rs. 5 to Rs. 3,000 on an acre. Similarly the michavaram on it varies from 2 to 100 paras. Therefore the proposal that the renewal fee may be one year's rent is not based on a rational calculation. The best thing would be to fix it on the actual profit that a tenant derives from his holding."

"By actual profit I mean the net income he gets after deducting the michavaram, the interest on the kanam and the Government assessment. Suppose a tenant gets a rent of 1,000 paras, the Government assessment will be Rs. 100, and he sets apart 150 paras for paying the assessment. Let the kanam amount be Rs. 1,000; he will set apart 175 paras as the interest on the kanam. He has to pay a michavaram of 200 paras. Deducting all these, he will have a margin of 475 paras of paddy left. I suggest that the renewal fee should not exceed four times this net income. If the tenant gets only less, then the renewal fee also will be proportionately less. This would be a far better basis to fix the renewal fee than a year's net produce. Out of the 12 years' profit let the tenant take eight years' profit and give the landlord four years' profit as renewal fee. I am not altogether without any support in this view. Mr. R. Sekhara Menon, a strong advocate of the tenants, also suggests that the renewal fee must be fixed on the basis of four years' profit or ten times the Government assessment. In Malabar, Government assessment is comparatively low."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Will the hon. Member make that statement when the next resettlement comes?"

* Mr. K. PRABHAKARAN TAMPAN :—"Why not, Sir, the tenant pays that. What do I care? (Laughter.)"

"Each family has its own rate of renewal fee; some collect six years' profits and others eight years' profits. The rates on the Zamorin's estate do not come to even one year's rent. My family charges at the rate of one year's rent, and sometimes at the rate of Rs. 10 per para seed sowing area. There is no standard and it would be dangerous to lay down a fixed principle unless the provision made will satisfy all these classes of people. Unless it is based on a generous basis, there would be a hue and cry in the land; for, many people who have to depend on the renewal fees for their ordinary expenses will be sorely hit. Inasmuch as the House does not want to deprive

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anybody of his rights, it is advisable and safe to proceed on a rational basis. I therefore suggest that four years' net profit should be made the basis of calculation for the renewal fees."

Mr. V. MADHAVA RAJA :—"I second it".

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, the word used by Mr. Prabhakaran Tampan in his amendment (177) is net income and not net profit."

* Mr. K. PRABHAKARAN TAMPAN :—"That is precisely what I mean. I have given notice of an amendment to define the words 'net income'. I have explained what I mean by that term in my speech."

* The hon. the PRESIDENT :—"But that may not be what the courts will take it to be. It is better we use the words 'net profit' in the amendment itself."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Many of us, Sir, certainly at least I, have no conception of what this net income is. Unless my hon. Friend explains the meaning clearly, I would not be able to follow him."

* Mr. K. PRABHAKARAN TAMPAN :—"I have illustrated it and shown that the net income is the balance of the rent left after deducting the michavaram, the Government assessment and the interest on the kanam."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"In amendment No. 52, items (r) and (s) give definitions of net income and net produce. I think, Sir, we may deal with them now."

Mr. K. P. RAMAN MENON :—"Sir, at the very outset I said that it was my misfortune to differ from my hon. Friend. In this case I differ very vehemently from him. He wants the tenants to pay not merely the annual michavaram but also four times the net income as renewal fees."

"According to him, the net income is the verumpattam minus the Government assessment, the michavaram and the interest on kanam. He would not allow even a living wage to the labourer. If the labourer had gone out and worked as a coolie he would have got at least four annas a day. Even that would not be allowed by my hon. Friend representing the landlords. The whole family of the tenant has sometimes to work on the fields and this fact is not recognized by him. The landlord sits quiet and wants to have four years' net income as renewal fees."

* Mr. K. PRABHAKARAN TAMPAN :—"It is a travesty of truth to say that the kanamdar gets nothing after paying the dues referred to. If there is no net profit, there will be nothing to pay as renewal fee. I repeat it is a multiple of net profit which I have defined."

Mr. K. P. RAMAN MENON :—"As usual, he is defining them in his own way and there would be many difficulties."

* Mr. K. PRABHAKARAN TAMPAN :—"I have defined them; if my Friend does not read them, it is not my fault."

Mr. K. P. RAMAN MENON :—"My hon. Friend has always been receiving and has never known the difficulty of paying."

* Mr. K. PRABHAKARAN TAMPAN :—"I have also been paying as well, Sir."

Mr. K. P. RAMAN MENON :—"Sir, he would not allow us the cost of cultivation. These tenants have to do all the work on the lands and from them he asks one-third of the net income as renewal fees. In this connexion

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[Mr. K. P. Raman Menon]

we have to take into consideration the economic condition of the tenant class. Unfortunately, for the whole of Malabar, the Government have not collected any statistics of the indebtedness of the tenantry of Malabar. I can assure the House that almost all the tenants have to mortgage their lands to buy manure. They borrow money from the money-lenders. If they are asked to pay four years' net income for renewal fee, their indebtedness will become all the greater and they will be in the hands of the money-lenders to a greater extent than at present. Do you want to give them fixity of tenure on the one hand and take away its advantages by forcing them to become more and more indebted to the money-lenders? Some hon. Members spoke very eloquently about the land passing away from the actual cultivators to money-lenders and others who have no stake in the land. If cultivating tenants, whether they be kanam tenants or otherwise, have to pay such high renewal fees, they will have to borrow money. They live on a certain scale now and they may be able to pay one year's profit with difficulty. They will be made economically far worse than before. I strongly oppose the amendment."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, the amendments of Messrs. Raman Menon and Prabhakaran Tampan propose a new method of calculating the renewal fee. Both of them want to take away the present system of calculating the renewal fee. We do not know what the result of this calculation will be. If we refer to Mr. Thorne's report on this question (A voice: Not systematic) whether it is systematic or not, we will see that he refers to the various systems of calculation in the various taluks and even in the same taluk. Even in the old treatises on this matter, it is stated that both the kanam amount and the pattam are taken into consideration in fixing the renewal fee. It appears to me that 13 per cent of the kanam amount and one year's pattam formed the renewal fee. In Mr. Thorne's report he gives various kinds of calculating the renewal fee. According to him, there are five methods. One is based on the percentage of kanam, another on the janma-pattam, a third on the verumpattam, a fourth on the para seed sowing area and the last on the net profit. In any case, it is clear that there cannot be any rule of thumb with regard to this renewal fee. But it is clear that the amendment of Mr. Raman Menon may result in a very low rate of renewal fee. The hon. Member Mr. Prabhakaran Tampan's amendment would fix a very high rate of renewal fee. The amendment of the hon. Member Mr. Ramalinga Chettiyar is very elastic. It gives liberty to the Local Government to declare the amount of the renewal fee for various areas, after due enquiry of the existing system and taking into consideration the hardship of the tenant as well as of the janmi. After making such enquiry the Government is expected to fix a rate that is reasonable. As a matter of fact, in the case of various janmi estates that passed through the hands of the Court of Wards, they did fix the renewal fee at a certain standard. It is working very satisfactorily. It is not, in the first instance, right that we should adopt an inelastic rule. It is varying with reference to each estate and each taluk. Therefore, I think that we should reject the amendments of the hon. Members Messrs. Raman Menon and Prabhakaran Tampan and adopt the amendment of Mr. Ramalinga Chettiyar."

Diwan Bahadur T. R. RAMACHANDRA AYYAR :—"Sir, the amendment of the hon. Member Mr. Ramalinga Chettiyar fixing a certain percentage of the kanam amount will certainly work hardship. The reason is this: where the kanam amount is small, the income will be large, in which case the tenant will be realizing an enormous profit. When we fix the renewal fee at

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25 per cent of the kanam amount, the janmi will get absolutely nothing; it would be a grave injustice to the janmi. Where the kanam amount is large and if you give 25 per cent of it to the janmi the tenant will be put to great hardship because the tenant may realize only the interest on the amount and very little profit; it will be a nominal profit. To fix a certain percentage of the kanam amount and a certain percentage of the income will be very reasonable. What can the tables of the Government do? In particular areas people say that the table is wrong and that it is arbitrary to the janmi. The janmi will say 'give me Rs. 1,000; then alone I will renew it'. If a sum of Rs. 5 is paid, it will not be compensation. Therefore, if the Government is asked to fix a table with regard to the kanam amount and the income, and if the courts act upon it, it will be all right. What the hon. Member Mr. Raman Menon said was 'take the gross produce of one year, deduct out of it the expenses of cultivation, etc., and give the balance'. What the hon. Member Mr. Tampan says is that four years' net income should be paid as renewal fee. What he suggests is not very high. The hon. Member Mr. Raman Menon does not agree to it. If Mr. Ramalinga Chettiyyar is willing, I think the best course will be to fix the amount with reference to the kanam amount and the income from the land and that the actual amount must be left to be settled by an independent authority like the Government."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, with reference to what my hon. Friend, Mr. Ramachandra Ayyar, stated ultimately, viz., that an independent authority like the Government may prepare a table taking into consideration the kanam amount and the produce of the land, there cannot be any objection. But I do not agree with the other suggestions of my hon. Friend at all. What I wish to point out is this. If the idea to prepare a table is carried out, then my hon. Friend Mr. Ramachandra Ayyar's proposition will be all right. The amendment of Mr. Ramalinga Chettiyyar is worded in a general way. It says that the Local Government may from time to time prepare a table for the whole or a part of Malabar district fixing the rate of renewal fee. It does not say what all items should be taken into consideration by the Government in fixing the fee. The Government may take into consideration only the kanam amount or the income alone or both. Then the amendment says that such tables shall on publication in the *Port St. George Gazette* and the *Malabar District Gazette*."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"What about the provisions in the original Bill?"

* Diwan Bahadur M. KRISHNAN NAYAR :—"As a matter of fact, if all the suggestions that I had made in the original Bill which was introduced had been carried out, I might say with all respect to the Council that it would have been a very much better Bill from the point of view of both the kanam tenant, the kuzhikanam and the verumpattam tenant and of the janmi than it is at present. But we have to be guided by the collective wisdom of the Council. My hon. Friend takes a detached view. That is by the way."

"With reference to the arguments of my hon. Friend Mr. Narasimha Raju, what he stated was that both the hon. Members Messrs. Raman Menon and Prabhakaran Tampan were agreed on this question, namely, that the existing practice should really be changed. Mr. Tampan says that the fee should be four times the income, while Mr. Raman Menon fixes the amount

* The hon. the PRESIDENT :—"On a small matter. I have noticed that in the course of the debate, the Malabar Members have been referring to each

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[The President]

other rather familiarly without the prefix 'Mr.'. I am sure nothing is meant. In the interests of orderly debate, we should have recourse to the orthodox epithet 'Mr.'."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Thank you, Sir. Naturally I am very familiar with my hon. Friends from Malabar—not that I am not so with others. We are accustomed to call each other by appellations. The hon. Member Mr. Narasimha Raju says that the hon. Members Messrs. Raman Menon and Prabhakaran Tampan want to change the existing system. That fact shows that the existing system is an unsatisfactory one. What is the system referred to by my hon. Friend? He refers to Mr. Thorne's report. Various families follow various systems; and the same family follows different systems in different places. The Zamorin himself does not follow one system. There are many systems. They cannot be relied upon. Both the hon. Members Mr. Raman Menon and Mr. Prabhakaran Tampan are agreed that there is need to standardize the fee. The hon. Mr. Ramachandra Ayyar stated that the fee suggested by my hon. Friend Mr. Prabhakaran Tampan was not very high and that the rate suggested by the hon. Member Mr. Raman Menon was low. In any case, the hon. Mr. Ramachandra Ayyar must admit, making all allowance for the definition of the words 'net income', that the hon. Mr. Prabhakaran Tampan's figure is very much higher . . ."

Diwan Bahadur P. KESAVA PILLAI :—"Is the hon. Member correct in saying 'the hon. Mr. Ramachandra Ayyar, the hon. Mr. Prabhakaran Tampan', etc.?"

* Diwan Bahadur M. KRISHNAN NAYAR :—"I am between the devil and the deep sea. (Laughter.) Even according to the hon. Member, Mr. Prabhakaran Tampan's amendment, the kanam tenant who gets fixity of tenure by payment of the renewal fee not exceeding four times the income, will be very much worse off."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I am sorry that my proposition has not been understood properly. My proposition is this; I propose a sort of minimum. The minimum is 25 per cent of the kanam. In clause (2) we provide for the Government preparing a table taking into consideration the system that has been followed with reference to the local area. The Government must fix the rate with reference to the area, the net income and the kanam amount. If that rate is low, then it is said 25 per cent of the kanam should be taken. It is provided in clause (2) that the higher rate is to be taken. The tenant will have to pay the higher rate. If the two clauses are taken together, I beg to submit that the objections that have been taken will be found to be not valid at all."

"I am really very sorry to see the position taken up by my hon. Friend Mr. Krishnan Nayar, the Member in charge of the Bill. I said that these were the provisions which were taken from the Bill that was drafted by him. As I said in the beginning, I am a stranger to the land tenure of Malabar and I only wish that justice claimed by the janmis should be rendered in fixing the renewal fee. I take for my guidance my hon. Friend Mr. Krishnan Nayar. He, Sir, as a representative of the tenants brought forward the Bill. He provided for this renewal fee. Now he himself wants to go back upon it. He says that much water has flown under the bridge. What does he mean? Does he mean that he has found he can despoil the janmis? If that is his position, I beg to submit, Sir, that the position of

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the other Members of the Council coming from the districts other than Malabar ought to be different. They do not want to make themselves partners to this sort of progressive spoliation of the janmis. I beg to submit that that is the feeling that we have. As I said, this ought to be taken as the case of the tenants themselves. If anything, we are to improve upon it. Instead of that, when the original proposition of the tenants' representative is brought forward in this Council it is objected to. That I consider is not fair at all. I hope at least this provision will be accepted by this Council. We need not do anything to lower this rate and subject ourselves to the charge that has been hurled against us, that we have been usually favouring one party as against the other."

* The hon. the PRESIDENT :—"The position is that three alternatives have been proposed. So, I think I will do best to put forward Mr. Ramalinga Chettiyar's motion and if that is carried by the House then the other two alternatives will fall. If the House does not want to consider Mr. Ramalinga Chettiyar's rate, but wants to consider one of the other two alternatives, then it will have to vote down Mr. Ramalinga Chettiyar's resolution."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I suppose you are putting (B)."

The hon. the PRESIDENT :—"Yes, the whole clause (B) (1)."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"No, Sir, the whole thing goes together. B (1) does not stand by itself. You please read in B (2), Sir, the words:

'And the rates therein specified on those mentioned in sub-section (1) of this section, whichever rate is more favourable to the landlord, shall be the rate payable by the kanamdar for the renewal of his holding.'

"So, the two go together. The higher rate of the two, that is mentioned in (1) or (2), is to prevail. The subsequent clause is:

'The Local Government may from time to time by like publication cancel or vary the tables so published.'

"The whole of it goes together. We cannot separate one from the other."

* The hon. the PRESIDENT :—"In that case, I will put the last alternative first, i.e., Mr. Prabhakaran Tampan's. Afterwards I will put Mr. Raman Menon's. If that is carried, there is an end of it. But if that is not carried, we will go to Mr. Ramalinga Chettiyar's."

"The question is that instead of clause B (1) of the amendment moved by Mr. Ramalinga Chettiyar, substitute the following:

'All kanam, kushikanam and other tenures that are subject to periodical renewals shall be renewed on the expiration of 12 years from the date of the demise. The renewal fee payable by a tenant on renewal of his holding shall not exceed the aggregate of four years' net income derived by the tenant from the holding.'

The amendment was put to the House and lost.

* The hon. the PRESIDENT :—"The question then is—

'that for the words "25 per cent of the kanam and 15 per cent of the additional kanam" the words "one year's net produce of the land" be substituted.'

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The amendment was put and declared lost. A poll was taken with the following result:

Ayes—33.

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| 1. Mr. K. P. Raman Menon. | 19. Mr. S. Satyamurti. |
| 2. " D. Appavu Chettiyar. | 20. Diwan Bahadur M. Krishnan Nayar. |
| 3. " H. B. Ari Gowder. | 21. Mr. P. T. Rajan. |
| 4. Diwan Bahadur O. Ganikaohala Chettiyar. | 22. Rao Bahadur P. Raman. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 23. Mr. K. Sarabha Reddi. |
| 6. Mr. N. Devendruda. | 24. Rao Sahib R. Srinivasan. |
| 7. Rao Sahib S. Ellappa Chettiyar. | 25. Mr. K. Sitarama Reddi. |
| 8. Mr. A. Ramaswami Mudaliyar. | 26. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 9. Diwan Bahadur P. C. Ethirajulu Nayudu. | 27. Mr. B. Ramachandra Reddi. |
| 10. Mr. R. Madanagopal Nayudu. | 28. Khan Bahadur P. Khalif-ul-Jah Sahib Bahadur. |
| 11. " B. Mallesappa. | 29. Mr. T. M. Moidu Sahib. |
| 12. " P. N. Marthandam Pillai. | 30. " L. K. Tulasiram. |
| 13. Rao Bahadur B. Muniswami Nayudu. | 31. " K. Uppi Sahib. |
| 14. Mr. C. Muttayya Mudaliyar. | 32. " Naganna Hegde. |
| 15. Diwan Bahadur P. Kesava Pillai. | 33. " C. Venkatarangam Nayudu. |
| 16. Mr. J. A. Saldanha. | |
| 17. " C. Gopala Menon. | |
| 18. " S. Muttayya Mudaliyar. | |

Noes—10.

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|---|---|
| 1. Mr. K. Prabhakaran Tampan. | 6. Mr. G. Rameswara Rao. |
| 2. Capt. E. G. Windle. | 7. " A. Ranganatha Mudaliyar. |
| 3. Mr. V. Madhava Raja. | 8. " Chavadi K. Subrahmanya Pillai. |
| 4. Rao Bahadur C. V. S. Narasimha Raju. | 9. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 5. " T. A. Ramalinga Chettiyar. | 10. Rai Bahadur F. M. Narasimbacharlu. |

Neutral—20.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 11. Mr. S. Arpudaswami Udayar. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 12. Rao Sahib T. C. Tangavelu Pillai. |
| 3. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 13. Diwan Bahadur T. R. Ramachandra Ayyar. |
| 4. " Rao Bahadur Sir A. P. Patro. | 14. Sir Alexander MacDougall. |
| 5. " the Raja of Panagal. | 15. Mr. J. A. Davis. |
| 6. Mr. T. R. Venkatarama Sastriyar. | 16. " A. Chidambara Nadar. |
| 7. " G. I. Boag. | 17. " V. C. Vellingiri Gounder. |
| 8. " V. Pandrang Row. | 18. " P. Anjaneyulu. |
| 9. " J. F. Hall. | 19. " B. P. Sesha Reddi. |
| 10. Khan Bahadur Muhammad Abdulla Ghatala Sahib Bahadur. | 20. " T. M. Narayanaswami Pillai. |

The amendment was carried and clause B as amended was then put, passed and added to the Bill.

* The hon. the PRESIDENT :—"Clause C is now open to discussion. (After a pause) In the absence of discussion I will put clause C to the House."

Mr. K. P. RAMAN MENON :—"May I point out, Sir, that sub-clause (2) of clause B becomes useless in view of the passing of my amendment clause B (1)?"

* Mr. K. PRABHAKARAN TAMPAN :—"No, Sir. The only change was in the latter part of clause (1)."

The hon. the PRESIDENT :—"I put the whole of clause B just now."

Diwan Bahadur M. KRISHNAN NAYAR :—"With reference to this amendment, it has to be discussed. It was not discussed before."

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* The hon. the PRESIDENT :—" I put clause B after No. (1) was passed and I paused for a little while. Then I put the whole of clause B. There was no opposition to it. I am sorry the hon. Member did not get up in time."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I am more sorry, Sir, because on behalf of the people I must say that I am really affected by it."

Clause C.

Mr. K. P. RAMAN MENON :—" With reference to clause C, that becomes unnecessary on account of this House negating the amendment giving to non-cultivating verumpattam holders any right of occupancy."

* Diwan Bahadur M. KRISHNAN NAYAR :—" That is necessary, Sir, because sub-clause A of this clause refers only to kanam tenants. (I want my Friend Mr. Prabhakaran Tampan to kindly listen to me.) It has not become unnecessary, for clause A, as also clause B (1) and (2), both of which we have now disposed of, relate only to the renewal fees payable by kanam tenants. We have granted also occupancy right to all kuzhikanam tenants who are in actual occupation and permanent tenure to kuzhikanam tenants whose tenures came into existence in 1853 and before. Kuzhikanams are admittedly tenures renewable on the expiry of twelve years. So, we have made provision for payment of renewal fees to kuzhikanams. There is no difficulty at all if clause C reads thus :

"If a kuzhikanam tenant entitled to a permanent right of occupancy does not surrender his holding under the provisions of this Act, the landlord shall be bound to grant and the tenant to accept on the expiry of the term of the tenancy and thenceforward at the end of every successive term a renewal, on payment of the renewal fee. The renewal fee payable by a tenant on renewal shall be one year's rent."

"I think it may run on those lines."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, may I know what the discussion is about?"

* The hon. the PRESIDENT :—" It is about clause C."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" I beg to state, Sir, that I oppose this; because so far as the verumpattamdar is concerned, it is an admitted fact that he has been rack-rented. The Government themselves have come forward with an amendment that he should be secured enjoyment to the extent of one-third of the net produce of the land. In this Bill we find section 12 stating that whatever rent he is paying on the date of the passing of this Act, the verumpattam tenant is liable to continue to pay, whether it leaves him one-half, one-third or nothing. Therefore, to say that in addition to that he must be paying renewal fee from year to year, it will be taxing him to a degree which is not equitable. I submit that in the case of verumpattam tenants who, if this Bill is not passed, must be considered to be tenants from year to year, there should be no renewal fee at all; because being the man actually cultivating the land, the verumpattam tenant goes on paying the rent, the rent that he has agreed to pay whether it be less or more than what is proposed to be fixed; and to add to his heavy burden would be only making it harder for him. I hope that in those circumstances, being a man who has actually to pay both the janmis and the kanamdars the largest amount of produce—nobody here, be he a kanamdar or a janmi,

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[Mr. B. Muniswami Nayudu]

would say that the verumpattam tenant is paying now less than what he ought to pay. In those circumstances, I say that it amounts to taking away with one hand what we are trying to give by the other."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I am afraid what Mr. Muniswami Nayudu was saying would not apply to the present amendment. He was discussing the second part of Mr. Raman Menon's amendment No. 168. What we are discussing now is clause C of Mr. Ramalinga Chettiyar's amendment. I should like to draw the attention of Mr. Muniswami Nayudu to this: that we propose to exclude verumpattam tenants altogether from this. Therefore, the amendment that is now proposed to be put before you, Sir, is this :

"If a kuzhikanam tenant entitled to a permanent right of occupancy or to a permanent tenure does not surrender his holding under the provisions of this Act, the landlord shall be bound to grant and the tenant to accept on the expiry of the term of the tenure and thenceforward at the end of every successive term a renewal on payment of the renewal fee."

"I believe Mr. Muniswami Nayudu has no objection to kuzhikanam tenants getting such a right."

Rao Bahadur B. MUNISWAMI NAYUDU :—" I certainly have no objection if such an amendment is moved."

Mr. K. P. RAMAN MENON :—" Sir, I shall move an amendment to clause C embodying the idea of my hon. Friend Mr. Krishnan Nayar. That is :

"In line 1 between the words "a" and "tenant" insert the word "kuzhikanam"; delete the words "when such renewal is customary" occurring before the words "on payment of the renewal fee"."

* Diwan Bahadur M. KRISHNAN NAYAR :—" In seconding this amendment, I should say that one more addition is necessary. We have conceded renewal in the case of a kanamdar entitled to permanent right of occupancy under section 6 or to permanent right of tenure under section 7. But kuzhikanam tenants not in possession but whose right dates back to 1853 and before have also been conferred permanent tenure under section 7. So, I move

"that the words "or to a permanent tenure" be added after the words "to a permanent right of occupancy"."

The hon. the PRESIDENT :—" Does the hon. Member Mr. Ramalinga Chettiyar accept the amendment?"

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I have no objection."

The amendments were put and carried.

Clause C as amended was then put, passed and added to the Bill.

Clause D.

Mr. K. P. RAMAN MENON :—" I move

"that the word "kuzhikanam" before the word "tenant" be inserted and the words "when such renewal is customary" be deleted."

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

The amendment was put and carried.

Clause D as amended was then put, passed and added to the Bill.

[15th July 1926]

Clause 12.

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I move amendment No. 146 :—

'In line 2, after the word "tenant" insert the words "entitled to permanent right of occupancy under section 6 or permanent right of tenure under section 7."

"It is only to make the wording clear that I propose this. It may be accepted or not as the promoter of the Bill likes. If those words are added, I think it will make the thing clearer, and there will be no doubt about the class of tenants we are dealing with. It is with that idea that I want the change to be made."

Diwan Bahadur M. KRISHNAN NAYAR :—"I second the amendment. As a matter of fact, payment of rent which is provided for under this section refers only to tenants who have either fixity of tenure or permanent occupancy right. So it is desirable to make it clear."

The amendment was put and carried.

Rao Bahadur P. RAMAN :—"I move the following amendment :—

'Add at the end the words "until the same is revised under the provisions of this Act".'

"I have given notice of this amendment to clause 12 in order that these words may be read along with section 12 which deals with the payment of rent and renewal fee. If that is not passed, I want that the tenant shall pay the Government revenue and other public charges."

* The hon. the PRESIDENT :—"We might deal with the alternative amendment after this amendment is disposed of."

* Diwan Bahadur M. KRISHNAN NAYAR :—"It is not that I have any objection to this amendment. Of course, there are provisions lower down relating to the revision of rent and when rent is revised it is the revised rate that will come into operation, either reduced rent, or enhanced rent. What this section says is that the existing rent shall prevail, and the kanamdar or the kuzhikanam tenant, as the case may be, shall pay to the landlord rent or michavaram according to the engagement under which he is holding. As I said before, I have no objection to the amendment and I second it."

The amendment was put and carried.

Rao Bahadur P. RAMAN :—"I move amendment No. 149—

'Omit the provisos'."

5 Mr. K. P. RAMAN MENON :—"I have great pleasure in seconding this amendment. I am one of those who were responsible for the drafting of the section. When the matter was discussed in the select committee it was settled that if renewal fees were to be fixed, this enhancement of rent must go. That was the principle settled. Because renewal fees were actually omitted, this proviso as to enhancement of rent was also admitted. Now what the Council has arrived at is this: for 12 years, the amount which is a large part of the income of the property is to be given to the janmi or even sometimes a higher amount as renewal fee. Are we to pay it every year? What it comes to is this: first of all pay it every year and then once in 12 years. Are we to go to Singapore and the Straits to earn and pay this amount? Therefore, for

[15th July 1926]' [Mr. K. P. Raman Menon]

any enhancement of rent we are made to pay we shall not be liable to pay any renewal fee hereafter. I therefore strongly support Mr. Raman's amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"I oppose this motion. The principle of giving occupancy right conveys the idea that a kind of fair rent must also be fixed at that time. Wherever fixity of tenure has been granted, there has been proposal also for fair rent. It has been so in Ireland and other places. The moment a tenure undergoes radical changes it is only fair that the parties concerned should be given the opportunity of revising the rent. Now, Sir, the whole tenure in Malabar undergoes a radical change. The janmi who lets out the land at the present day thinks that the favourable rate fixed now would prevail only for a term and he can revise it at the next renewal time. Now to say that the rent once fixed is permanent is absolutely meaningless. And so far as the kanam demises are concerned, it is a notorious fact that the michavaram or rent fixed is not proportionate to the profits of the holding. In the kanam there is a kind of unearned income attached to it; and therefore it is only by way of helping a friend or dependant or one's own son or relation that the demises are given. Therefore, there is no inducement for the janmi or whoever that gives the demise to take into consideration how much rent the holding is capable of fetching or what maximum rent should be fixed on his holding, because he is doing it as a kind of advancement for the other party. It is because of the social conditions in Malabar that advantage is taken of that system by the kanamdar to demise the lands in favour of his dependants and wife and children who have no *locus standi* in the family itself. This kind of low michavaram obtains in the demises shown in the list of documents that I placed before the Council. Hon. Members would see that the michavarams attached to the kanam holdings in my family are only nominal. There are many like that; while others get a higher rate of michavaram. So, the proposal will only mean that people who have not been charging high michavarams and have been generous towards their tenants are penalised. That is a proposal which I would not accept. It was after due consideration that the Select Committee decided to revise the rate of rent and adopted these provisos. That committee consisted of 25 members, and most of them thought that it was a reasonable proposal. There is no meaning in saying now that these provisos should be omitted. I am sorry the tenants' representatives are overdoing their work. Because they are conscious they have a strong majority in the Council, they are suggesting these crucial points to be dropped. It is a serious injustice to the janmi community, and I strongly object to the omission of these provisos."

Mr. L. K. TULASIRAM :—"I thought at this late hour the representative of the janmis would not be contesting this point. It has been clearly understood from the elaborate minutes of dissent that these provisos have been given in substitution of the renewal fee which has been abolished. It is very clear that even the rules *mutatis mutandis* have been taken from the Madras Estates Land Act and now Mr. Prabhakaran Tampan, who is a representative of the janmis, wants both to have the cake and eat it. I am sorry that that cannot be."

* Mr. K. PRABHAKARAN TAMPAN :—"It was, I think, before the proposal to drop the renewal fee was taken up in the Select Committee that they fixed this rate of rent, not after that. Mr. Tulasiram was not in the committee. I do not know why those who were in the Select Committee did not care to say so."

[15th July 1926]

Mr. L. K. TULASIRAM:—"I have taken great care to go through the literature these four or five days. I think this report has been ill-drafted and ill-digested and I did not want to take note of it even as the hon. the Law Member did not take any note of it. Although I am a new member, I am only speaking on authority after having gone through the whole thing."

* Mr. K. PRABHAKARAN TAMPAN:—"I only said he was not a member of the Committee and he was not aware of the fact when the proposals for increasing the rents were decided. So this theory, namely, the increase of rent was proposed in place of the abolition of renewal fee, does not hold good."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I associate myself with everything that my Friend Mr. Tulasiram has said. As a matter of fact, my Friend Mr. Tampam's memory has failed him. What took place was, there was the question of renewal fee for consideration and the hon. the Advocate-General raised a series of questions for the consideration of the members of the Select Committee. And one question was whether renewal fee should be continued. Then there were other questions; if I remember correctly, as a matter of fact, I remember correctly my Friend Mr. Narasimha Raju who was sitting behind me at that particular meeting moved the amendment that renewal fee might be discontinued. That was put to vote and carried by a majority. It was subsequent to that, and after a great deal of discussion, that the provisions relating to minimum of rent were inserted. You will be pleased to note that in the Bill as drafted there are two kinds of clauses relating to enhancement of rent. Chapter III contains these provisions under section 12 dealing with enhancements. That was really meant as a sort of compensation for the abolition of renewal fee. In the next chapter, chapter IV, there are other provisions relating to future enhancements periodically after 20 years. These provisos to section 12 dealing with enhancements were meant really as substitutes for the renewal fees which had been abolished; in other words, they were really meant as compensation. The word compensation was originally there at the heading of the chapter. Mr. Tulasiram said that this Bill was ill-drafted and ill-digested. I do not mean to say that the drafting is perfect. At any rate, I say this: I gave considerable trouble to my hon. Friend the Advocate-General. His ability and experience in such matters is unquestioned, and so I should say that where there are blemishes they are mine and where there are excellences they are undoubtedly due to my Friend the Advocate-General. So that I and he are responsible, he for the good portions, and I do not deny there are blemishes for which I am responsible."

The motion that provisos to clause 12 be omitted was put and carried.

Mr. Prabhakaran Tampam asked for a poll and the House divided as follows:—

For : 28. Against : 1.

Ayes.

1. Mr. K. P. Raman Menon.
2. " H. B. Ari Gowder.
3. Diwan Bahadur O. Tanikechala Chettiyyar.
4. Rao Bahadur C. Natesa Mudaliyar.
5. Rao Sahib S. Ellappa Chettiyyar.
6. Diwan Bahadur P. C. Ethirajulu Nayudu.
7. Mr. R. Madanagopal Nayudu.

8. Mr. T. Mallesappa.
9. Rao Bahadur B. Maniswami Nayudu.
10. Diwan Bahadur P. Kesava Pillai.
11. Mr. J. A. Saldanha.
12. " A. Ranganatha Mudaliyar.
13. " S. Muttayya Mudaliyar.
14. " B. P. Sesha Reddi.

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Ayes—cont.

- | | |
|--|--|
| 15. Diwan Bahadur M. Krishnan Nayar. | 22. Mr. Muhammad Ghouse Mian Sahib. |
| 16. Rao Bahadur P. Raman. | 23. Khan Bahadur P. Khalif-ul-Jah Sahib Bahadur. |
| 17. Mr. K. Sarabha Reddi. | 24. Mr. Qadir Muhi-ud-din Sahib. |
| 18. " Chavadi K. Subrahmanya Pillai. | 25. " L. K. Tulasiram. |
| 19. " R. Veerian. | 26. " K. Uppi Sahib. |
| 20. Rao Bahadur A. S. Krishna Rao Pantulu. | 27. " C. Venkatarangam Nayudu. |
| 21. Mr. T. M. Narayanaswami Pillai. | 28. " N. Devandrudu. |

Noes.

1. Mr. K. Prabhakaran Tampam.

The motion was carried and the provisos were omitted.

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. 2064 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 15th July 1926, page 391 supra.]

Name of plant.	From whom ordered.	Approximate cost.
		RS.
1. Tools and plant of different kinds.	Bombay Development Trust.	1,61,700
2. 10-ton rollers	Marshall & Sons, Madras ...	9,900
3. Air compressor units for drilling.	Ingersoll Rand, Limited, Calcutta.	39,600
4. 600 tons of wrought iron girders for bridges.	South Indian Railway Company, Limited.	85,000
5. One mile of tramway track (complete) and 25 tipping wagons.	Parry & Co., Madras ...	11,100
6. 87 steel roof trusses for workshops.	Lakshmiratans, Limited, Madras.	7,000
7. 3 Calyx drills	Ingersoll Rand, Limited, Calcutta.	40,000
8. 200 Hudson tipping wagons.	Martin & Co., Calcutta ...	32,500
		3,86,800

[15th July 1926]

APPENDIX II.

[Vide answer to question No. 2072 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 15th July 1926, page 396 supra.]

Agreement.

Agreement between the Secretary of State for India in Council represented by _____ and the undermentioned persons, resident in the villages specified against their names in the _____ taluk, district.

(Here enter names and description of panchayatdars.)

2. The Secretary of State for India in Council hereby agrees to assign the area specified in the schedule hereunto annexed to the persons above mentioned who agree to form a panchayat and undertake the management of the same on the conditions set out below.

3. This agreement shall be in force from _____ to _____ but may be extended.

4. Vacancies in the panchayat shall be filled up by the general body of cattle-owners in the villages mentioned in the schedule subject to the approval of the Forest Panchayat Officer.

5. The Forest Panchayat Officer shall have power with the previous approval of the Collector of the district to remove any panchayatdar whose conduct as such or otherwise renders him in the opinion of such officer unfit to remain in office. The order of the Forest Panchayat Officer shall be final.

6. *Duties of panchayat.*—(i) The panchayat shall for each full year or portion thereof that this agreement remains in force pay in advance the amount of Rs. _____

(ii) The panchayatdars shall be jointly and severally liable for the payment of the amount mentioned in clause 6 (i) above.

7. The panchayat shall meet at least once in two months to transact business.

8. It shall convene periodical meetings of the general body of cattle owners and towards the close of every year shall produce its accounts for the scrutiny and approval of the general body.

9. The profits of the panchayat shall be utilized first for the improvement of the village forest, and then for any works of general utility to the panchayat villages.

10. It shall be the duty of the panchayat to ensure that the area assigned to it is used to the best advantage of the village community and for this end it shall

(i) prevent wilful damage to the area assigned to it for management by fire or other means;

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(ii) clear and maintain boundary marks in good condition;

(iii) exclude goats from the area;

(iv) close the whole area against grazing for two months after the first rains in the year, i.e., till _____ (month) _____ and limit the number of cattle permitted to graze to _____ cow units at the rate of _____ acres per cow unit;

(v) remove tree or bushy growth, regulate the fellings and see that all fellings are made flush with the ground;

[NOTE.—This provision is to be struck out in the agreement if the panchayat is not authorized to cut trees.]

(vi) allow the cutting of manure leaves only from shrubs and undergrowths in an area not exceeding _____ part of the block, viz., _____ acres, as marked out by the staff of the Forest Panchayat Officer annually by rotation;

(vii) refrain from and prevent the sale of fuel, timber and manure leaves to persons not resident in the panchayat villages;

(viii) report to the Tahsildar any offence for which prosecution is desired, or, when the offence may be compounded, recommend to him the amount for which composition may be sanctioned;

(ix) maintain the following accounts and registers in the form prescribed from time to time by the Forest Panchayat Officer:—

- | | |
|-------------------------------|--------------------------------|
| (1) Cash register. | (3) Permit forms in duplicate. |
| (2) Permit-holders' register. | (4) Minute book. |

11. The panchayat shall have power

(i) to issue permits and charge fees for grazing and for the removal of manure leaves, fuel and small timber for agricultural implements in the area assigned to them at the following rates;

(ii) to exclude any cattle from the area or to set apart any portion in the area for a particular class of cattle;

[NOTE.—This provision is to be struck out in the agreement if the panchayat is not authorized to make the collections.]

(iii) to exclude the cattle of any person who recklessly or mischievously sets fire to or otherwise causes damage to the area or who removes tree-growth for sale or who disobeys orders issued by the panchayat in exercise of the powers conferred upon it;

(iv) to impound cattle for grazing without permits;

(v) to regulate the removal of dead-wood and wind-falls;

(vi) to collect the sale-proceeds of the usufruct of all trees and other minor produce in the area;

(vii) to appoint watchers and pay them from the panchayat funds;

(viii) to permit the grazing of cattle in the villages of _____ besides those of the villages forming the area of the panchayat;

(ix) with the permission of the Forest Panchayat Officer, to make improvements to the area by way of planting trees, growing fodder grass and manure leaves, making cattle ponds, digging wells or improving them, clearing noxious growth or bunding streams and to utilize the entire revenue derived from such improvements for the benefit of the village community in the manner mentioned in clause 9 supra so long as the area assigned remains under its control.

[15th July 1926]

12. Failure to comply with any of the conditions above mentioned will be a ground for the cancellation of this agreement. The Board of Revenue reserves the right of such cancellation at any time without rendering any reasons, and on the cancellation of the agreement no refund of the amount mentioned in clause 6 will be allowed.

Schedule.

Area assigned.			Villages and hamlets forming the panchayat.	Taluk.	District.
Reserve.	Extent.	Boundary.			
	ACS.				

15th July 1926]

APPENDIX III.

[Vide answer to question No. 2074 asked by Mr. B. Ramachandra Reddi at the meeting of the Legislative Council held on the 15th July 1926, page 397 supra.]

The approximate cost of stationery required by the Madras Government annually during the years 1922-23, 1923-24 and 1924-25.

	1922-23.			1923-24.			1924-25.		
	Foreign.	Indi- genous.	Total.	Foreign.	Indi- genous.	Total.	Foreign.	Indi- genous.	Total.
Total cost of stationery including paper, pen, pencil and ink required by Government.	Rs. 8,09,491	Rs. 4,06,216	Rs. 12,15,707	Rs. 11,11,905	Rs. 3,55,729	Rs. 14,67,634	Rs. 3,47,786	Rs. 9,88,150	Rs. 13,56,936
1. Paper	5,08,762	2,50,173	7,58,935	8,36,572	84,605	9,21,177	1,06,716	7,12,182	8,18,898
2. Pen	7,651	6,500	14,151	19,306	..	19,306	21,103	..	21,103
3. Pencil (drawing, black lead, coloured and copying ink).	1,040	* 4,316	5,356	3,743	* 6,201	9,944	3,585	..	3,585
4. Ink (writing, printing, rubber-stamping and lithographic).	2,272	36,122	38,394	4,015	24,258	28,273	4,036	21,788	25,824

* Madras Pencil Factory.

[15th July 1926]

APPENDIX IV.

[Vide answer to question No. 2076 asked by Mr. K. Raghuchandra Ballal at the meeting of the Legislative Council held on the 15th July 1926, page 399 supra.]

Name of district.	Name of taluk board.
Anantapur	1. Dharmavaram.
South Arcot	2. Tirukkoyilur.
Cuddapah	3. Vriddhachalam.
Ganjām	4. Badvel.
South Kanara	5. Rayachoti.
Malabar	6. Chicacole.
Ramnad	7. Kasaragod.
Tinnevely	8. Ernad.
Vizagapatam	9. Palghat.
	10. Ponnani.
	11. Devakottai.
	12. Ramnad.
	13. Sivaganga.
	14. Kovilpatti.
	15. Parvatipur.

APPENDIX V.

[Vide answer to question No. 2082 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 15th July 1926, page 402 supra.]

G.O. Mis. No. 1776, P.H., dated 25th August 1925.

READ—the following papers:—

From the President, District Board, Kistna, R.C. No. 1941, dated 26th July 1924.

From the Director of Public Health, Madras, D. No. 350, P.H., dated 9th October 1924.

From the Director of Public Health, Madras, R. No. 2174-1, P.H., dated 7th November 1924.

From the Commissioner of Excise, Madras, R. No. 1070, Abkari, dated 14th May 1925.

Order—Mis. No. 1776, P.H., dated 25th August 1925.

The Government consider that the public health staff should not carry on anti-drink propaganda.

(By order of the Government, Ministry of Local Self-Government)

H. R. UZIELLI,
Deputy Secretary to Government.

To the Director of Public Health, Madras.
" Revenue Department.
" Commissioner of Excise, Madras.
" Presidents of District Boards of Kistna, Kurnool and Tanjore.

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 16th July 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.	Muniswami Nayudu, Rao Bahadur B.
Marjoribanks, The hon. Mr. N. E.	Muttayya Mudaliyar, Mr. S.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Narasimha Chari, Rai Bahadur F. M.
Moir, The hon. Mr. T. E.	Narasimha Raju, Rao Bahadur C. V. S.
Raja of Panagal, The hon. the.	Narayanawami Pillai, Mr. T. M.
Patro, The hon. Rao Bahadur Sir A. P.	Natesa Mudaliyar, Rao Bahadur C.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Obalesappa, Mr. B.
Abdul Wahab Sahib, Mr. M.	Pandrang Row, Mr. V.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Pediraju, P.
Adinarayana Chettiyar, Mr. T.	Prabhakaran Tampan, Mr. K.
Anjaneyulu, Mr. P.	Premayya, Mr. G.
Ankinedu Prasad Bahadur, S. R. Y.	Raghuchandra Ballal, Mr. K.
Appavu Chettiyar, Mr. D.	Raja, Rao Bahadur M. C.
Ari Gowder, Mr. H. B.	Rajan, Mr. P. T.
Arpudaswami Udavar, Mr. S.	Ramachandra Reddi, Mr. B.
Arumugam Nadar, Mr. P. K. S. A.	Raman Menon, Mr. K. P.
Bhanoji Rao, Mr. A. V.	Raman, Rao Bahadur P.
Biswanath Das Mahasayo, Sriman.	Ramalinga Chettiyar, Rao Bahadur T. A.
Boag, Mr. G. T.	Ramaswami Mudaliyar, Mr. A.
Chambers, Mr. G. W.	Rameswara Rao, Mr. G.
Chidambaram Nadar, Mr. A.	Ranganatha Mudaliyar, Mr. A.
Devendrulu, Mr. N.	Sagarum, Mr. P.
Ellappa Chettiyar, Rao Sahib S.	Saldanha, Mr. J. A.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Samuel, Mr. J. D.
Gangaraju, Mr. M.	Sarabha Reddi, Mr. K.
Ghouse Mian Sahib, Muhammad.	Sarvarayudu, Mr. K.
Gopala Menon, Mr. C.	Sasibhushan Rath Mahasayo, Sriman.
Gopalan, Rao Sahib P. V.	Satyamurti, Mr. S.
Guruswami, Mr. L. C.	Sesha Reddi, Mr. B. P.
Haji Qasim Sahib Bahadur, Khan Bahadur	Sitayya, Mr. M.
Haji Abd-ul-Jah.	Srinivasan, Rao Sahib R.
Hail, Mr. J. F.	Subrahmanya Pillai, Mr. Chavadi K.
Hezde Mr. Nazanna.	Sundaramurti, Rao Sahib P. V. S.
Heggade, Mr. D. Manjappa.	Suryanarayanamurti Nayudu, Diwan Bahadur K.
Kesava Pillai, Diwan Bahadur P.	Tangavelu Pillai, Rao Sahib T. C.
Khadir Mohiddin Elyas Khan Sahib, Mr.	Tanikachala Chettiyar, Diwan Bahadur O.
Khalit-ul-Jah Sahib Bahadur, Khan Bahadur P.	Tulasiram, Mr. L. K.
Koti Reddi, Mr. K.	Uppi Sahib, Mr. K.
Krishnan Nayar, Diwan Bahadur M.	Veerian, Mr. R.
Krishna Rao Pantulu, Rao Bahadur A. S.	Vellingiri Gounder, Mr. V. C.
Krishnama Achariyar, Rao Bahadur V. T.	Venkatachala Padayachi, Mr. K.
Maolou all, Sir Alexander.	Venkatarama Ayyangar, Mr. C. V.
Madanagopal Nayudu, Mr. R.	Venkatarama Sastriyar, Mr. T. R.
Madhava Raja, Mr. V.	Venkataramam Nayudu, Mr. C.
Madurai, Hon. Lieut.	Venkataramam, Mr. B.
Mallesappa, Mr. T.	Venkatareddi Nayudu, Rai Bahadur Sir K.
Marthandam Pillai, Mr. P. N.	Windle, Capt. E. G.
Mera Sahib, Mr. Muhammad.	Word, Mr. C. E.
Moidu Sahib, Mr. T. M.	Zamindar of Kallikota.

[16th July 1926]

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.]

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

11-10 a.m. The hon. the PRESIDENT:—"As the Members of the Executive Council are engaged on public business elsewhere we shall begin from question No. 2164."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I make a submission, Sir, with reference to the Members of the Government being engaged elsewhere? I submit that it is not treating this House with due courtesy. The hon. the Ministers are here and, if the Members of the Executive Council of the Government have any important business to transact which they think is more important than the business conducted in this House, it is certainly, consistently with their duty to this House and the respect due to this House, necessary that they should attend to such business either before 11 or after 5 or between 1-30 and 2-30 p.m. I submit it is not certainly treating the House with the respect due to it for the Members to be absent when their questions are taken up."

The hon. Sir C. P. RAMASWAMI AYYAR:—"It is far from me or my hon. Colleagues who were unfortunately absent on account of very pressing business of State to treat the House with discourtesy. But we had a meeting of the Council which could not be postponed and I think I sent word that I might be a little late. I am very sorry if the impression has been given that we are wanting in our duty to this House."

The hon. the PRESIDENT:—"I said when we began that the Members of the Executive Council were engaged on public business elsewhere and that was why I wanted to begin with question No. 2164. As the hon. the Law Member has come, we shall begin with question No. 2123."

STARRED QUESTIONS.

Bench Courts.

Representation of Nadars in the Bench Courts in Negapatam.

* 2123 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member be pleased to state—

(a) how many Bench Magistrate Courts there are in Negapatam;

(b) whether Nadars are represented in any one of the Bench Courts; and

(c) if not, the reason for the same?

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A.—(a) Two.

(b) No.

(c) No suitable candidate for the office was forthcoming from the community.

Diwan Bahadur M. KRISHNAN NAYAR:—"With reference to clause (c) may I ask whether the Government or the authorities on behalf of the Government made enquiries to find out whether there are suitable candidates among the Nadar community?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"It is as a result of such enquiries and a report that the answer has been given."

Civil Justice.

Public Prosecutor for the Tanjore district.

* 2124 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) who has been appointed Public Prosecutor for the Tanjore district;

(b) how long this gentleman has been a Public Prosecutor; and

(c) whether any non-Brahman practitioner was also recommended for the post?

A.—(a) M.R.Ry. K. Anantarama Ayyar Avargal.

(b) 15 years.

(c) No.

Mr. K. SARVARAYUDU:—"With reference to clause (c), I wish to know whether both the officers recommended the names of different gentlemen."

The hon. Sir C. P. RAMASWAMI AYYAR:—"No, Sir. Both of them suggested the name of this gentleman only."

Mr. A. RANGANATHA MUDALIYAR:—"Has the policy of the Government not to appoint one and the same man for more than two terms been given up?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"No, Sir. That circumstance was, as a matter of fact, represented to the District Magistrate and the District Judge and they both concurred in holding that for the time being this was the best arrangement."

Mr. B. MUNISWAMI NAYUDU:—"May I know how many non-Brahman practitioners are there in Tanjore?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"Notice, Sir."

Mr. B. MUNISWAMI NAYUDU:—"May I know if the District Judge recommended Mr. Anantarama Ayyar?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"Yes."

Mr. B. MUNISWAMI NAYUDU:—"And also the District Collector?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"Yes."

Mr. B. MUNISWAMI NAYUDU:—"They did not recommend any other name?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"No."

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Continuance of the temporary Judges of the High Court.

* 2125 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether the Government have come to any decision regarding the continuance of the temporary Judges of the High Court after 1st October; and

(b) whether it is a fact that the Government have addressed the Secretary of State on this subject?

A.—(a) & (b) No. The present sanction for the continuance of the two temporary High Court Judges expires on the 19th October 1926.

Elections.

Alleged electioneering activities of Mr. Venkatarama Raju, Assistant Engineer, Chicacole subdivision, in 1923.

* 2126 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that during the general elections of 1923 Mr. Venkatarama Raju, Assistant Engineer, Public Works Department, Ganjam district, indulged in electioneering activities; and

(b) whether the same officer was allowed to officiate as Executive Engineer in the Ganjam district, and whether he is now acting as Assistant Engineer in the Chicacole subdivision within the Ganjam district?

A.—(a) No.

(b) He is now officiating as Executive Engineer, Godavari Northern division.

Mr. A. RANGANATHA MUDALIYAR:—“May I know whether complaints against this officer were received by the Government?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“A complaint was received. The Government had no reason to believe the authenticity of the complaint.”

Date of the next elections to the Legislative Council.

* 2127 Q.—Mr. C. GOPALA MENON: Will the hon. the Law Member be pleased to state—

(a) whether the date for the next general election for the Local Legislative Council in the Presidency has been fixed;

(b) if not, when it will be; and

(c) whether any directions are expected from the Government of India in the matter of fixing the date for general election for the Local Council?

A.—No date for the next general election has yet been finally fixed. The question is still under consideration.

Mr. J. A. SALDANHA:—“Will Government be pleased to state the approximate date when the elections will be held?”

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The hon. Sir C. P. RAMASWAMI AYYAR:—“It will be some time in November. I have stated from my place more than once that for the sake of economy it is considered expedient to hold the Legislative Assembly and the Legislative Council elections together. As soon as that date has been fixed by the Government of India we shall arrive at a decision which will be given as wide a publicity as possible.”

Mr. J. A. SALDANHA:—“Is it not a fact that as the month of November is a rainy month for the eastern districts it will not be convenient for the public?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“The Government are aware of that circumstance, but there are overmastering circumstances which cannot really be overcome.”

Mr. J. A. SALDANHA:—“Is it expected that the Assembly might be dissolved not earlier than November and that elections may be postponed till the beginning of next year?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“We are not aware of that, Sir.”

General elections to the Legislative Council.

* 2128 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Law Member be pleased to state—

(a) when the general elections for the Legislative Council are coming off this year;

(b) what steps the Government have taken or propose to take to publish the qualifications of voters with a view to see that no qualified voters are wrongly omitted from the lists of voters;

(c) what agency has been appointed to prepare voters' lists;

(d) whether the Government are aware of the defects in the preparation of voters' lists and in the methods of election as pointed out in the press; and

(e) whether any precautions are taken to prevent false personation in voting?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 1759 delivered at the meeting held on the 24th March 1926 and to the answer to question No. 2127.

(c) The responsibility for preparing voters' lists rests on the registration officers constituted for the several constituencies. The necessary additional staff for assisting them in the work has been sanctioned in G.O. No. 79, Law (Legislative), dated 27th February 1926, published at page 412 of Part I of the *Fert St. George Gazette*, dated the 2nd March 1926.

(d) The Government will consider any defects that may be brought to their notice.

(e) The attention of the hon. Member is invited to regulations 26 and 27 of the regulations for the conduct of elections to the Legislative Council.

Mr. J. A. SALDANHA:—“May I know what steps have been taken with reference to clause (d)? One of the great defects brought to the notice of the Government was that the election centres were too far from the residence

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of voters and that at times they have to go 10 or 15 miles from their residence to exercise their franchise. Are the Government taking any steps to reduce the distance?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"In addition to a letter which I think the hon. Member addressed on that subject, Mr. Naganna Hegde has also drawn the attention of Government to the circumstance that in South Kanara district some of the polling centres are as far as 10 or 15 miles away. The attention of the District Magistrate has been drawn to that. A general policy has been laid down that polling centres should if possible be so fixed as not to necessitate a walk of more than three or four miles on the part of the voters. If there are any practical difficulties in the promulgation of that, the Government will carefully consider the matter."

Mr. J. A. SALDANHA:—"May I ask, seeing that the polling centres for the taluk board elections have been found convenient, whether the Government will be pleased to make use of them as polling centres for the Council elections also?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"That is a very large order. A taluk board or district board election may get on with a certain amount of arrangement, but to fix the polling centres for the whole presidency on that basis will be a very difficult thing and will call forth due condemnation from Mr. Saldanha himself who is a champion of the finances of our province."

Irrigation.

Report of the Ceded Districts Irrigation Committee.

* 2129 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Law Member be pleased to state—

(a) whether the Government have passed any orders on the report of the Ceded Districts Irrigation Committee;

(b) whether the Government propose to take action on the report of the Ceded Districts Committee; and

(c) if so, when; if not, why not?

A.—The Government are awaiting the receipt of signed copies of the report. They are meanwhile examining the report, and will issue orders on it in due course.

Rai Bahadur T. M. NARASIMHACHARLU:—"May I know who are the members that have not yet signed the report?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"I do not think my hon. Friend need bother about the details. Three members have not yet signed the report."

Rai Bahadur T. M. NARASIMHACHARLU:—"Were any reminders sent to them? They seem to have not much interest in the matter."

The hon. Sir C. P. RAMASWAMI AYYAR:—"Yes, Sir."

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Mr. A. RANGANATHA MUDALIYAR:—"The Government say that they are awaiting the receipt of signed copies of the report. Have they received reply to the references made to the Chief Engineer and the Director of Agriculture?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"The Chief Engineer, yes; the Director of Agriculture, no, so far as I am aware."

Breach of the channel bund at Sovenahalli.

* 2130 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether and, if so, when the bund of the supply channel of the tank at Sovenahalli (Kudligi taluk, Bellary district) breached;

(b) the measures, if any, taken to repair the breach or otherwise secure for the tank an adequate supply of water; and

(c) the extent of the total ayacut under the tank and the average area thereof irrigated during the last five years?

A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR:—"Will the Government be pleased to call for the information?" 11-20 a.m.

The hon. Sir C. P. RAMASWAMI AYYAR:—"It has already been done."

Repairs to the Manur channel in Tinnevely taluk.

* 2131 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether any steps have been taken for complete repairs to the Manur channel in Tinnevely taluk, Tinnevely district, which is under contemplation for many years;

(b) whether any estimate has been received and sanctioned for the current official year for silt clearance and the restoration of the bed to its original condition or for complete repairs to the channel; and, if so, what is the amount of estimate sanctioned for the same;

(c) if the answer to clause (b) is in the affirmative, whether any contribution has been fixed for the Uthumalai Estate, Tinnevely district, and if so, how much;

(d) whether the Uthumalai Estate is under the management of a receiver appointed by the District Court;

(e) if the answer to clause (d) is in the affirmative, whether the receiver has any legal objections to pay the contribution or to do any work for the channel in question; and, if so, what are his objections;

(f) if the receiver has any legal objection, whether the Collector of the Tinnevely district has taken any steps to move the District Court for necessary repairs to the Manur channel; and

(g) whether the work of repairs to the Manur channel has been stopped only on account of the objections of the receiver of the Uthumalai Estate; and, if so, what steps the Government intend taking to expedite the necessary repairs to the said channel?

A.—(a) to (c) & (e) to (g) The Government have no information, but have called for a report.

(d) Yes.

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Landlord and Tenant.*Alleged tendency of ryots in Kallikota, etc., to sell their lands.*

* 2132 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state the measures taken by the Government to ascertain the causes for and to arrest the tendency on the part of the ryots to sell their lands to non-cultivating classes in Kallikota and Attagada and also in some estates in Berhampore Division and in the Chitrad?

A.—The Government understand from the Collector of Ganjam that there is no general tendency towards alienation of lands to non-cultivating classes in Kallikota and Attagada and in Berhampore. As regards the portion of the Ramnad district referred to the Collector of Ramnad reports that the general poverty of the ryots is the main reason why lands are alienated to non-cultivating classes. It is not possible to eradicate the evil, but the introduction of cash rents and the spread of the co-operative movement can mitigate it.

Mr. A. RANGANATHA MUDALIYAR:—“Is one of the reasons for people selling away their lands the heavy assessment?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“The Government are not aware of that.”

Grazing rights in the tank bed in Tuzur village.

* 2133 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state what the Government have done to end the dispute between the mittadar and his tenants regarding grazing rights in the tank bed in Tuzur village, Namakkal taluk, Salem district, and secure for the tenants their grazing rights in the tank bed?

A.—As the matter is *sub judice* the Government do not propose to take any action.

Deputation of Mr. Evans.

* 2134 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) what justification there is for the deputation of Mr. Evans, I.C.S., as commissioner in connexion with the Malabar Tenancy Bill to Malabar;

(b) what places he has visited and proposes to visit and when and whom he consulted; and

(c) what the cost of the deputation will be?

A.—(a) Mr. Evans was not appointed Commissioner. He was asked to undertake the enquiries contemplated in the statement made by the hon. the Law Member at the meeting of the Legislative Council held on the 10th February 1926. The attention of the hon. Member is invited to G.O. No. 653, Law (General), dated 1st March 1926.

(b) Mr. Evans toured round Malabar and visited among other places, Calicut, Olavakode, Kollengode, Perintalmanna, Wandur and Tellicherry.

(c) He will draw only travelling allowance under the usual rules.

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Mr. J. A. SALDANHA:—“It appeared from the statement made by the hon. the Law Member that the Government had made up their minds with regard to certain fundamental principles of the Malabar Tenancy Bill. I want to know why then Mr. Evans was sent to Malabar, for what purpose?”

The hon. the PRESIDENT:—“The process of making up one's mind is never complete.”

Mr. J. A. SALDANHA:—“May I point out that Government had indicated what their attitude is with regard to the Malabar Tenancy Bill? Why then Mr. Evans was sent to Malabar at enormous cost?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“The cost is Rs. 567-6-0, and Mr. Evans is not entitled to anything more than the travelling allowance as he was not put on any special duty. The reason why he was sent to Malabar was to collect information with regard to questions like melcharth, and the question of securing cultivators in certain matters which are referred to in the amendments of Government.”

Legislative.*Procedure in regard to Bills referred to Select Committees.*

* 2135 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) whether it is the practice to pass on to the departments of the Government Secretariat concerned Bills referred by the Legislative Council to select committees;

(b) if so, whether it is then the practice of the Government Secretariat departments concerned to act under the chairman of the select committee for calling meetings of the select committee;

(c) how long this practice has been existing since the year 1921 and in the case of which Bills it has been followed during the last three years; and

(d) under what provision of law or rules the practice has been adopted?

A.—The hon. Member's question is not quite clear. Bills referred by the Legislative Council to select committees are not ‘passed on’ to Secretariat departments. Meetings of the committee are called by the Secretary to the Legislative Council under the instructions of the Chairman and draft reports of select committees are also circulated to members by the Secretary to the Legislative Council.

Mr. J. A. SALDANHA:—“May I draw the attention of the hon. the Law Member, since he is not aware of the departmental practice or the practice which has occurred in certain recent cases? My own Bill to amend the District Municipalities and Local Boards Act was referred to a select committee. It found its way into the Secretariat, but it has not yet come out of it. I found that there is some inordinate delay in the procedure. I want to know whether the existing procedure is correct or not.”

The hon. Sir C. P. RAMASWAMI AYYAR:—“I do not know what my hon. Friend means by saying ‘that it has found its way into the Secretariat’. It has found its way into the office of the Secretary to the Council. Whether from there it has started its way elsewhere I can't say. But the procedure indicated in the answer is correct.”

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Mr. J. A. SALDANHA :—" Mr. Veerian's Bill and my Bill found their way to the office of the Secretary to the Local Self-Government Department. I do not know which Bill has started its way from there. At least my Bill is sticking there still. I brought a complaint to the notice of Minister for Local Self-Government and I requested him to see that it came out. I do not know whether it has come out from the Legislative Council office or from the Government Secretariat concerned."

The hon. the PRESIDENT :—" It must have gone in an unofficial way."

Mr. J. A. SALDANHA :—" Unofficial or official, I do not mind."

The hon. the PRESIDENT :—" A member of Government is concerned only with the official ways of Government."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I have not been keeping quiet in the interval. I consulted the Secretary to the Council and the head of my department, Law Secretary, whether it has stayed there. They say no."

Mr. J. A. SALDANHA :—" May I ask you where is it? I make an assertion that it is not in the office of the Legislative Council, but it is in the Government Secretariat."

The hon. the PRESIDENT :—" I find it difficult to realize the import of the hon. Member's question. Is it the one, only and unique copy of Mr. Saldanha's Bill that has found its way into the Secretariat? He is surprised that copies of the Bill have found their way into the department of the Secretariat. If there are two or three copies of the Bill, I think one would have gone to the hon. Member concerned and one or two to the departments concerned. So, I cannot understand the hon. Member's question."

Mr. J. A. SALDANHA :—" It is not a copy of the Bill. The whole Bill has gone and it is the Secretary to the Local Self-Government Department that calls for meetings and makes other arrangements. As a matter of fact, it is the Secretary of the Local Self-Government Department that corresponds with me on this matter. I expected the Secretary to the Council to deal with the matter. On the other hand, I find that everything is done by the Government Secretariat."

The hon. Sir C. P. RAMASWAMI AYYAR :—" That is a very different matter. It will be looked into."

Alleged return of communications sent under 'Service Bearing'.

*2136 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether the different Government officials in different districts know that letters or communications addressed by the Members of the Legislative Council to their respective official addresses on matters of public importance or matters relating to Government posted under 'Service Bearing' should be honoured by them without returning them back to the Members of the Legislative Council making them to bear double the postal charges;

(b) if any circulars have been already issued to the different Government officials in all districts, when and to whom such circulars were issued;

(c) if no such circulars have yet been sent, whether the Government propose to do so now at least;

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(d) whether the Government have received any complaints from Members of the Legislative Council already about such dishonouring of their communications to the different Government officials on matters of public importance sent under 'Service Bearing'; and

(e) if so, the names of such Members of the Madras Legislative Council who suffered in this respect?

A.—(a) & (b) Yes; a circular memorandum was issued on the 31st August 1925 to all Collectors and heads of departments inviting their attention to the fact that Members of the Legislative Council may avail themselves of the concession of sending under the 'Service unpaid' system all letters, post-cards and packets addressed by them to officers of Government and relating to the affairs of Government.

(c) Does not arise.

(d) & (e) Yes; from M.R.Ry. Rao Sahib R. Srinivasan Avargal and Mr. J. A. Saldanha, besides the hon. Member himself.

Mr. R. VEERIAN :—" The answer given to this question reads thus :— 'Yes; a circular memorandum was issued on the 31st August 1925 to all Collectors and heads of departments inviting their attention to the fact that Members of the Legislative Council may avail themselves of the concession of sending under the "Service unpaid" system all letters, post-cards and packets addressed by them to officers of Government and relating to the affairs of Government.' I addressed letters relating to Government, 'Service Bearing' on 30th June 1926 not only to the Collector of North Arcot, but also to the Director of Public Instruction and District Educational Officer, Madras. I was obliged to pay penalties for doing public work. I want to know why these letters were returned even after the memorandum was issued by the Government on 30th August 1925."

The hon. Sir C. P. RAMASWAMI AYYAR :—" The memorandum was issued and presumably it would have been followed afterwards. If the hon. Members refer to certain instances in detail of mistakes as to such letters or documents, Government will investigate the matter. I may incidentally say that the concession will be withdrawn practically in a month or so, because the Government of India have decided so."

Mr. R. VEERIAN :—" Sir, I only wanted to know what we are to do as long as this concession lasts. The Government has not sent any subsequent orders cancelling their previous ones. My own complaint is that according to the memorandum that was already issued, my letters were returned on 30th June 1926 and I was obliged to pay penalty for them for doing public work."

The hon. Sir C. P. RAMASWAMI AYYAR :—" It is a legitimate grievance if as a matter of fact these letters have been returned. I am told that two such cases have brought to the notice of the Law Department and the Law Secretary has reminded the officers concerned that they ought not to have done what they did."

Mr. R. VEERIAN :—" In that case, am I entitled to get back the amount I paid?"

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Marine.*Working of the Cochin Port Trust Act.*

*2137 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

- (a) whether the Cochin Port Trust Act has been brought into force;
- (b) if not, for what reasons;
- (c) when the Local Government intend to bring the Act into force;
- (d) what are the various items of the receipts and expenditure during the years 1924-25 and 1925-26 in connexion with the port of Cochin; and
- (e) whether reports of the administration of the port for the last two years have been published, if not, for what reasons?

A.—(a), (b) & (c) The hon. Member is referred to the answer given to question No. 1697 at the meeting of the Legislative Council held on 20th March 1926.

(d) Copies of the budget estimates of the Cochin Port Fund, the Cochin Landing and Shipping Fund and the Cochin Pilotage Fund for 1926-27 will be furnished to the hon. Member.

(e) The Administration Report of the Madras Port Department for 1924-25, which has been placed on the Editors' Table, contains particulars about Cochin. The report for 1925-26 has not yet been received.

Mr. J. A. SALDANHA :—"With reference to the answers given to clauses (a), (b) and (c)—I am referring to the answer given in March last—may I know whether in easy distance of time whether the Cochin Port Trust Act will be brought into force?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"I may at once say that the Cochin Port Trust Act will be brought into force as soon as Cochin and Travancore Durbars implement the Act. The Cochin Port Trust Act has not yet been brought into force pending its acceptance by the Travancore and Cochin Durbars and the promulgation of a corresponding ordinance by the Cochin Durbar. The Cochin Durbar has sent a draft ordinance which is being scrutinized. As soon as it is over, the question will be considered shortly and the Act brought into force."

Mr. J. A. SALDANHA :—"With reference to the answer given to clause (d), may I know whether copies of the budget estimates of the Cochin Port Trust Fund will be placed on the table of the House?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"The Government came to the conclusion that it was a lengthy document and it was unnecessary to print 120 and more copies of this estimate for supplying them to the Members of this House. They were also confident that such crucial points as might arise from a scrutiny of these estimates would be brought forward by the hon. Member with his usual zeal and in an unequivocal manner."

Steam launch at Mangalore.

*2138 Q.—Mr. J. A. SALDANHA: With reference to the answer given on 14th March 1926 to my question No. 1655 regarding the sale of the steam launch at Mangalore, will the hon. the Law Member be pleased to state—

- (a) when, where, at what prices, from whom, through which agency, propose whom the steam launch in question was purchased;

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(b) whether the river at Mangalore was so silted up that the steam launch could not be used for the purposes for which it had been put to;

(c) whether the launch had so deteriorated that it had to be sold at a loss of over Rs. 61,000 for Rs. 17,500; to whom it was sold; and

(d) whether a new steam launch has been or is proposed to be purchased and at what cost, where, from whom and through which agency?

A.—(a) The Mangalore Landing and Shipping Fund obtained the steam launch "Mangalore" from the Bombay Dockyard in 1919. The book value of the vessel in that year was Rs. 78,970.

(b) Yes.

(c) Advertisements inviting tenders for the purchase of the launch were published in all the leading newspapers; but no offers were received. The Tuticorin Port Trust Board offered to purchase the launch for a sum of Rs. 17,500 and the Government approved the sale.

(d) In March 1926 the Government have sanctioned a proposal to place an order with Messrs. Brunton & Son, Cochin, for the construction and supply at a cost of Rs. 17,930 of a motor launch for the port of Mangalore.

Mr. J. A. SALDANHA :—"May I know whether the Government consider Rs. 17,500 as an adequate price?" 11-31 a.m.

The hon. Sir C. P. RAMASWAMI AYYAR :—"No, Sir. The demand for this kind of commodity was not great. Government could not use it in the port of Mangalore due to causes over which they had no control, especially owing to the silting up of the harbour in the floods of 1923. They advertised the sale and the best offer they could get was Rs. 17,500 from the port of Tuticorin."

Police.*Representation of depressed classes in the Police department.*

*2139 Q.—Mr. N. DEVENDRUDU: Will the hon. the Law Member and the hon. the Home Member be pleased to state how many officers belonging to the depressed classes are serving in the Police department either as inspectors, sub-inspectors, or constables?

A.—The numbers on 1st April 1926 were—

Inspectors	...	...	...	...	...	Nil.
Sub-inspectors	...	...	...	...	...	Nil.
Head constables	...	...	...	...	...	20
Constables	...	...	...	...	...	382

Mr. R. VEERIAN :—"May I know, Sir, whether the figures given here are for the whole Presidency or for the Telugu districts alone?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"Notice, Sir."

Mr. R. VEERIAN :—"May I know whether there are at least any sub-inspectors undergoing training in the school?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"Notice, Sir."

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Alleged stoppage of instruction in riding in the Police Training School, Vellore.

* 2140 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Law Member and the hon. the Member for Finance be pleased to state—

- (a) whether it is a fact that instruction in riding in the Police Training School at Vellore has been stopped of late;
- (b) if so, what are the reasons for such stoppage; and
- (c) what is the amount saved from such stoppage?

A.—(a) Yes—from the latter part of 1924 until October 1925. Instruction in riding has now been resumed at the school.

- (b) Instruction was stopped for a time partly for reasons of retrenchment, and partly because there were not then any gazetted officers or inspectors under training, sub-inspectors being no longer required to keep horses.

(c) About Rs. 13,500.

Recruitment of police sub-inspectors.

* 2141 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Law Member be pleased to state—

- (a) whether it is a fact that recruitment for posts of police sub-inspectors is going to be stopped for some years, and if so, what are the reasons;

(b) how many persons have been recruited for police sub-inspectors' posts in the Presidency for the last three years, and from which districts;

(c) whether any have been recruited from South Kanara;

(d) whether any Jains have applied for such posts during the last three years in the Presidency; and

(e) if so, what action was taken upon such applications?

A.—(a) There is no proposal at present to stop recruitment of sub-inspectors of police.

(b) A statement* is laid on the table.

(c) No candidate was selected from South Kanara in the past three years for want of vacancies in the district.

(d) & (e) Eight Jains applied for the posts of sub-inspectors during the last three years. None of them was selected.

Mr. A. RANGANATHA MUDALIYAR:—“With reference to the answer to clause (c), Sir, may I know whether it is the policy of the Government to post sub-inspectors to the districts of which they are natives?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“Not invariably, Sir.”

Mr. A. RANGANATHA MUDALIYAR:—“May I then know the reason why none was selected from the South Kanara district during the last three years?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“The answer is given there, Sir; but if the hon. Member wishes the question to be considered it will be considered.”

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Mr. A. RANGANATHA MUDALIYAR:—“May I know whether there is any ban on Jains becoming sub-inspectors of police?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“None, Sir.”

Reorganization of armed reserves.

* 2142 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state, with reference to G.O. No. 73, Judicial, dated 12th February 1925, whether the Government have received and, if so, what proposals from the Inspector-General of Police regarding the reorganization of armed reserves in the Madras Presidency?

A.—Proposals have been received from the Inspector-General of Police. They are under the consideration of the Government.

Mr. A. RANGANATHA MUDALIYAR:—“Can we have an idea of the proposals of the Inspector-General?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“It is a very comprehensive question, Sir. Orders of the Government will be issued shortly. A summary or a resume of the proposals of the Inspector-General will be placed before the Council.”

Mr. A. RANGANATHA MUDALIYAR:—“May I know whether we will be given an opportunity for giving our opinions on the proposals before final orders are passed thereon?”

The hon. the PRESIDENT:—“That is a suggestion for action.”

Police station for certain villages in Gudiyattam taluk.

* 2143 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether there is any police station in Motlure, hamlet of Arambakkam village, Litreri post office, Gudiyattam taluk, and in Devanampet village, Gudiyattam taluk;

(b) if there are no police stations in those villages, which is the nearest police station for those villages;

(c) what is the distance between the police station and those villages; and

(d) whether there is any likelihood of a ‘B’ police station being located in any of those villages to prevent unlawful oppression and trouble caused to the depressed classes and for other purposes also?

A.—(a) There is no hamlet named “Motlure” attached to Arambakkam village in the Gudiyattam taluk; there is one named Mottur. There is no police station in this hamlet or in Devanampet village.

(b) & (c) The nearest police station is Katpadi, 5 miles away. The villages are however in the jurisdiction of Kilvaittinankuppam police station which is 7 miles from them.

(d) No.

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Railways.*Construction of overbridges at Calicut Railway station.*

* 2144 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Law Member be pleased to state—

(a) whether a memorial has been sent by a large number of Calicut citizens to the Agent of the South Indian Railway Company at Trichinopoly requesting the Railway Company to construct two overbridges at the first and second Railway gates at the Calicut Railway station; and

(b) whether the Government have any objection to represent to the South Indian Railway Company the need to take the necessary steps to obviate this inconvenience as early as possible?

A.—(a) & (b) The Government have no information and cannot undertake to make any representation to the Railway Company in the absence of evidence that serious inconvenience is being caused to the public.

Rao Sahib P. V. GOPALAN :—“ May I know, Sir, whether a copy of the memorial reached the Government? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ Not that I am aware of, Sir.”

Rao Sahib P. V. GOPALAN :—“ In the next question, Sir, the Government say that they received the memorial, that was also sent to the Agent of the Railway Company but the Government acknowledge it. May I ask whether in this case they did not see the memorial at all? ”

The hon. the PRESIDENT :—“ That is the presumption.”

Shifting of the Railway station at Trikkānad to Udma.

* 2145 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Law Member be pleased to state—

(a) whether the Agent, South Indian Railway, Trichinopoly, has received a memorial signed by the traders and residents in and around Trikkānad (South Kanara district) protesting against the shifting of the Railway station at Trikkānad to a new place called Udma;

(b) whether it is a fact that when the Railway Company on a former occasion wanted to shift the station to Udma, they gave up the idea as a result of thorough investigation into all details and in response to a very strong public feeling; and

(c) whether it is a fact that the Railway Board that visited the station in 1924 was pleased, in their reply to a deputation that met the Board, to say that Trikkānad station will not be removed from its present site and that provisions will be made for a lay-by at Trikkānad as the present site is the best suited one?

A.—(a) A memorial was received by Government and was referred to the Agent, who reported that it had been decided to open a trial station at Udma in order to watch its effect on the traffic of Trikkānad.

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

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Rao Sahib P. V. GOPALAN :—“ Sir, may I just ask the hon. the Law Member whether, if the traffic in the existing station goes down as a result of the opening of the new station, the old station will be closed and the new station retained? ”

The hon. the PRESIDENT :—“ That is a hypothetical question.”

State Prisoners.*Release of Mr. P. Narayana Menon.*

* 2146 Q.—Diwan Bahadur M. KRISHNAN NAYAR : Will the hon. the Law Member be pleased to state whether the Government have any intention now of releasing Mr. P. Narayana Menon from jail with or without conditions?

A.—The answer is in the negative.

Diwan Bahadur M. KRISHNAN NAYAR :—“ May I know, Sir, whether the Government have changed their mind after the receipt of the letter from the European gentleman referred to in one of the previous questions? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The answer is in the negative, Sir.”

Political detainees in the Presidency.

* 2147 Q.—Mr. J. A. SALDANHA : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to place before the Council a statement giving the names of all persons of this Presidency and of other provinces in British India and Indian States detained as political prisoners in this Presidency without having been tried in a Court of Justice and convicted and showing

- (a) the prisons or places in which they are detained;
- (b) how they are treated as to lodge, dress, diet and comforts;
- (c) the allowances in money or kind granted to them;
- (d) from what date they have been detained; and
- (e) under what authority or on whose orders and for what causes?

A.—(a) The Government do not think it expedient to publish these particulars.

(b) Suitable provision is made for the support of State prisoners according to their rank in life and their wants. Those detained in jails are given suitable accommodation and are not required to wear jail clothing; each is given an allowance which includes an extra provision for luxuries.

(c) & (d) A list giving the names on 1st May 1926 of State prisoners belonging to this Presidency and the dates from which they have been detained and the allowances granted to them is laid on the table.

Nos. 66-83 in the list and Nos. 168, 169, 177 and 178 will shortly be released from jail and detained under police surveillance. They will be granted an allowance of Rs. 12 each per mensem for the first six months of their detention outside jail and an allowance of Rs. 5 each per mensem thereafter.

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- (e) With the exception of five prisoners who have been detained by the Agent to the Governor, Vizagapatam, under Ganjam and Vizagapatam Act, 1839, subject to the approval of the Local Government, the persons shown in the list are Mappillas dealt with by the Local Government under the Madras State Prisoners' Regulation, 1919, and the Moplah Outrages Act, 1859, for complicity in outbreaks in Malabar.

Mr. J. A. SALDANHA :—" May I know, Sir, whether the Government consider these allowances to be adequate ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" These allowances are given with reference to the status of the persons and their other incomes. "

Mr. J. A. SALDANHA :—" Sir, even a coolie earns eight annas a day ; when such is the case, may I know whether there is any person in this presidency whose status entitles to him only to Rs. 3 or Rs. 6 or Rs. 12 per month ? "

Diwan Bahadur P. KESAVA PILLAI :—" With reference to the answer to clause (b), may I know what are the luxuries referred to ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Notice, Sir. "

Mr. J. A. SALDANHA :—" May I know, Sir, which the Government consider to be necessities and which luxuries ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I can give a general answer, Sir ; but if details are required, I should like to have notice. "

Land Revenue.

Cultivation of wet crops in Hospet.

* 2148 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state whether in spite of the fact that there is no prohibition of wet cultivation within fifty yards of municipal limits, the Government have directed that wet crops should not be raised in survey Nos. 1, 2, 3 and 4 of Hospet town, Bellary district, and if so, why ?

A.—On the application of the holder of these lands Government sanctioned in 1920 the supply of water for dry or garden crops but not for wet crops.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, in spite of the fact that the rule prohibiting wet cultivation within fifty yards of the municipal limit has been cancelled, may I know why wet cultivation is prohibited in the areas referred to ? "

The hon. Mr. N. E. MARJORIBANKS :—" It depends upon the quantity of water available, Sir. "

Assignment of punja lands to ex-military men.

* 2149 Q.—Mr. R. VEERIAN : With reference to question No. 1536 regarding assignment of punja lands to ex-military men answered at the meeting, dated 5th March 1926, will the hon. the Member for Revenue be pleased to state whether the Government have made or propose to make any enquiries into the matter ?

[16th July 1926]

A.—The Government have made enquiries. An extent of 322.40 acres of the Kattianallur disafforested block situated within the limits of A. Kurumbur village was reserved by the Collector in November 1921 for cultivation by Adi-Dravidas, who entered on the lands in 1922, reclaimed them at some cost and began cultivation in 1924. Subsequently there was a proposal to reserve an extent of 97.16 acres in the area for assignment to ex-sepoys, but, as the Adi-Dravidas have been in occupation for some time, the Collector now proposes to set apart the whole extent (322.40 acres) for Adi-Dravidas.

Most of the fields are stated to lie within a radius of half a mile from the Villupuram-Trichinopoly chord railway line, now under construction. Assignments will be made after the requirements of the Railway for the construction of the line have been definitely settled.

Public Service.

Qualifications for appearing for Special Test Examinations.

* 2150 Q.—Mr. A. CHIDAMBARA NADAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the clerks in departments of Government who do not possess the minimum educational qualifications but entertained before 6th August 1917 are allowed to appear for Special Test Examinations ; and

(b) if so, whether clerks in the local boards under similar conditions come under rule 4 of the Rules for the Special Test Examinations ?

A.—(a) The hon. Member is referred to article 4 of the Special Test Notification and the note to article 1 of the Public Service Notification published on pages 48 and 35 respectively of Part I-B of the *Fort St. George Gazette* dated 15th January 1924.

(b) No.

Transfer of officers to Cuddapah district.

* 2151 Q.—Rai Bahadur T. M. NARASIMHACHARLU : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the officers posted to Cuddapah district are sent there as a punishment ;

(b) what steps Government will take to remove the impression that it is so ; and

(c) whether the Government make any discrimination in the posting of officers to the several districts ?

A.—(a) The answer is in the negative.

(b) The Government are not aware that there is any such impression or any foundation for such an impression.

(c) The answer is in the affirmative.

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Temporary trusteeship of the Kunnakudi Mutt.

* 2152 Q.—The RAJA OF RAMNAD: Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether the Collector of Ramnad permitted his Huzur Sarishtadar, Mr. V. Ramalinga Mudaliyar, after having granted him leave, to accept the temporary trusteeship of the Kunnakudi Mutt under the Hindu Religious Endowments Board;

(b) how this permission satisfies the rule requiring the loan of Government officers only in cases where public interests would otherwise suffer without such a loan;

(c) whether the Collector of Ramnad permitted the same gentleman to apply for the trusteeship of the Madura Devasthanam and recommended his application strongly to the Madura District Judge;

(d) whether this individual was once invested with first-class powers and whether the same was withdrawn on grounds of incompetency;

(e) whether this individual also was passed over from being promoted as Deputy Collector; and

(f) if the answers to these questions are in the affirmative, what was the justification for the Collector recommending him to the District Judge for appointment as Madura Trustee and permitting him to seek the temporary trusteeship of the Kunnakudi Mutt?

A.—(a) & (c) The Government have no information to this effect.

(b) The hon. Member is apparently referring to the principles that in practice are applied to transfers of Government Officers to foreign service. The case put in the other clauses of the question however appears to be one of giving permission to an Officer to take up private employment, a matter regulated by Fundamental Rule 69.

(d) The Officer in question was once invested with first-class magisterial powers and these powers were withdrawn as the Government decided not to select him for the post of Deputy Collector.

(e) The officer in question has not been selected for promotion to the rank of Deputy Collector.

(f) Please see the reply to clauses (a) and (c). It does not necessarily follow that because an officer has not been selected for the post of Deputy Collector, he would not be suitable for employment in connexion with temple management.

Village Establishments.*The Madras Village Officers' Restoration Bill.*

* 2153 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Madras Village Officers' Restoration Bill which was passed by the Legislative Council this year has been brought into operation;

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(b) whether the Government have received any memorials from the village officers complaining against the reduction of their existing salaries, and, if so, what action has been taken in the matter; and

(c) what is the additional amount of expenditure to be incurred on account of the restoration of village officers in the Presidency?

A.—(a) The Village Officers' Restoration Bill became law on 6th July 1926.

(b) Several memorials were received previous to and during the discussion on the Bill and were duly considered by Government in deciding the rates of salary to be paid after restoration.

(c) It is not proposed to incur any expenditure in excess of the budget allotment for the current year.

Mr. B. RAMACHANDRA REDDI:—"May I know whether the Village Officers' Restoration Bill is only a permissive legislation?"

The hon. Mr. N. E. MARJORIBANKS:—"I do not follow the question, Sir. What Government propose to do in regard to that Bill has been stated several times in this House."

Mr. B. RAMACHANDRA REDDI:—"May I know whether the Government are aware that in certain districts the officers who were thrown out in 1920 and after have not been reinstated yet?"

The hon. Mr. N. E. MARJORIBANKS:—"Nobody has been reinstated yet, Sir. The Bill became law only on the 6th instant."

Arms and Explosives.*Issue of licences for guns.*

* 2154 Q.—Mr. C. MUTTAYYA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) how many licences for guns, revolvers, rifles and pistols have been issued by the District Magistrate of Chingleput for the last two years ending December 1925;

(b) how many of them were renewed for the next year;

(c) how many were rejected and on what grounds;

(d) how many licences were issued for the possession of revolvers for the servants of respectable people for the year ending December 1925 in the above district;

(e) how many applications of respectable people for the possession of revolvers by their servants were rejected and on what grounds;

(f) what is the maximum number of licences that can be issued for any respectable gentleman for the possession of revolvers by his servants; and

(g) whether the licence holders are permitted to keep the revolvers in their possession when the licences are sent to the District Magistrate at the end of the year for the purpose of renewal and when the matter of such renewal is under correspondence?

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- | Year. | Guns. | Revolvers. | Rifles. | Pistols. |
|------------------------|-------|------------|---------|----------|
| A.—(a) (1) 1924 | 294 | 12 | 7 | 4 |
| (2) 1925 | 188 | 9 | 7 | 2 |
| (b) For 1925 out of | 283 | 8 | 6 | 3 |
| (a) (1). | | | | |
| For 1926 out of | 167 | 7 | 3 | ... |
| (a) (2). | | | | |
- (c) One. This was for a revolver whose possession was not desirable in view of local factions.
- (d) None.
- (e) Two. The status of applicants did not justify retainers or servants to carry weapons in the course of their duty.
- (f) No maximum exists, but ordinarily it is undesirable that a servant should be allowed to have a revolver.
- (g) Yes, so long as the possession is licensed. A licence-holder is expected to apply for renewal of his licence sufficiently long before the date of its expiry to enable the issue of orders on the application before the 1st January.

Criminal Tribes Act.

Registration under Criminal Tribes Act.

* 2155 Q.—MR. G. RAMESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) how registration under Criminal Tribes Act has affected crime in the Presidency and Anantapur district in particular; and

(b) whether any scrutiny is made into the lists of persons proposed for registration and if so by whom?

A.—(a) Since registration under the Criminal Tribes Act came into force, there has been a decrease in crimes committed by criminal tribes members in Anantapur. The change in the total volume of crime in the Presidency is in the same direction.

It is, of course, impossible, when causes of fluctuation being so numerous, to assess exactly the influence of any one cause.

Statement I.

Number of convictions in respect of criminal tribes to whom the Act has been applied.

	Number of convictions under Indian Penal Code before registry for five years.	Number of convictions under Indian Penal Code after registry during the last five years.
Whole Presidency	5,601	3,662
Anantapur district	162	99

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Statement II.

Total number of grave crimes in the whole Presidency and in the Anantapur district.

Year.	Total number of grave crimes in the whole Presidency.	Total number of grave crimes in Anantapur district.
1915	36,089	991
1916	35,660	773
1917	36,960	692
1918	42,956	902
1919	50,754	1,138
1920	42,882	1,233
1921	39,301	1,298
1922	35,883	1,166
1923	32,955	971
1924	36,410	1,272

(b) The hon. Member is referred to the answer to clause (a) of question No. 1617 put by him.

Depressed Classes.

Amelioration of the Nayadis.

* 2156 Q.—RAO SAHIB R. SRINIVASAN: Will the hon. the Home Member be pleased to state—

(a) with reference to answer to question No. 556 on the 20th March 1925 regarding Nayadis, whether the Government have examined the practicability of the proposal suggested by me, i.e., either to help them to emigrate them to Assam, Ceylon and Burma or to find a settlement in or out of Malabar; and

(b) whether Government propose to ameliorate their condition and protect them from political and religious propagandists?

A.—The attention of the hon. Member is invited to the answer to question No. 2197.

MR. R. VEERIAN:—“May I know whether any honorary labour officer was appointed to look after the interests of the depressed classes of Malabar?”

The hon. KHAN BAHADUR MUHAMMAD USMAN SAHIB BAHADUR:—“I have already answered that question, Sir.”

MR. R. VEERIAN:—“May I know whether any suggestions were made to the Government regarding the amelioration of the Nayadis and others?”

The hon. KHAN BAHADUR MUHAMMAD USMAN SAHIB BAHADUR:—“I have already answered that question, Sir.”

Emigration.

The Ceylon labour recruiting depots in the Presidency.

* 2157 Q.—MR. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether the labour recruiting depots in several districts submit any statements to the Labour Commissioner, Madras, or to Government, Madras, in connexion with the number of coolies such depots or agencies recruit and send to Ceylon;

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- (b) how much the coolies are paid daily or monthly giving separate figures in the case of men, women and adults;
- (c) whether they are recruited and sent on agreement;
- (d) if so, for how many years;
- (e) the facilities and other advantages shown on the estates as regards housing, education, hospital, etc.; and
- (f) if the Government have no information, whether they will be pleased to call for the information?

A.—(a) No.

(b) & (e) The attention of the hon. Member is invited to the statement of information relating to Ceylon, a copy^a of which is placed on the table of the House.

(c) Agreements are sometimes taken but are not compulsory.

(d) One month is the maximum period for which an agreement can be entered into.

(f) Does not arise.

Mr. R. VEERIAN:—"May I know, Sir, whether any assistance is given to the married women coolies by way of leave with pay for one month in a year?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I want notice of the question, Sir."

The Malay States labour recruiting depots in the Presidency.

* 2158 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether the labour recruiting depots in several districts submit any statements to the Labour Commissioner, Madras, or to Government, Madras, in connexion with the number of coolies such depots or agencies recruit and send to Malay States;

(b) how much the coolies are paid daily or monthly giving separate figures in the case of men, women and adults;

(c) whether they are recruited and sent on agreement;

(d) if so, for how many years;

(e) the facilities and other advantages shown on the estates as regards housing, education, hospital, etc.; and

(f) if the Government have no information, whether they will be pleased to call for the information?

A.—(a) No.

(b) & (e) The attention of the hon. Member is invited to the statement of information relating to Malaya a copy^b of which is placed on the table of the House.

(c) Agreements are sometimes taken but are not compulsory.

(d) One month is the maximum period for which an agreement can be entered into.

(f) Does not arise.

^a Printed as Appendix III on pages 590-591 infra.

^b Printed as Appendix IV on pages 591-593 infra.

[16th July 1926]

Forests.

Working of the Forest department in Cuddapah district.

* 2159 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Home Member be pleased to state—

(a) whether the Government propose to reduce the number of District Forest Officers in Cuddapah district;

(b) whether the Forest department in the district worked at a loss or profit during the last three years;

(c) whether the Government intend to reduce the price of green manure leaves for agriculture; and

(d) whether the Government propose to work the Cuddapah forests on a commercial basis and to exploit the forest produce and specially red sanders in the district?

A.—(a) No.

(b) The figures of receipts and charges are as follows:—

		Receipts.	Charges.
		RS.	RS.
1922-23	...	1,73,940	2,82,034
1923-24	...	1,82,474	2,60,724
1924-25	...	1,87,443	2,31,386

The figures for 1925-26 are not available.

(c) The Government are awaiting the report which they have called for from the Chief Conservator and the Director of Agriculture on the subject.

(d) There are at present no proposals to work the Cuddapah forests on a commercial basis. As regards the exploitation of forest produce especially red sanders, the Government understand that the Chief Conservator is taking necessary action in the matter.

Rai Bahadur T. M. NARASIMHACHARLU:—"May I know the cause for the excess of expenditure over receipts?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"There is no special reason."

Rai Bahadur T. M. NARASIMHACHARLU:—"May I then know the general cause at least?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"We have to spend money for keeping the forests in good condition."

Rai Bahadur T. M. NARASIMHACHARLU:—"On the establishment or otherwise?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Both on the establishment and otherwise."

Rai Bahadur T. M. NARASIMHACHARLU:—"Is it not a fact that forest panchayats are going to be created in the district and if so cannot the establishment be reduced?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"When all the panchayats are formed the question will be considered."

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Forest Panchayats.*Progress in the formation of forest panchayats.*

* 2160 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Home Member be pleased to state—

(a) what progress has been made up to the end of May 1926 in the formation of forest panchayats, and what is the retrenchment effected so far; and

(b) whether the Forest Panchayat Officer is a subordinate of the Forest Department and of the Revenue Divisional Officers?

A.—(a) The Government have called for the information.

(b) No. The hon. Member's attention is invited to paragraphs 6 and 7 of G.O. No. 912, Development, dated 23rd June 1926, which has been placed on the Editors' Table.

Mr. B. RAMACHANDRA REDDI:—"With reference to clause (a) may I know when the information was called for?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"As soon as the question was received."

Mr. B. RAMACHANDRA REDDI:—"How many months back, Sir?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"The dates are given in the question paper, Sir."

Government Houses.*Government House at Guindy.*

* 2161 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether there was ever a proposal or whether there is one at present to utilize the present Government House in Madras for certain public offices, while reserving the Government palace at Guindy for the residence of His Excellency the Governor and His Excellency's household and staff throughout the Madras season;

(b) for what purposes are the Government palace and houses at Guindy to be used in the year 1926-27; and

(c) for what reasons those buildings have been used only occasionally for the residence of His Excellency, the Governor and His Excellency's household and staff and not throughout the Madras season?

A.—(a) The attention of the hon. Member is invited to the Proceedings of the Legislative Council on 16th March 1920 published at pages 746-47 of the *Fort St. George Gazette*, Part IV, dated 16th March 1920.

(b) & (c) Government House, Guindy, and its appurtenances are placed at the disposal of His Excellency the Governor for use at his discretion.

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Construction of quarters for the Military Secretary to His Excellency the Governor.

* 2162 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state whether the house for the Military Secretary to His Excellency the Governor for which an allotment was sanctioned last year has been completed or is being built, and at what cost?

A.—The house is being built. It is estimated that the cost will be Rs. 63,000.

Archæology.*Protected monuments under the Ancient Monuments Preservation Act.*

* 2163 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Finance be pleased to state—

(a) what are the ancient monuments that have been declared protected under the Ancient Monuments Preservation Act in South Kanara district;

(b) what are the reasons for protecting them under the Act;

(c) how many of such monuments appertain to Jains; and

(d) whether the Chavadi of the Moodbidri Palace in South Kanara has been brought under the said Act and, if so, when and under what conditions?

A.—(a) A list is given below:—

- (1) Hill fort at Bekal.
- (2) Mangaladevi temple in Mangalore.
- (3) Sultan's battery near Mangalore.
- (4) Stambha in front of the Kotakeri Jain Basti at Bappanad.
- (5) Jamalabad fort at Nada.
- (6) Inner court-yard of the Chowtar's Palace at Mudabidri.
- (7) Jain tombs at Mudabidri.
- (8) Jain statue of Gummatesvara at Karkal.
- (9) Chaturmuka temple at Karkal.
- (10) Great Mana Stambha at Hiriyaangadi.
- (11) "Kathali Basti" consisting of two small ruined stone built Jaina mandapas, a little Siva temple containing a linga and a small oblong stone built temple (in the Hosal village).

(b) Because they are of archæological or historical importance.

(c) Seven, viz., items (4) and (6) to (11) in the list given against clause (a).

(d) If the hon. Member will kindly state whether he refers to item (6) in clause (a) or to some other part of the same building, the information will be called for.

Local Boards.*Nominations to some union boards in Chingleput district.*

* 2164 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that there is no representative of the depressed classes either on Karangkuzbi Union Board or on Madurantakam Union Board, Chingleput district, to represent the depressed classes;

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(b) when the period of members nominated to these boards is going to expire; and

(c) whether any circulars have been issued to see that the nomination of depressed classes to these union boards was not being ignored?

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

(c) General instructions have been issued by the Government to the effect that whenever a suitable nominee is available, a member of the depressed classes should be nominated to taluk and union boards unless the community has already secured adequate representation by election.

Mr. R. VEERIAN :—“With reference to the answer to clauses (a) and (b) may I respectfully ask whether any attempt was made to get the information?”

The hon. the RAJA OF PANAGAL :—“Sir, no attempt was made.”

Mr. A. RANGANATHA MUDALIYAR :—“With reference to clause (c) may I know what are the qualifications that must be possessed by the candidate? Are they educational qualifications or property qualifications?”

The hon. the RAJA OF PANAGAL :—“In the first place, the candidate must be willing to serve on the board; secondly, the candidate must be in a position to understand what is going on in the board. These are the general qualifications.”

Mr. A. RANGANATHA MUDALIYAR :—“When an illiterate gentleman can be the chairman of a union board, what is there to disqualify these persons from becoming members when the proceedings of the unions are conducted in the vernaculars?”

The hon. the PRESIDENT :—“Literacy is not necessary for understanding the proceedings.”

The hon. the RAJA OF PANAGAL :—“I did not say that illiteracy is a disqualification.”

Mr. R. VEERIAN :—“May I know whether effect was given to the decision of the Committee to change the rule regarding the power of nomination?”

The hon. the PRESIDENT :—“What authority has the Committee to change the rule?”

Mr. R. VEERIAN :—“The Advisory Committee sat in Ootacamund and decided that the power of nomination should be taken away and vested with somebody else. I want to know whether effect has been given to that decision.”

The hon. the RAJA OF PANAGAL :—“I may point out that the Committee has no authority to change the law regarding the nomination of members. The power is as matters stand vested in the presidents.”

Mr. R. VEERIAN :—“The Committee recommended a change in the law; I should like to know what has become of that recommendation. I am perfectly aware that the Committee has no right to change the law.”

The hon. the RAJA OF PANAGAL :—“The recommendation can be given effect to only by amending the Act. As to when the amending Bill can be introduced depends upon the convenience of the Council.”

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Medical.*Government School of Indian Medicine.*

* 2165 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the strength of the staff engaged in the teaching work in the Government School of Indian Medicine with their respective qualifications;

(b) how many of them have taken degrees in Ayurveda with the names of the Universities that conferred such degrees;

(c) whether the preparation of medicines forms part of the course of study in the school, and if so, what amount of time is utilised or set apart during each year's course and for each of the medicines (for instance in Ayurveda—for the preparation of Asavas Khajalis, Vantoushadhas, Arishtas, Choornas, Lehyas, etc.);

(d) if the course of study includes the preparation of medicines, whether the instructions laid down in Ayurvedic Sastras are followed or whether up-to-date electrical or mechanical devices are adopted;

(e) what is the nature of practical training, if any, that is given in the school; and

(f) how far allopathic system is given a place in the School of Indian Medicine?

A.—(a) The staff at present engaged in teaching is as follows:—

Number and description of post.	Qualification.
1. Principal	B.A., B.L., M.B.C.M., and special study of Indian Medicine and allied sciences.
2. Lecturer in Anatomy and Physiology and Resident Surgeon.	M.B.B.S.
3. Lecturer in Ayurveda—Telugu ..	Ayurveda Bhushana and Ayurveda Acharya.
4. Lecturer in Ayurveda—Tamil ..	Holder of the Vidwan diploma of the Madras University; traditional training in Ayurveda for seven years and also practical training under Bengal Kavi Rajas.
6. Siddha lecturer	Traditional training in the Siddha system of medicine; also a Matriculate.
6. Unani lecturer	A first-class Diploma Holder of the Tibbi College, Lucknow.
7. Assistant lecturer in Anatomy and Physiology.	L.M. & S. (Madras).
8. Assistant lecturer in Ayurveda—Tamil.	Passed in Ayurveda Bhushana and Ayurveda Visharada examinations.
9. Assistant lecturer in Ayurveda—Telugu.	Passed Bhishagwara in Telugu, Ayurveda Visharada and Ayurveda Bhushanam.
10. Assistant lecturer in Ayurveda—Siddha.	Traditional training.
11. Assistant lecturer in Ayurveda—Unani.	Graduate of the Madrasa-i-Mufid-i-am and Madrasa-i-Muhammadi, Madras, Diploma Holder and Medalist of Khudosa, Tibbi College.
12. Clinical and research assistant ..	B.A. (Physics)—M.B.B.S.

(b) None; so far as known, there is as yet no Indian University which confers degrees in Ayurveda.

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(c) Yes. Two hour classes in practical pharmacy are held thrice a week throughout the first and second years and during this period the full prescribed course in the preparations of medicines is completed. For this purpose each class is divided into three batches each batch attending the practical classes once a week.

(d) The instructions laid down in the Ayurvedic Sastras are followed: machinery is also used, if and where it is found suitable.

(e) First year—Dissections and practical physiology and practical pharmacy.

Second year— Do. and six months' out-patient practice

Third year—Clinical pathology and bacteriology;
out-patient practice—two months.

In-patient practice—Medical wards—three months,
surgical wards—three months, midwifery
and gynaecology—two months.

Fourth year— Do. and operative surgery.

(f) Instruction is given to the students in Physiology, Anatomy, and Surgery in order to give them a working knowledge of these subjects as practised under the Allopathic system of medical science.

11-45 a.m. Mr. B. RAMACHANDRA REDDI:—"With reference to the answer to clause (b) may I know whether the qualifications mentioned are degrees or are mere appendages?"

The hon. the RAJA OF PANAGAL:—"They are diploma holders."

Public Health.

Contributions to the United Free Church of Scotland Mission.

* 2166 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how the sum of Rs. 1,10,500 proposed as contributions to the United Free Church of Scotland Mission for 1926-27 in the budget estimates is to be spent;

(b) what contributions will be given by Government to other missions in the mufassals for Leper Asylums; and

(c) what justifies the several grants?

A.—(a) The sum of Rs. 1,10,500 included in the Budget for 1926-27 for the Leper Settlement at Tirumani is to be spent under the following heads:—

	RS.
1. European Doctor (575)	6,900
2. Matron (375)	4,500
3. Nurse (325)	3,900
4. Subordinates—Medical, clerical and menial establishment	12,600

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5. Diet, medicines and contingencies—	RS.
For 50 Anglo-Indians at Rs. 22-8-0 per mensem	13,500
For 400 Indians at Rs. 13-4-0 per mensem...	63,600
For 25 children over eight years of age at Rs. 9 per mensem	2,700
For 25 children under eight years of age at Rs. 6 per mensem	1,800
6. Rent for the Resident Medical Officer's bungalow for one year at Rs. 80	960
Total ...	1,10,460

or Rs. 1,10,500 in round figures.

(b) A sum of Rs. 5,485 under Building grants and Rs. 45,000 under capitation grants towards the cost of diet, medicine and contingencies is included in the Budget for 1926-27 for the other asylums in the Presidency as detailed below:—

Building grant.

	RS.
Leper Asylum, Vadathorasalur	298
Do. Ramachandrapuram	687
Do. Manamadura	4,500
Total ...	5,485

Capitation grant.

The sum of Rs. 45,000 will be distributed as capitation grants subject to certain maxima, among the ten asylums mentioned below:—

Leper Asylum, Manamadura.
Do. Saluru.
Do. Chevayur.
Do. Vizianagram.
Do. Mangalore.
Do. Bapatla.
Do. Kumbakonam.
Do. Keduru.
Do. Vadathorasalur.
Do. Narsapur.

The Government have also undertaken to make a grant to meet two-thirds of the cost of the injections given to out-patients by the authorities of the Vadathorasalur Leper Asylum and have included for the purpose a sum of Rs. 900 in the Budget for 1926-27.

(c) The Leper Settlement at Tirumani is a Government institution, the entire cost of which, with the exception of the Superintendent's salary, is borne by the Government. The pay of the Superintendent is met by U.F.C.S. Mission to whom the management of the settlement has been temporarily transferred. The settlement is the largest leper institution in

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the Presidency; and contains accommodation for about 500 patients. The other asylums in the Presidency are much smaller institutions managed and maintained by various Mission bodies. As these institutions are under private management, the Government contribute towards the cost of maintaining them by giving them grants-in-aid.

Mr. J. A. SALDANHA :—"A sum of Rs. 13-4-0 is the cost per head of the leper in the Leper Asylum at Tirumani. In the case of leper asylums elsewhere in the mufassal maintained by private institutions, a sum of Rs. 4-8-0 is given. May I know on what basis it is calculated?"

The hon. the RAJA OF PANAGAL :—"It is no question of any calculation. Grants are given in aid of private effort. In the case of the Government Hospitals the patients are dieted at the cost of the Government. In the case of private institutions the Government give aid to them."

Mr. J. A. SALDANHA :—"The aid given to private leper asylums is Rs. 4-8-0 per head. In the case of the Leper Asylum at Tirumani—I do not consider it as a Government institution because it is maintained by means of private agency—Rs. 13-4-0 is given. I am not against giving that amount. I want to know on what basis Rs. 4-8-0 is given. Is it half or one-third of the amount spent by the Leper Asylum?"

The hon. the RAJA OF PANAGAL :—"In the case of Government hospitals we have to meet the cost of dieting the patient. A sum of Rs. 13-8-0 is considered to be the cost of the diet, medicines, etc., given to the patient. In other cases, as I have already stated, aid is given in general support. The rest is met by the private institution itself."

Mr. J. A. SALDANHA :—"On what principle is the aid calculated? There should be a principle that one-half or one-third of the cost spent for each patient should be given. I want to know what is the percentage?"

The hon. the RAJA OF PANAGAL :—"That figure is not arrived at by any calculation. It was decided some years back and it continues."

Mr. J. A. SALDANHA :—"The Government stated the other day that the question of increasing the aid given was under consideration. I want to know whether the Government have arrived at any decision as to increasing the present rate of Rs. 4-8-0, which is evidently very low compared with the rate of Rs. 13-4-0 spent by the Government?"

The hon. the RAJA OF PANAGAL :—"They have not arrived at any decision."

Mr. J. A. SALDANHA :—"May I know when they will arrive at a decision?"

The hon. the RAJA OF PANAGAL :—"That I cannot say at this stage."

Education.

Promotions in the Madras Educational Service.

*2167 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Education be pleased to state—

(a) the principle on which promotions to the Madras Educational Service are made from the different cadres of the Subordinate Educational Service;

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(b) how many seniors from different cadres have been superseded in the appointment of Mr. Venkatasubba Rao as the District Educational Officer of Vizagapatam;

(c) the names of the seniors who were once acting in the Madras Educational Service in preference to Mr. Venkatasubba Rao and the period for which each of them officiated; and

(d) the number of years the present Agency Educational Officer has been acting in the Agency and whether he has applied to the authorities to be transferred to the plains?

A.—(a) The following factors are taken into consideration in making promotions from the Subordinate Educational Service to the Madras Educational Service:—

- (i) nature of vacancies—whether in the Inspection or Collegiate branch, and if in the Collegiate branch, the subject in which the vacancy occurs;
- (ii) seniority of the officer;
- (iii) efficiency;
- (iv) linguistic attainments.

(b) & (c) The hon. Member is referred to the Quarterly Lists of Officers in the Educational Department, Madras, copies of which are placed in the Council Library.

(d) The present Agency Educational Officer was first appointed as Assistant Inspector, Agency division, with effect from 7th November 1921. He continued in this appointment until 1st January 1924 when he was posted as Agency Educational Officer. He was subsequently posted as Officiating District Educational Officer, Ganjam, with effect from 4th April 1925. He was reverted to his substantive appointment as Agency Educational Officer in November 1925. It is understood that he has applied to the Director of Public Instruction for transfer to the plains.

The Government Muhammadan Secondary School, Guntur.

*2168 Q.—KHADIR MOHIDDIN ELYAS KHAN SAHIB Bahadur: Will the hon. the Minister for Education be pleased to state—

(a) when the Government Muhammadan Secondary School, Guntur, was started;

(b) whether it has been temporary all these years; and

(c) in view of the successful working of the school, whether the hon. Minister proposes to take steps to make the school permanent at an early date?

A.—(a) In 1918.

(b) Yes.

(c) Proposals for the permanent retention of the school are under consideration.

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The V.R. High School, Municipal Middle School, etc., in Nellore.

* 2169 Q.—KHADIR MOHIDDIN ELYAS KHAN SAHIB Bahadur: Will the hon. the Minister for Education be pleased to state—

(a) whether instruction in the non-language subjects in the High School classes in the V.R. High School, Nellore, is being given in Telugu;

(b) whether the management of the Coles Memorial High School, Nellore, is contemplating the abolition of the Urdu Munshi's place in the school;

(c) whether Government are aware that Muhammadan boys passing out of the Municipal Muhammadan Middle School, Nellore, therefore find it difficult to prosecute their secondary education; and

(d) whether Government propose to raise the Municipal Middle School to the status of a High School this year?

A.—(a) to (c) The Government have no information; a report has been called for.

(d) No.

Mr. B. RAMACHANDRA REDDI:—"May I know whether the Municipal Council, Nellore, has not passed a resolution to raise the Middle School to the status of a High School?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The Municipal Council which passed a resolution, must find the funds required to convert the Municipal Middle School into a High School."

Salaries of Headmasters of certain High Schools.

* 2170 Q.—KHADIR MOHIDDIN ELYAS KHAN SAHIB Bahadur: Will the hon. the Minister for Education be pleased to state—

(a) what salaries the Headmasters of the Model Schools, Rajahmundry and Saidapet, Madrasa-i-Azam, Madras, and Secondary and Training Schools Coimbatore, Mangalore and Tellicherry, are respectively drawing;

(b) whether these posts come under the Madras Educational Service;

(c) what salaries the Headmasters of the Government Muhammadan High Schools, Vellore, Kurnool and Guntur, are drawing; and

(d) the reason why the Headmasters of the Muhammadan High Schools mentioned in clause (c) are being paid low salaries?

A.—(a) & (b) The headmasters referred to are borne in the cadre of the Madras Educational Service the pay of which is Rs. 250—25—500 (efficiency bar) 50—800.

(c) The posts of headmasters of the three schools mentioned are included in the cadre of school assistants the pay of which ranges from Rs. 75 to Rs. 250.

(d) The work of the headmasters referred to in clause (a) of the question is more onerous than that of the headmasters referred to in clause (c).

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Board Elementary School, Vikravandi.

* 2171 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government have perused the letter of mine, dated 24th April 1926, as well as the complaint of one Mr. V. P. Gopalanantha Achariyar, Secretary, Adi-Dravida Association, Vikravandi, dated 14th April 1926, attached with my letter regarding threatening the Adi-Dravida children and compelling them not to attend the Board Elementary School at Vikravandi by the teachers and the caste Hindus in reply to their G.O. Mis. No. 1675, L. & M., dated 21st April 1926; and

(b) why such a school the building for which is given by the donor to run the school has been recognized and provincial subsidy is given to the Tindivanam Taluk Board?

A.—(a) Yes. A reply has also been sent to the hon. Member.

(b) The power of recognizing elementary schools is vested in District Educational Councils under the Madras Elementary Education Act. The requirements of Adi-Dravida pupils at Vikravandi have been met by the opening of a separate school by the taluk board. The Government see no reason to withdraw the subsidies paid to the taluk board.

Mr. R. VEERIAN:—"I want to know whether the Government approve of the policy of starting separate school for each community, if each community wants a separate school, in these days of democracy?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I do not like segregation of schools at all for different classes. It has for some time been urged that separate schools should be provided for depressed classes, in the interest of their advancement. There are villages with many classes and each community wants to have separate schools. It was thought that the circumstances of this particular case would justify the starting of a separate school."

Mr. R. VEERIAN:—"There are no factions in Vikravandi. Only depressed classes are there."

The hon. the PRESIDENT:—"That question does not arise."

Mr. R. VEERIAN:—"May I know whether there is any difficulty in admitting pupils of depressed classes into the Taluk Board school which is existing at Vikravandi?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I have already stated that the policy of the Government is to have free admission of pupils of all classes; but where there are special difficulties and the local bodies think that separate accommodation should be provided for the depressed classes they do so."

Excise.*Consent of owners of trees before tapping.*

* 2172 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state the arrangements, if any, by which the Abkari officials satisfy themselves that their toddy renters have obtained the previous consent of the owners of trees on private lands before entering on the said lands and marking the trees thereon for being tapped?

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A.—No special arrangements have been made except in the South Kanara district where applications for tree-tapping licences have to be countersigned by the owner or person in possession of the trees applied for, in token of his consent.

Mr. A. RANGANATHA MUDALIYAR :—“ Is it not a fact that grave injustice prevails by not having in other districts a rule similar to that which is observed in South Kanara and will the hon. the Minister see his way to extend the rule to other districts ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ The Abkari officers generally satisfy themselves that the renters have taken the permission of the owners before they begin to mark the trees, and that there is a kind of agreement between the owners of the trees and the renters. If there is any special difficulty in a particular case in which, the hon. Member thinks, and the Government interference is necessary, I shall be glad to enquire into the case.”

Mr. A. RANGANATHA MUDALIYAR :—“ I shall mention for the information of the hon. the Minister that there are cases in which the renters enter upon the land without the consent of the owners and there is very great difficulty to recover the money due.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ If the attention of the Assistant Commissioner or any other Abkari officer is drawn to that fact, he will see that the owners of trees do not suffer by the renters' zulum.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I say therefore . . . ? ”

The hon. the PRESIDENT :—“ The hon. Member is imparting information.”

Mr. A. RANGANATHA MUDALIYAR :—“ The hon. Minister wanted to know if any difficulty was felt . . . ? ”

The hon. the PRESIDENT :—“ That information can be given separately.”

Mr. J. A. SALDANHA :—“ May I know the reason why South Kanara alone should have this rule and why the other districts are treated differently ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ The hon. Member is always particular about his district having special treatment and in South Kanara alone this practice is followed.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I ask whether the Excise Commissioner declines to interfere in cases where the trees of private persons are tapped without the owner's consent ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ If particular cases are brought to the notice of the Government, they will be very glad to consider them.”

Registration.

Recruitment of upper grade sub-registrars.

* 2173 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Education be pleased to state—

(a) when the cadre of upper grade sub-registrars was instituted ;

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(b) how many direct recruitments for the same have been made since ; and

(c) whether any officers of the lower grade have been promoted to the upper grade ; if so, who they are and from which grades they have been promoted, and if not, the reasons for the same ?

A.—(a) In the year 1921.

(b) Six.

(c) Yes ; the attention of the hon. Member is invited to the List of Officers of the Registration Department corrected up to 1st November 1925.

Agriculture.

Agricultural school for South Kanara.

* 2174 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Minister for Development be pleased to state whether it is a fact that there is not a single agricultural school in the South Kanara district to give the people instruction in improved methods of cultivation ; and, if not, why not ?

A.—Yes. It is the intention of Government to open more agricultural schools when funds permit, but it is proposed to defer action until the recommendations of the Royal Commission on Agriculture as to the best system to be adopted for imparting agricultural education have been received.

Mr. V. C. VELLINGIRI GOUNDER :—“ May I know what became of the proposal to have agricultural education imparted in middle schools and primary schools ? ”

The hon. the PRESIDENT :—“ That question does not arise.”

Mr. V. C. VELLINGIRI GOUNDER :—“ It does arise.”

The hon. the PRESIDENT :—“ Order, order. How ? ”

Mr. V. C. VELLINGIRI GOUNDER :—“ It is stated that the imparting of agricultural education has been kept in abeyance until the recommendations of the Royal Commission are received. In that connexion, I want to know what became of the proposal to impart agricultural education in middle schools and primary schools.”

Mr. J. A. SALDANHA :—“ I want to know why we should wait until the Royal Commission makes recommendations. Why should not the system of education which is considered to be the best system after a good deal of experience be adopted ? ”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ I do not see any reason why we should not wait.”

Co-operative Societies.

Chief Inspector of Co-operative Societies in the Nilgiris district.

* 2175 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that a Chief Inspector of Co-operative Credit Societies has been appointed in the Nilgiris district for starting co-operative credit societies for hill tribes, aboriginals and depressed classes as well as for others ;

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- (b) if so, when this appointment was made;
 (c) how many co-operative credit societies and stores were started for hill tribes, viz., Todas, Kothas and other hill tribes;
 (d) how much money has been given to them on loans, giving separate figures in the case of Todas, Kothas and other depressed classes;
 (e) what is the total strength of the staff that is working under the Chief Inspector, together with the salary of each member of the staff and the total cost of the department there;
 (f) whether loans were given to Todas for buying buffaloes and cows or for improving their lands for planting potatoes, etc.; and
 (g) how often visits are paid by the Inspector of Co-operative Societies to the localities or munds of Todas, Kothas and other depressed classes to organize or spread the movement of the co-operative credit societies and stores?

A.—(a) A chief inspector was placed in immediate charge of co-operative work in the Nilgiris district.

(b) June 1922.

(c) Todas	...	...	...	...	...	...	2
Kothas	...	...	...	...	...	...	4
Badagas	...	...	...	...	...	...	61

- (d) Rupees 3,81,083. Of this amount Rs. 1,98,640 has been repaid. Of the balance, Rs. 551 is due from Todas and Rs. 9,023 from Kotha societies.
 (e) The post of chief inspector has been abolished and an Assistant Registrar has been placed in charge of the district. The superior staff employed under him consists of two inspectors on field duty on Rs. 40—80 and two clerks, one on Rs. 40—80 and the other on Rs. 35—60.
 (f) Loans amounting to Rs. 1,800 were disbursed to the Todas from time to time for buying buffaloes and paying off prior debts.
 (g) The chief inspector paid eight visits and the circle inspector thirty visits to the two Toda societies during the last three and a half years. The chief inspector paid twenty-six visits and the circle inspector thirty-five visits to the four Kotha societies.

Mr. R. VEERIAN:—"With reference to the answer to clause (c), may I know the reason why only two societies were started for Todas while the Kothas have four societies especially when a Chief Inspector has been appointed from June 1922?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"For want of sufficient material to organize more societies."

Fisheries.

Measures to mitigate starvation among the fisherfolk.

* 2175-A Q.—Rao Sahib P. V. GOPALAN: Will the hon. the Minister for Development be pleased to state—

- (a) whether it is a fact that famine and starvation prevail among the fisherfolk owing to very poor catches during the last two or three years;
 (b) whether he has done or is going to do anything to relieve them of their economic stress; and

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(c) whether it is a fact that rice and paddy were supplied to the fisherfolk for cheap prices through the medium of co-operative societies in South Kanara and whether he proposes to do the same thing in the case of Malabar fisherfolk as well?

A.—(a) The answer is in the negative.

(b) Efforts have been made through the agency of the fishermen co-operative societies to improve the economic condition of fishermen.

(c) The Government have no information. The answer to the second part of the question is in the negative.

Rao Sahib P. V. GOPALAN:—"With reference to the answer to clause (a), may I ask the hon. Minister for Development to state whether the answer is given as a result of any inquiry which he made?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"The answer is given on the report received from the Director of Fisheries after inquiry in Malabar."

Rao Sahib P. V. GOPALAN:—"Sir, with reference to clause (b), I find the answer given is: 'Efforts have been made through the agency of the fishermen co-operative societies to improve the economic condition of fishermen.' May I ask the hon. the Minister for Development, when in his own administration report he says that the Fisheries Co-operative Societies are working very badly on the West Coast, through which co-operative societies on the West Coast he has made this arrangement?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"Through all the co-operative societies. In fact, although the co-operative officers are trying their level best to induce these people to take loans from them, many are not willing, and those that were willing have been given such loans."

Rao Sahib P. V. GOPALAN:—"So far as the work of the co-operative societies on the West Coast are concerned, I know Sir, that out of 36 co-operative societies in Malabar only two are working and practically not even a pie worth of relief has been administered by these two societies. May I therefore ask the hon. the Minister for Development whether, when he says 'co-operative societies' he means societies which are not worked by the Fisheries Department?"

Rai Bahadur T. M. NARASIMHACHARLU:—"Is it a fact, Sir, that there are poor catches?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"Yes, Sir, it is a fact."

Rai Bahadur T. M. NARASIMHACHARLU:—"Have Government made any arrangements to improve them?" (Laughter.)

Rao Sahib P. V. GOPALAN:—"May I ask the hon. the Minister for Development whether the present distress is not the result of the poor catches in the West Coast?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"That question has already been answered."

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Rao Sahib P. V. GOPALAN :—" May I enquire, Sir, whether he has taken any steps to see why it is that the fishermen are put to great distress and difficulties; and if he is convinced of the fact that famine and starvation are the result of poor catches, what action has been taken by the hon. the Minister for Development to mitigate them?"

Mr. K. PRABHAKARAN TAMPAN :—" May I ask one question, Sir, whether the Government are satisfied that conditions in Malabar require some improvement in this respect?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" That is the substance of the answers that I have been giving all these five minutes."

Mr. J. A. SALDANHA :—" May I enquire, Sir, if the fishing trawler has come and whether it is being made use of for this purpose?"

The hon. the PRESIDENT :—" Order, order, that question does not arise."

Rao Sahib P. V. GOPALAN :—" If the answer is given as the result of a report received from the Director of Fisheries, may I just ask the hon. the Minister whether he will be pleased to place the report on the table of the House?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" It is in the form of a demi-official. I shall consider the question."

Rao Sahib P. V. GOPALAN :—" When thousands of fisherfolk are starving, when the Member representing the fisherfolk makes an appeal and requests the hon. Minister to enquire into the matter and give some State aid and when he has taken the trouble to enquire into the condition by deputing the Director of Fisheries, am I to presume that the report of the Director of Fisheries is to be considered as a demi-official or confidential communication and not as a public record?"

The hon. the PRESIDENT :—" If it is in the form of a demi-official letter, how can the hon. the Minister help it?"

Rao Sahib P. V. GOPALAN :—" May I know whether he is prepared to make a further investigation in the matter through our Collector?"

The hon. the PRESIDENT :—" That is a suggestion for action."

Diwan Bahadur M. KRISHNAN NAYAR :—" May I know whether the hon. Minister is aware that an appeal has been signed by the District Medical Officer who is a subordinate of the Local Self-Government Minister, the Assistant Director of Fisheries, another subordinate of the Government, Fisheries Yard Officer, Chairman of the Calicut Municipality, the President of the Malabar District Board and by many other persons calling for private donation and subscriptions for relieving distress among the fisherfolk?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" I am not aware. In the first place it is a matter intended for the exercise of philanthropic spirit. What we are concerned is whether in the state of the circumstances it is necessary for the Government to interfere. They will interfere if they come to the conclusion that famine conditions prevail. But the report that I have received from the Director of Fisheries as well as the report submitted by the Assistant Director

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of Fisheries and by the Inspector of Fisheries of the Calicut Circle, all these go to show that the distress depicted in such harrowing terms does not exist at all."

Rao Sahib P. V. GOPALAN :—" May I just ask the hon. Minister whether the so-called demi-official report which he has received is the result of the action taken by the Government to investigate the matter?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" The answer is in the affirmative."

Rao Sahib P. V. GOPALAN :—" May I know whether the hon. Minister is aware, as is stated in one of the leading newspapers in Madras, that a committee consisting of thirteen agencies in Malabar, Y.M.C.A., District Medical Officer, the President, District Board, Chairman of the Municipality, two of his own subordinates and so many ladies who are members of the Ladies Club, etc., etc., has been formed on account of the present situation being very acute and that his own subordinates are on the executive committee?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" The question has already been answered. A difference has to be drawn between the philanthropic exercise of one's resources and the policy of the Government in starting relief works."

Rao Sahib P. V. GOPALAN :—" May I request him since the portfolio of the Fisheries Depot is under the hon. the Minister and since I definitely know the present distress among the fisherfolk whether he will be pleased to depute a subordinate . . ."

The hon. the PRESIDENT :—" That is a suggestion for action."

Industries.

Apprentices in the Government Industrial Institute, Madura.

* 2176 Q.—Mr. R. VEERIAN : With reference to question No. 1868 answered at the meeting, dated 29th March 1926, will the hon. the Minister for Development be pleased to state—

(a) whether there are any members of the depressed classes undergoing training in the Government Industrial Institute, Madura, and, if so, how many, and what is the nature of industrial training they undergo;

(b) whether any distinction is made in providing meals in the hostel;

(c) by whom the apprentices are selected;

(d) whether there is any cosmopolitan section in the hostel; and

(e) whether the existence of this industrial institution has been made known to the depressed classes throughout the district?

A.—(a) Yes; three in the Carpentry section and one in the Metal work section.

(b) The vegetarians are served with vegetarian food and non-vegetarians with non-vegetarian food.

(c) The Superintendent of the Institute.

(d) Although there is no such separate section as a 'cosmopolitan section', objection is not taken to such of the inmates as are so inclined interdining freely, provided they do so without in any way upsetting the harmonious working of the hostel.

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- (e) The answer is in the affirmative as may be inferred from that furnished to (a) above. Moreover the district is also otherwise well represented as eight of the thirteen members of the Advisory Board of Visitors to the Institute are local gentlemen.

UNSTARRED QUESTIONS

Criminal Justice.

Alleged molestation of Adi-Dravidas of Mettupatti village by caste Hindus.

2177 Q.—Mr. R. VEDARIAN: With reference to question No. 1831 regarding looting in the house of one Chinnammal in Mettupatti village answered at the meeting of the Council, dated 26th March 1926, will the hon. the Law Member be pleased to state whether the Adi-Dravidas of Mettupatti village presented a petition to the Subdivisional Magistrate of Salem on 25th May 1926 complaining of molestation by the caste Hindus of the village and asking for protection, and, if so, what action has been taken thereon?

A.—The Government have no information.

Estates Land Act.

Preparation of record of rights, etc., in the villages in Khallikote and Atagada estates.

2178 Q.—Sriman BISWANATH DAS Mahasaya: Will the hon. the Law Member for Revenue be pleased to state—

(a) the number of villages in the Khallikote and Atagada estates in the Ganjam district that have deposited money under chapter XI of the Estates Land Act; and

(b) the reason why the preparation of record of rights and settlement of rents of those villages has not yet been begun?

A.—(a) Seven.

(b) The preparation of a record of rights and settlement of rents has already been sanctioned by Government and the work taken up in five villages. As regards the remaining two villages the required deposit was made in one case only on the 15th June 1926 while in the other the ryots have not paid the amount in full.

Irrigation.

Repair of the banks of the tank of "Kadamba's" surplus channel.

2179 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether the banks of the tank of "Kadamba's" surplus channel in Tinnevely district have been reconstructed after the heavy floods of 1923; if not, why not; and

(b) whether any petitions have been received from the villagers of Angamangalam, Tiruchendur taluk, by the Local Departmental heads praying for early repairs to the banks, and, if so, what action has been taken on them?

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A.—The Government have no information but have called for a report.

Closing of certain breaches in the banks of the Tambraparni river.

2180 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Law Member be pleased to state—

(i) whether any estimates were received and sanctioned for closing the following breaches in the banks of the Tambraparni river and its branches, in the Tinnevely district;

(ii) if so, what is the sanctioned amount for each item and whether the breaches have been completely closed and the banks restored to their original conditions—

(a) left flood bank above the Marudur anicut, between Kaliyavur tank, village and Marudur Kilakal channel head in Tinnevely district for an aggregate length of 810 feet;

(b) breaches in several places of the bank of the Kaliyavur tank in Tinnevely district;

(c) breaches in the left flood bank below the Srivaikuntam anicut at 0/1 mile in Tinnevely district;

(d) breaches in the left flood bank below the Srivaikuntam anicut at 4/4 mile in Appankoil limits in Tinnevely district;

(e) breaches in the left flood bank below the Srivaikuntam anicut at 9/0 mile in Aral limits in Tinnevely district;

(f) breaches in the north main channel in Appankoil limits in Tinnevely district;

(g) breaches in the north main channel in Eral limits in Tinnevely district;

(h) breaches in the right flood bank below the Srivaikuntam anicut at the 1st mile in Pudukudi limits in Tinnevely district;

(i) breaches in the right flood bank below the Srivaikuntam anicut at 1/5 mile in Alwartirunagari limits in Tinnevely district;

(j) breaches in the right flood bank below the Srivaikuntam anicut at 10 mile in Chookapalankarai limits in Tinnevely district;

(k) *Marudur Anicut Systems.*—Breaches in the Marudur Kilakal channel and the tanks fed by it in Tinnevely district;

(l) *Srivaikuntam Anicut System.*—Breaches outside Aral and outside Appankoil limits in North main channel and the tanks fed by it in Tinnevely district;

(m) breaches below the Sulavaikal bridge in Tinnevely district; and

(n) breaches in the Upper Tambraparni anicuts and channels (Kodamelalaghian anicut) North Kodamelalaghian channel, Nadiyuni anicut, Nadiyurni channel, Kamadian channel, Kodagan channel, Tinnevely channel and Palayan channel?

A.—The Government have no information but have called for a report.

Landlord and Tenant.

The tour of Mr. Evans in Malabar regarding the Malabar Tenancy Bill.

2181 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to place before the House a statement of the tours made by

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Mr. Evans in Malabar for his enquiry on the proposed Government amendments of the Malabar Tenancy Bill, the cost of the tours, his report of the enquiries made, and the results thereof, and to state—

- (a) what justification there was for such tours;
- (b) how many meetings were attended to by Mr. Evans, what was the number of people present at each, and where and when they were held; and
- (c) whether Mr. Evans expressed at any of such meetings his own opinion on the prospects of the Bill passing through the Council, and whether he was authorized to express any such opinion?

A.—Mr. Evans toured round Malabar and visited, among other places, Calicut, Olavakode, Kollengode, Perintalmanna, Wandur and Tellicherry. He drew Rs. 587-1-0 in the shape of travelling allowance. The Government do not propose to publish the report.

- (a) The hon. Member is referred to the reply to clause (a) of his question No. 2134.
- (b) The Government have no exact information. Mr. Evans consulted representatives of janmis and tenants in most of the places visited.
- (c) The Government have no information.

Legislative.

Resolutions passed by the Council since 1st April 1925.

2182 Q.—Rao Bahadur M. C. RAJA: Will the hon. the Law Member, the hon. the Member for Revenue, the hon. the Home Member, the hon. the Minister for Education and the hon. the Minister for Development be pleased to furnish a statement regarding the number of resolutions passed by the Council since 1st April 1925 and the action taken by the Government on them?

A.—A statement is laid on the table.*

Privilege of sending communications under the 'service unpaid' system.

2183 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether the privilege of sending communications under the 'service unpaid' system can be availed of by non-official members of the Legislative Council only when the addressed officers accept such communications;

(b) whether any instructions have been issued to the officers of the Local Government to this effect;

(c) what are the remedies when such communications are returned back to the Members of the Legislative Council claiming double the amount of postage by the postal authorities for refusal; and

(d) whether any steps were taken by the Government regarding specific instances brought to the notice of the Secretary to Government, Law (Legislative) Department, by me on 16th April 1926?

* Printed as Appendix V on pages 593-594 infra.

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A.—(a), (b) & (c) The privilege of sending communications under the 'service unpaid' system may be availed of by non-official members of the Legislative Council when such communications are addressed to the officers of the Local Government and relate to the affairs of the Government. Correspondence with presidents or chairmen of local bodies stands on a different footing and has to be paid for according to the rules. No other restrictions have been imposed.

The attention of all Collectors and heads of departments has been drawn to the concession allowed to M.L.C.'s.

(d) The attention of the officers concerned has been drawn to the irregularity.

Marine.

Appointment of a nurse on port-health duty in Mangalore.

2184 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) how long the appointment of a nurse on port-health duty in Mangalore on Rs. 35 per mensem has been in existence;

(b) why it is not made permanent;

(c) whether it is a fact that this nurse has to be constantly on duty at the harbour in the shipping season during the greater part of the year;

(d) whether plague cases occur almost every year in the town and whether her services are then needed in the town; and

(e) whether she is employed in the General Hospital when she is not required at the harbour or for plague duties?

A.—(a) Since 21st May 1906.

(b) It has not been made permanent (1) because all port quarantine establishments are temporary and (2) because the Government of India are considering the reorganization of Marine administration (including port health work).

(c) The nurse has no work at the port for four months in the year from the middle of May to the middle of September. In other months, she attends harbour duty generally twice a week on Mondays and Wednesdays.

(d) Plague cases occur in the town every year, but her services are not needed. Plague work is done by the Health Department.

(e) She is employed in the Out-patients' department of the Wenlock Hospital in the mornings between 8 and 11 on days when she has no harbour duties.

Police.

Alleged refusal of barbers to shave the depressed class police constables in the City.

2185 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the barbers employed to shave the police constables serving in the Madras City Police are not shaving the depressed class police constables; and

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(b) whether the Government are paying the barbers for so shaving or whether each constable is paying the barbers from his own pocket?

A.—(a) & (b) No barbers are “employed” to shave police constables. Men are left to make their own arrangements.

Abolition of certain police stations.

2186 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Law Member be pleased to state—

(a) the number of police stations finally abolished in the Presidency and especially in the district of South Kanara;

(b) whether he has received any representations against the abolition of any police station; and

(c) if so, whether the Government contemplate to take any action on the same?

A.—(a) Thirty-three existing stations were abolished and twenty-seven new stations were created in the Presidency. Seven stations were abolished in the South Kanara district.

(b) Yes.

(c) It is to be expected that objections will be raised to every alteration in the situation of a police station. The reallocation of police stations was recently sanctioned by Government as a measure of retrenchment after a careful consideration of proposals worked out by a special officer and examined by the Inspector-General of Police. An alteration in the allocation of one police station in a district would generally upset the whole scheme for the district. The Government cannot therefore allow the re-examination of the arrangements in particular localities save in exceptional circumstances.

Land Revenue.

Resolutions passed by the landholders of the Uppinangadi taluk.

2187 Q.—Mr. D. MANJAYYA HEGGADE: With reference to question No. 1829 regarding the resolutions passed at the meeting of the landholders of the Uppinangadi taluk of South Kanara and the answer given to the same on the 25th March 1926, will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have now received a copy of the resolutions referred to in the above question; and

(b) if so, whether the Government intend taking any action on the same?

A.—(a) Yes.

(b) The requests made in the resolutions have been examined and considered.

So far as the resolutions relating to the Forest department are concerned, the hon. Member is referred to the answer given to Legislative Council question No. 1992 asked by Mr. J. A. Saldanha.

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The representation regarding the existing rates of assessment and the request not to enhance them will be considered when the report of the Settlement Officer is received. As regards the rates charged for tree growth on darkhast land, the matter is still under examination.

Reservation of lands for assignment in Bapatla taluk.

2188 Q.—Mr. G. PREMAYYA: Will the hon. the Member for Revenue be pleased to state—

(a) how many acres of disafforested area are ready for assignment in Bapatla taluk, Guntur district;

(b) what is the date of the Government Order authorizing the Guntur Collector to assign the abovementioned land;

(c) how many acres of the disafforested area are reserved for the depressed classes in the district;

(d) how many acres of land beyond 6 furlongs of Romperu drain are lying waste, including unauthorized cultivation;

(e) how many acres of the above number are reserved for the depressed classes; and

(f) how many have already been granted and how many are yet to be granted?

A.—(a) 15,740 acres—of which 7,017 acres have been reserved for future assignment.

(b) 24th October 1925 and 18th March 1926.

(c) 5,300 acres out of the 8,723 acres immediately available for assignment.

(d), (e) & (f) Government have not the information

Assignment of lands to depressed classes in Vallapakkam village.

2189 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that no member of the depressed classes of Vallapakkam village No. 107, Conjeeveram taluk, has been successful in getting darkhast lands assigned to them though they have been applying for the past seven or eight years;

(b) whether it is a fact that the Tahsildar of Conjeeveram, the village munsif and karnam have reported against the grant of darkhast petitions submitted several times by the depressed classes; and

(c) whether the petition of Adi-Dravidas of Vallapakkam village in Conjeeveram taluk, dated 6th April 1926, regarding the assignment of darkhast lands submitted through me to the Revenue Secretary, Government of Madras, has been received?

A.—The petition referred to in clause (c) has been received and transferred to the Board of Revenue for disposal, and the hon. Member was so informed.

The Government have no other information on the subject.

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Assignment of land to depressed classes in Ellumbarpatti village.

2190 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that a portion of land in Eri Survey No. 256, Ellumbarpatti village, Kulamangalam, Madura taluk, has been already sanctioned by the Government for assignment to the depressed classes and that money for demarcation stones was also received;

(b) if so, whether it is a fact that the land has not yet been assigned to each individual Adi-Dravida applicant;

(c) how many depressed classes have already petitioned and how many of them have paid money for demarcation stones; and

(d) the reason for the long delay in not assigning the land to the depressed classes?

A.—A letter from the hon. Member, dated 15th April 1926, forwarding a petition from Mr. V. A. Gnanaprakasam on the subject has been received and transferred to the Board of Revenue for disposal. The hon. Member has been so informed.

The Government have no other information on the subject.

Assignment of some land at Pallikonda to a caste Hindu Sepoy.

2191 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) why Survey No. 400-2, N. Kuttai about two acres and odd lying quite adjacent to Adi-Dravida houses at Pallikonda, near Gudiyattam, North Arcot district, has been assigned to one caste Hindu Sepoy by name Masilamani Pillai, who is not a resident of the place though several Adi-Dravida Sepoys and other ordinary Adi-Dravidas did apply for the Kuttai prior to the caste Hindu Sepoy for constructing houses and cultivation;

(b) whether the letter, dated 6th May 1926, addressed to the Revenue Secretary, Government of Madras, Stonehouse Hill, Ootacamund, sent by me regarding the assignment of this Kuttai to a caste Hindu Sepoy ignoring the urgent claims of Adi-Dravidas has been received; and

(c) if so, what steps have been taken in the matter?

A.—(a) The Government are not in possession of the information.

(b) & (c) The letter was forwarded to the Collector of North Arcot for disposal and the hon. Member was informed that this had been done

Public Service.*Jains in public service in the Presidency.*

2192 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Member for Revenue be pleased to state—

(a) the number of Jains in public service in the Presidency and especially in South Kanara;

(b) whether any special reference has been made to this minor community in the communal Government Order regarding public service; and

(c) if not, the reasons for the same?

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A.—(a) The information required is not contained in any report or return.

(b) No.

(c) It is not practicable to make special reference to all minor communities.

Village Establishments.*Petition of one Santha Pandaram to the Secretary to Government, Revenue Department.*

2193 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state whether the petition of one Adi-Dravida by name Santha Pandaram, son of Muthulingam Pandaram, Nagar village, Tirukkoyilur taluk, making certain allegations against Adimulam Pillai, the karnam of Semanangur, in the same taluk, dated 30th March 1926, and submitted through me has been received by the Revenue Secretary, Government of Madras, Fort St. George, Madras?

A.—Yes. It has been forwarded to the Collector of South Arcot for disposal and the hon. Member has been informed of this.

Arms and Explosives.*Grant and renewal of gun licences in Madakasira taluk.*

2194 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Home Member be pleased to state—

(a) what is the total number of applications for grant of gun licences and for the renewal of the same received from the Madakasira taluk by the District Magistrate, Anantapur, for each of the two years ending with 31st December 1925;

(b) how many such applications were refused for each of the said years;

(c) how many of such refusals were based on the recommendations of the concerned station-house officers;

(d) in how many cases the opinions of the station-house officers varied in disposing of such applications for each of the said years and with what result;

(e) what is the total number of appeals received by Government under the new rules against the refusal of licences and against refusal of renewal of licences for each of the two years ending with 31st December 1925, for the whole presidency and how many such appeals were allowed during the said period; and

(f) what is the procedure generally adopted when an application for a gun licence or for renewal is referred to the District Magistrate?

A.—(a) & (b) The figures were as follows:—

Year.	Fresh grants.		Renewals.	
	Total number of applications received.	Number of licences refused.	Total number of applications received.	Number of licences refused or cancelled.
1924	43	9	307	11
1925	37	8	318	50

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(c) & (d) The decision of the District Magistrate in these cases is based on the opinion of Station House Officers, Inspectors, Taluk Magistrates, Subdivisional Magistrates and on his own views on the maintenance of law and order. It is not therefore possible to say which of these factors formed the basis of a decision taken one or two years previously.

Year.	Appeals received.	Appeals allowed.
(e) 1924	6	1
1925	11	1

(f) Applications for grant or renewal of gun licences are not received by Government.

Depressed Classes.

Economic condition of certain depressed classes.

2195 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state—

(a) whether there are any depressed classes in the five districts of South Kanara, Malabar, Coimbatore, Nilgiris and Salem especially those in the coffee, tea and rubber plantations in whose educational and economic progress the Labour Commissioner is concerned in his official capacity;

(b) if so, which of them;

(c) what is the approximate population of each of the classes;

(d) what is their social status;

(e) (i) what steps have been taken to ensure the protection and promotion of their interests; and

(ii) especially under the Madras Planters' Labour Act as to their accommodation, the sanitary precaution and amenities of life in the plantations?

A.—(a) There are no doubt members of the so called "depressed classes" employed in plantations in the districts mentioned and the Labour Commissioner is officially concerned with their welfare in connexion with the general administration of the Planters' Labour Act.

(b), (c) & (d) The Government have no detailed information on these points.

(e) Steps are taken, by inspection and otherwise, to see that these persons in common with all employees on estates get the benefits provided by the Planters' Labour Act.

Economic condition of the backward classes.

2196 Q.—Mr. J. A. SALDANHA : With reference to the answers given to my question No. 1138 (d) on 16th December 1925, will the hon. the Home Member be pleased to state—

(a) whether Government have made enquiries into the economic condition of the backward classes converted to Christianity and with what result; and

(b) what their condition is according to such enquiries?

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A.—(a) No such special enquiry has been made.
(b) Does not arise.

Amelioration of Nayadis in Malabar.

2197 Q.—Rao Sahib R. SRINIVASAN : Will the hon. the Home Member be pleased to state—

(a) whether the Government have any policy in regard to the amelioration of the condition of the Nayadis in Malabar; and

(b) with reference to answer to question No. 556 on the 20th March 1925 regarding Nayadis, whether the Government examined the practicability of the proposal made therein, i.e., either to emigrate them to Assam, Ceylon and Burma or to find a settlement in or out of Malabar?

A.—(a) Proposals for the amelioration of the Nayadis are under the consideration of the Commissioner of Labour and the District officers of Malabar.

(b) The Government examined the proposal but dropped it as being unsuitable.

Alleged delay in burying the dead body of an Adi-Dravida in Ellasamanoor.

2198 Q.—Mr. R. VEERIAN : With reference to the mahazar, dated 14th April 1926, submitted through me to the Chief Secretary to Government, will the hon. the Home Member be pleased to state whether the delay in burying the dead body of an Adi Dravida in Ellasamanoor, Villupuram taluk, was due to the orders of the Health Inspector and the opposition of the caste people of the locality to the use by the Adi-Dravidas of their customary burial-ground and the public pathway leading thereto?

A.—The Government have no information.

Alleged inconveniences of the depressed classes in Madigapolliem.

2199 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the depressed classes living in Madigapolliem near Mettoor near Vannivedu village No. 66, Walajah taluk, Vellore, North Arcot district, will have to pass through the patta land of caste people about two feet even when they want to take their dead bodies to the burial-ground; and

(b) whether the Government are aware that they are suffering also for want of a well for drinking water?

A.—The Government have no information.

Alleged riot and looting in Thidumal Adi-Dravida cheri.

2200 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that there was a riot and looting in the Thidumal Adi-Dravida cheri, Namakkal taluk, Salem district, caused by the caste Hindus recently;

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(b) whether it is a fact that the caste Hindus destroyed a mission elementary school, established in the village by the missionaries for the depressed classes, and that they molested several depressed classes women who went to shandy;

(c) whether it is a fact that the authorities, including the village munsif, were not helpful when matters were represented to them by the Adi-Dravidas for rendering justice;

(d) whether the Government are aware that the Adi-Dravidas sent a wire to the District Collector and the District Superintendent of Police in the matter on the 6th May 1926 and submitted petitions also to them on the 7th May;

(e) whether the mahazar, dated 7th May 1926, submitted through me by the Adi-Dravidas has been received already by the Government, Law (General) Department, regarding the above incidents; and

(f) if so, what steps have been taken in the matter and with what results?

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

(e) Yes.

(f) The mahazar was forwarded to the Commissioner of Labour for necessary action.

Alleged obstruction to the use of public pathways by the Adi-Dravidas of Thirunallacheri.

2201 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that a petition has been sent by the Adi-Dravidas of the village to the District Collector, Vellore, District Superintendent of Police and the Deputy Collector, Ranipet, regarding the obstruction caused by the caste Hindus of Thirunallacheri village, Wallajah taluk, to the use of public pathways by the Adi-Dravidas of the village; and

(b) whether any steps were taken in the matter and with what results?

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

Depressed class teacher of Vengaikurichi Labour School.

2202 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that there is a depressed class teacher in the Labour school in the village of Vengaikurichi near Manaparai who has studied up to Secondary School-Leaving Certificate or passed Secondary School-Leaving Certificate examination, who is only an assistant getting a salary of Rs. 15 only; and

(b) whether it is a fact that this depressed class teacher is not allowed to sit either on stool, chair, or any other elevated places not only during the school hours but also whenever other caste men come to the school to make enquiries of their boys?

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

[16th July 1926]

Alleged petition against the stamp-vendor, Payangudi Sub-Registrar's office.

2203 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 are undergoing difficulties and unnecessary pecuniary loss owing to the fact that the present stamp-vendor attached to the Sub-Registrar's office, Payangudi, Tellicherry firka, Malabar district, is an orthodox gentleman and that he is keeping them at a great distance;

(b) whether it is a fact that their petition was rejected by the Collector of Malabar on the 27th March 1926 without assigning any reason whatever; and

(c) what action the Government propose to take in the matter?

A.—(a), (b) & (c) The Government are not in possession of the information asked for but have called for it.

Forests.

Memorial from supernumerary rangers.

2204 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether a number of supernumerary rangers are not given any grade according to the Code and terms of agreement;

(b) how many such men are there, and for how long;

(c) whether these men submitted a memorial about their grievances in September 1924;

(d) whether he will be pleased to place on the table of this House the orders passed on it; and

(e) whether provision has been made for their absorption at least this year?

A.—(a) Under the terms of agreement, a student, after training, is entitled to all the rights and privileges in respect of pay, pension and promotion accorded to officers of the department for the time, by the rules and regulations of the department. Direct appointment to the grades of ranger is subject to the existence of vacancies in these grades. There is no clause either in the terms of agreement or the Code which entitles a student to appointment to the grades of ranger except on the occurrence of vacancies.

(b) There are at present twenty such supernumerary rangers of whom four have been waiting since 1921, nine since 1922, three since 1923 and four since 1925.

(c) Yes.

(d) A G.O. No. 447, Development, dated 25th March 1926, is printed as annexure to this answer.

(e) No; provision cannot be made in advance as absorption depends on vacancies which cannot be foreseen.

[16th July 1926]

Issue of notice to kumakidar Tulsi alias Rukminiamma.

2205 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether recently (about September or October 1925) a notice was served upon the wargdar-kumakidar Tulsi alias Rukminiamma, mother of Mr. Madhav Pai, wakil, Mangalore, in the matter of cutting and removal of sandalwood trees from S. No. 131 of Kurnad village in South Kanara, under section 26 of Act I of 1852 for payment of Rs. 45 for compounding the offence, and whether that amount was paid by her;

(b) whether any previous notice had been given to the party concerned of the charge and any inquiry held and if not, why not; and

(c) what procedure is followed in such cases and under what rules?

A.—(a) Yes.

(b) The party had been examined with reference to the charge and her statement recorded.

(c) The kumakidar is given an opportunity by the Revenue Divisional Officer to compound the offence under section 55 of the Forest Act, and if the kumakidar is not willing to compound the offence as prescribed by the Revenue Divisional Officer, the latter officer refers the case under rule 7-A (5) of the rules framed under section 26 of the Forest Act to the Collector who passes such orders as the exigencies of the case appear to him to require.

Appointment of an Indian Conservator of Forests.

2206 Q.—Mr. J. A. SALDANHA: With reference to the answer given to question No. 1153, dated 16th December 1925, regarding the appointment of an Indian Conservator of Forests will the hon. the Home Member be pleased to state—

(a) whether any vacancy has since occurred in the cadre of Conservators of Forests; and

(b) whether an Indian has been appointed to the vacancy and if so who; if not, why not?

A.—(a) & (b) Two acting vacancies have since occurred and Messrs. F. R. Madan and K. R. Venkataramana Ayyar have been appointed.

Forest Panchayats.

Rules for the working of forest panchayats.

2207 Q.—Mr. J. A. SALDANHA: With reference to the debate on the budget estimates in connexion with the Forest departments, will the hon. the Home Member be pleased to state—

(a) what are the rules under which forest panchayats work; and

(b) whether G.O. No. 393, dated 28th February 1924, referred to by the hon. Member was published in the *Fort St. George Gazette*, or was placed on the table of the House or on the Editors' Table; if not, for what reasons?

[16th July 1926]

A.—(a) The hon. Member is referred to G.O.* No. 452, Development, dated 26th March 1926, which is now placed on the table of the House.

(b) No. The Government did not consider it necessary as every panchayat is made aware of the rules.

Labour.

Attestation of the execution of contracts at Palghat, etc.

2208 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that as many as 100 to 200 contract documents have been attested at a time on each occasion within the last three years at the travellers bungalow at Palghat and other places when none or hardly any of the executants were in the presence of the authority attesting their execution and received no advance in his presence;

(b) what justification Government have had to appoint planters as authorities for attesting the execution of contracts;

(c) whether the Collector and District Magistrate of Malabar and Government have received complaints or reports as to the manner in which labour contracts were executed; and

(d) whether the Government have made enquiries on this point, and if not, why not?

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

(b) The system whereby planters are authorised to attest labour contracts other than those in which they are interested has been in force for over twenty years and has not been abused in any way as far as the Government are aware. It was introduced to obviate the frequent inconvenience involved by having to appear before touring magistrates.

(c) The Government have received no such complaints either from the Collector or from any other source.

(d) The Government have had no occasion to make any enquiries.

Legislation regarding indenture of coolies.

2209 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased—

(a) to place before the House a statement showing the number of large industries in Madras City and suburbs in which coolies have been indentured from neighbouring or distant parts paying advances; and

(b) to state whether Government propose any local legislation to replace the Workmen's Breach of Contract Act and if so, when?

A.—(a) The Government are not in possession of the information.

(b) No.

[16th July 1926]

Planters' Labour Act.*Sanitary arrangements for coolies in Pootoomalla estate.*

2210 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether any magistrate or other official has ever visited the Pootoomalla estate and other estates in Wynaad, and what report he has made as to condition of the accommodation and comforts provided in the estates;

(b) whether in the Pootoomalla estate as many as six coolies including women are housed in one single room with the average area of 12 × 12 feet; and

(c) whether Government are satisfied with the sanitary arrangements made for the coolies in this estate?

A.—(a) The Pootoomalla estate has not been inspected during the last two years.

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

Attestation of execution of contracts by planters.

2211 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased—

(a) to place before the House the number and names of planters and gentlemen other than officials, who have been authorized in 1924-26, to attest the execution of contracts under section 4 of the Madras Planters' Labour Act; and

(b) to state—

(i) the number of contracts approximately attested by each of them; and

(ii) at what places that was done in 1924-25 and 1925-26?

A.—(a) The information asked for is placed on the table * of the House.

(b) The Government have no information.

Report on the economic condition of the depressed classes in plantations.

2212 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether the Labour department has made any reports on the economic condition of each of the depressed classes, and the conditions in which they are accommodated, treated and paid in the plantations, and steps that are being taken to ameliorate their condition in the five districts of South Kanara, Malabar, Coimbatore, the Nilgiris and Salem;

(b) if so, when they were prepared, and by which officer;

(c) whether they were made after he had paid visits to the plantations and other places and studied their conditions;

(d) if no report has been prepared yet for any district, when the required lists and notes will be prepared; and

(e) whether the Government will be pleased to place such statements and reports before the House when they are ready?

* Printed as Appendix VIII on page 598 infra.

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A.—(a) The only report of the kind received by Government related to the conditions of the labourers in the Anamalai estates.

(b) & (c) This report was written by Mr. Ellis, Acting Labour Commissioner, in 1925 after a personal visit to the estates;

(d) & (e) The District Magistrates of Malabar and the Nilgiris submit annual reports to the Government on the working of the Planters Labour Act and these contain references to the conditions of housing, medical relief and the treatment accorded to the labourers in the plantations. The attention of the hon. Member is invited to these reports which are placed on the Editors' Table.

Amendment of the Madras Planters Labour Act I of 1903.

2213 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether there had been prior to the year 1925 a proposal from higher authorities or others to repeal or amend certain provisions of the Madras Planters Labour Act I of 1903;

(b) if so, from whom and on what grounds;

(c) which of the sections of the Act were proposed to be amended or repealed;

(d) what the attitude of the United Planters' Association of Southern India was towards the question, and which of the sections that association proposed to repeal or amend; and

(e) what the final result of the proposal in question was (if any), and why it was dropped (if at all)?

A.—Various proposals for modifying or amending the Planters Labour Act have been put forward since 1905, culminating in a suggestion from the Government of India in 1919 to repeal the Act or at any rate amend it by the elimination of the clauses relating to imprisonment. While these suggestions were under consideration, the Government of India took up the question of repealing the Workmen's Breach of Contract Act of 1859, the only alternative provision on the subject. This question was decided in 1925 and the Act of 1859 was repealed with effect from the 1st April last.

The question of amending the Planters Labour Act is now under consideration by this Government, with the assistance of a Committee of which the hon. Member is a member. As he is aware, a large number of detailed proposals for amendment have been put forward and the proposals of the Planters' Association are awaited.

Working of the Madras Planters Labour Act.

2214 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) what establishment—Police, Magisterial, etc.—is employed, exclusively or not, in carrying out the operations of the Madras Planters Labour Act; and

(b) what the approximate cost to the Government was on account of such operations annually in 1924-25 and 1925-26?

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- 4.—(a) & (b) Neither the numbers nor the cost of the various establishments employed in connexion with the Madras Planters Labour Act can be definitely stated, since they are not specially allocated for that purpose.

Depots for recruiting labour for plantations in the Presidency.

2215 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether the labour recruiting depots in several districts submit any statements to the Labour Commissioner, Madras, or to Government, Madras, in connexion with the number of coolies such depots or agencies recruit and send to the different plantations within the Presidency;

(b) how much the coolies are paid daily or monthly giving separate figures in the case of men, women and adults;

(c) whether they are recruited and sent on agreement;

(d) if so, for how many years; and

(e) the facilities and other advantages shown on the estates as regards housing, education, hospital, etc.?

A.—(a) No.

(b) The attention of the hon. Member is invited to the answer to clause (d) of question No. 683 asked at the meeting of the Legislative Council held in March 1925.

(c) Yes.

(d) The hon. Member's attention is invited to section 5 of the Madras Planters' Labour Act, I of 1903.

(e) The hon. Member's attention is invited to the answers given to clauses (b), (c) and (f) of question No. 330 asked at the meeting of the Legislative Council held in March 1925.

Local Boards.

Schemes of village roads for Ponnani taluk.

2216 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to place before the House the schemes of village and other roads for the Ponnani taluk prepared by the Taluk Board and the Malabar District Board from the year 1925 and to state—

(a) whether the people of this taluk, especially those parts inhabited by the Syrian Christians, suffer considerably from want of communications; and

(b) what steps are being taken to remedy the situation?

A.—The Government have no information.

Representation of Indian Christians in Malabar District Board.

2217 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there has been no Indian Christian on the Malabar District Board for some time;

(b) whether for some years only an Indian Christian native of Travancore was on the Board;

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(c) why nobody from the Indian Christians of Ponnani taluk, who form a large and educated section of the community, has been on the District Board; and

(d) whether the Government have called for a report from the local officers in order to find out the best representatives of the various sections of the Indian Christians in North and South Malabar?

A.—(a) M.R.Ry. Diwan Bahadur G. T. Verghese Avargal, an Indian Christian, was on the District Board from January 1923 to January 1926.

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

(d) The answer is in the negative.

Elections to the Ettayapuram Union Board.

2218 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have perused the memorial submitted by R. Shanmugam and Veerabadran, dated 10th April 1926, through me to the Local Self-Government Department, regarding the election of members to the Ettayapuram Union Board, and, if so, what action the Government have taken on the same?

A.—Yes. The memorial has been referred to the President, District Board, Tinnevely, for remarks. A copy of the reference has also been furnished to the hon. Member.

Public Health.

Contribution to the United Free Church of Scotland Mission.

2219 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) for what purposes in detail the contribution of Rs. 59,600 was paid to the United Free Church of Scotland Mission on account of the maintenance of the Leper Settlement of Tirumani in the year 1925-26; and

(b) whether the Government have obtained details of the estimates for which a sum of Rs. 1,10,500 has been budgeted for the year 1926-27 and if so, what are the details?

A.—(a) The details of the provision of Rs. 59,600 made in the revised estimate for 1925-26 for payment to the United Free Church of Scotland Mission for the maintenance of the Leper Settlement, Tirumani, are shown below:—

	RS.
Salaries of European staff for seven months at Rs. 950 per mensem.	6,650
Salaries of subordinate medical, nursing and menial staff, and capitation grant for a period of seven months at Rs. 7,000 per mensem.	49,000
Cost of equipment	3,950
Total ...	59,600.

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(b) The details for the provision of Rs. 1,10,500 made in the budget for 1926-27 for the settlement are given below :—

	RS.
1. European Doctor (575) for 12 months.	6,900
2. Matron (375) for 12 months ...	4,500
3. Nurse (325) for 12 months ...	3,900
4. Subordinate medical, clerical and menial establishment.	12,600
5. Diet, medicines and contingencies—	
For 50 Anglo-Indians at Rupees 22-8-0 per mensem.	13,500
For 400 Indians at Rs. 12-4-0 per mensem.	63,600
For 25 children over 8 years of age at Rs. 9 per mensem.	2,700
For 25 children under 8 years of age at Rs. 6 per mensem.	1,800
6. Rent for the Resident Medical Officer's bungalow for one year at Rs. 80.	960
Total ...	1,10,460 or Rupees 1,10,500 in round figures.

Excise.

Statistics of criminal cases of abkari offences.

2220 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Minister for Education be pleased to state—

(a) the number of criminal cases of abkari offences during the two years 1924-25 and 1925-26;

(b) the number of convictions and the income derived from fines, etc., during the same period; and

(c) whether any rewards are given for detecting cases of abkari offences?

A.—(a) & (b) The hon. Member is referred to the Abkari Administration Report for the year 1924-25 for the figures for that year. The Government are not in possession of the information for the year 1925-26.

(c) Yes.

Sale of European liquors.

2221 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to refer to the debate on 17th March 1926 on my motion for the reduction of the allotment of Rs. 20,000 for pay of officers in the Excise department, and to state—

(a) whether Government have ascertained the practice in Bombay as to charging licence fees to non-proprietary clubs selling European liquors to their members;

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(b) whether Government have decided to adopt the Bombay practice; and

(c) whether any steps have been taken to stop the sale of European liquors in the five taluks in which the import and sale of arrack has been prohibited; if not, on what grounds?

A.—(a) No enquiries were made of the Bombay Government as to the practice followed by them but the Government observe from the Bombay Abkari Act V of 1878, as amended by Bombay Act IV of 1925, that clubs in the Bombay Presidency whether proprietary or non-proprietary have to take out licences for supplying liquor to their members.

(b) The question is under the consideration of Government.

(c) The hon. Member is referred to the answers given to clauses (a) and (d) of question No. 1384 on 12th February 1926 and to question No. 1980.

Location of toddy shop in Parakramapandi village, Tinnevely district.

2222 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) why a toddy shop is located within the living quarters of depressed classes in Parakramapandi village, Tinnevely district;

(b) whether the Government are aware that a mahazar signed by several members of the depressed classes living in the village has been signed and sent to the Commissioner of Excise, Madras, during the third week of April 1926 through me praying for the early removal of the shop to some other unobjectionable place; and

(c) what steps have been taken in the matter?

A.—(a), (b) & (c) The Government are not in possession of the information required but have called for a report.

Abolition of toddy and arrack shops.

2223 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) the number of toddy shops, beer taverns, and arrack shops that have been abolished during the year 1924-25;

(b) the number of such shops that are likely to be abolished during 1926; and

(c) whether while abolishing such shops preferences are given to those shops which are located in or near depressed class quarters?

A.—(a) The hon. Member is referred to the Excise Administration Report for the year 1924-25.

(b) The Government are not in possession of the information.

(c) In the matter of abolition of shops the advice of the advisory committees is generally followed. The case of each shop considered on the merits.

[16th July 1926]

Education.*Distribution of grants to Indian Boarding Houses.*

2224 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

- (a) how the grant of Rs. 30,000 for Indian boarding houses provided in budget estimates for 1926-27 is to be distributed;
- (b) which are the various Indian boarding houses and what is the number of inmates in each for whom grants were asked for;
- (c) among which of them the amount has been distributed; and
- (d) on what basis?

- A.—(a) & (c) The grant of Rs. 30,000 has not yet been distributed.
 (b) Applications for boarding grants should reach the Director not later than the 1st August. Applications for grant in the current year have not yet been received.
 (d) Boarding grants are distributed in accordance with the rules in chapter XI of the Grant-in-Aid Code.

Fee concession to girls.

2225 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to refer to the debate in the Legislative Council on 23rd March 1926 in regard to concessions for girls studying in Government and local bodies schools and to state—

- (a) what was the exact point referred to the Finance Committee as to the fee concession to girls;
- (b) whether the Finance Committee expressed any opinion on the point and, if so, what; and
- (c) what orders Government have passed or propose passing thereon?

- A.—(a) The proposal referred to the Committee was that half the standard fees may be levied in the case of all girls attending secondary schools and colleges irrespective of the question of the poverty of their parents or guardians.
 (b) & (c) The Committee have not yet made any recommendation on the direct issue placed before them but wanted further information.

Financial position and prospects of the Andhra University.

2226 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

- (a) the financial position and prospects of the Andhra University;
- (b) what are the private endowments (i) given, (ii) promised; and
- (c) what the establishment of the University will cost during the next five years on the following items: Senate Hall and University offices, Colleges and Libraries and other institutions?

- A.—(a) & (b) The financial position of the University cannot be estimated until the authorities are constituted and a budget is framed. The income of the University consists of (1) receipts from fees, (2) provincial grants, and (3) private endowments.

[16th July 1926]

- (2) A sum of Rs. 1,00,000 has been provided in the budget estimate for the current year for grants to the University. The provision for grants in future years will be determined with reference to the needs of the University and the availability of funds.

- (3) The endowments promised are—

- (i) Rupees 3 lakhs by the District Board, Kistna;
- (ii) Rupees 1 lakh by the District Board, Guntur
- (iii) Rupees 200 by the Union Board, Nuzvid.

Besides the above, a sum of Rs. 20,000 has been paid by the Maharaja of Bobbili out of Rs. 1 lakh specified in his will.

- (c) The attention of the hon. Member is invited to the answer to question No. 1023 asked at the meeting of the Legislative Council held on the 15th December 1925.

Grants-in-aid to private schools.

2227 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

- (a) whether representations have been received from proprietors or managers of private aided schools or whether Government have noted resolutions recorded at meetings to move them with a view to equalize the treatment of private aided schools with that of municipal or local board schools;

- (b) what is the exact or approximate extent of the difference in the treatment of private aided schools on the one side and local board and municipal schools on the other in regard to grant-in-aid;

- (c) on what grounds the differential treatment is justified;

- (d) what attempts have been made to remove as far as possible the differential treatment; and

- (e) what conditions Government demand for this purpose?

- A.—(a) The Government have received a representation that schools under private management should receive the same treatment as that accorded to schools under local bodies in the matter of grants-in-aid.

- (b) & (c) The hon. Member is referred to rules 32 and 33 of the Grant-in-Aid Code and the rules framed under section 42 (2) of the Madras Elementary Education Act, 1920, in regard to grants-in-aid to secondary and elementary schools and to section 37 of that Act as regards subsidies to local bodies for elementary education. Subsidies to local bodies for the maintenance of secondary schools are fixed after considering in each case the financial condition of the local bodies, the needs of the locality, the funds available and other factors.

- (d) & (e) The Secondary Education Reorganization Committee is considering the question.

[16th July 1926]

*Improvements to the Government Training School near
Mint Building Post Office.*

2228 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) the amount of rent the Government pay for the occupation of the building for Government Training School for Teachers near Mint Building Post Office;

(b) why no electric lights are fitted for the use of students to read during the night time in this building;

(c) whether the Government are aware that the students are now using their own dim lights;

(d) all the improvements made in the buildings by way of opening windows, drainage, improvements, etc.;

(e) whether it is a fact that several suggestions for sanitary, etc., improvement were submitted to the District Educational Officer by the Headmaster of the Training School and the same was forwarded on to the Garrison Engineer by the District Educational Officer for his favourable consideration; and

(f) if so, why no improvements have been made in any manner?

A.—(a) Rupees 220 a month.

(b) & (c) The Government do not consider it advisable that expenditure should be incurred from Provincial funds on the provision of electric installation in a rented building.

(d) to (f) The authorities owning the building are unwilling to make alterations.

Elementary school for depressed classes at Kokkalai.

2229 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state whether the opening of a separate elementary school for depressed classes at Kokkalai village, Tiruchengode taluk, Salem district, is under contemplation and if not, why not?

A.—The Government have no information. A report has been called for.

Admission of Adi-Dravidas into the Elementary School at Kokkalai.

2230 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether the Adi-Dravida children are refused admission into the recognized and aided elementary school at Kokkalai village, Tiruchengode taluk; and

(b) what action the Government propose to take in this matter?

A.—(a) & (b) The Government have no information. A report has been called for.

[16th July 1926]

Public Works.

Reconstruction of the bridges at Kattupazha and Iritti.

2231 Q.—Mr. J. A. SALDANHA: With reference to his answer to my question No. 1575 given on 16th March 1926, will the hon. the Minister for Education be pleased to state—

(a) whether and what provision has been made for reconstruction of the two bridges at Kattupazha and Iritti in Malabar which were washed away by floods in 1924; and

(b) whether the work of reconstruction has commenced; if not, when it will commence?

A.—(a) A provision of Rs. 57,500 for the Kattupazha bridge and of Rs. 2,00,000 for the Iritti bridge has been made in the current year's budget.

(b) The Chief Engineer after a personal inspection of the sites of the two bridges has suggested the construction of Kattupazha bridge on a different site and the restoration of the old Iritti bridge, both at considerably less cost. The revised proposals are awaited.

Agriculture.

Experimental coconut gardens under Government management.

2232 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to place before the House a statement showing the number of demonstration and experimental coconut gardens in South Kanara maintained by Government, the total expenditure and income since each was started and the net profits or losses after a commercial audit and to state

- (a) the various kinds of manures used;
- (b) the number of people that visited the farms each year since 1925;
- (c) the number of people trained in coconut culture since 1925;
- (d) whether any school is attached to each farm; and
- (e) the educative work done by means of the farms?

A.—The Agricultural Department conducts only one demonstration plot at Udipi. A very large number of such plots are, however, being conducted under the advice and supervision of the department by private individuals, district boards and municipalities. There are four experimental stations in South Kanara. A statement showing the receipts and charges of these stations according to the accounts maintained by the department is appended. The accounts of these stations have not been subjected to a commercial audit.

- (a) Ashes, cattle manure, fish guano, lime, salt, night-soil, ammonium sulphate, sulphate of potash, superphosphate, copra cake, bone meal or green manure according as these are available.

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- (b) Kasaragod 132
 Nileshwar No. I station ... 35
 Do. No. II „ ... 30
 Do. No. III „ ... 12
- (c) Twenty-five at Udipi. No regular course of training is given at the experimental stations.
- (d) No.
- (e) Improved methods of cultivation are demonstrated on the farms and the improved methods have been adopted on an area of over 100 acres in the neighbourhood of the farms and demonstration plots.

Co-operative Societies.

Co-operative Credit Societies in the Presidency.

2233 Q.—MR. D. MANJAYYA HEGGADE: Will the hon. the Minister for Development be pleased to state—

- (a) the number of co-operative credit societies newly registered in the Presidency during the official year ending with 31st March 1926;
 (b) the number of societies that have gone into liquidation during the same period; and
 (c) the number of cases of criminal prosecution of the office-bearers of the co-operative societies for breach of trust or other similar malpractices?

A.—(a) 850.

(b) 53.

(c) Ten such prosecutions were instituted by the department during the official year ended 31st March 1926.

Fisheries.

Inspector of Fisheries, Nilgiris district.

2234 Q.—MR. J. A. SALDANHA: With reference to his answer to my question No. 1141, given on 16th December 1925, will the hon. the Minister for Development be pleased to state how long the Inspector of Fisheries in question in the Nilgiris district has been holding the same post?

A.—The hon. Member's attention is invited to the answer furnished to clause (e) (iv) of his question No 472 put at the meeting of the Council held on 26th August 1925. The Inspector has been holding the post for the past fifteen years.

II

DURATION OF THE NEXT SITTING OF THE COUNCIL.

[Note—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

* MR. S. SATYAMURTI:—“Sir, may I have your leave to ask the hon. the leader of the House to say either to-day or to-morrow when exactly—if it possible, it is enough if it is approximate—the next meeting of this Council will be summoned, the nature and the extent of the official business likely to be brought before that meeting, and lastly how many days will be

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allotted by His Excellency the Governor for official and how many days for non-official business? I may add, Sir, that in view of the impending general elections and also in view of the fact that some of us are working under special conditions in this House, I shall be very much obliged for an early and full answer to all these three questions.”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“If I am asked to give a specific answer, Sir, I am afraid I shall not be able to undertake to give that answer either to-day or to-morrow, because the number of days to be allotted for official and non-official business and the full details of the official business likely to be introduced are matters which I may not be able to find out to-morrow; but I may assure hon. Members of this House that very shortly—if possible in the course of a week—a statement will be published on that matter. As to the exact date of the meeting, it is, to a certain extent, in your hands, Mr. President, and His Excellency the Governor will probably come to a conclusion to-morrow as to when the adjournment will be. I do not know, but probably it may be about the middle of August.”

* MR. S. SATYAMURTI:—“I do not know, Sir, how much you are concerned in this matter; but I appeal to you, Sir, as a representative of this House. I find very often that the Associated Press or the *Madras Mail* or some other papers give much earlier notices of possible official business, possible dates of meeting and various other things before hon. Members get them. Although undoubtedly it is His Excellency's right to fix the dates of the meeting, I would beg of you, Sir, on behalf of this House, to see that as far as possible hon. Members of this House get the earliest possible intimation as to when the meeting is to be held, what the business to be brought will be, etc. After all, Sir, I believe the next meeting will be the last meeting of this Council, and we have all to work in our constituencies either for ourselves or for others and we would like to make arrangements for four months at least. Some previous notice may be given, and I would beg you to bring pressure on the Government to fix the date as early as possible and to communicate to us the information first, before they are communicated to the Press.”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“The position is this: so far as Government have considered the question up to the present moment, there will be only one more meeting of the Legislative Council; and the business that is left over in the present agenda will undoubtedly form part of the business to be transacted at the next meeting. Whether there will be one or two more items to be included will probably be decided very shortly and full publicity will be given to it in the usual manner. As to the exact number of days, it is impossible to say that just now; but I shall convey the wishes of the hon. Members of this House to His Excellency. As I said, very probably the date of the next meeting will be about the middle of August. Why I said it was to a certain extent in your province, Mr. President, was because I understand that there is a conference of Presidents about the first week or the second week of September. Therefore the meeting cannot be about that time and a certain opinion has also been expressed—it is for His Excellency to consider the cogency of it—that after the middle of September it will be too near the election time to have a long meeting. Therefore, it will be about the middle of August. That is all the information that I can at present give.”

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* Mr. J. A. SALDANHA :—" Now that we have got a sitting in August, may I enquire whether the Revenue Settlement Bill will be brought before the House then ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Is it imparting information or a request for information, Sir ? "

* Mr. J. A. SALDANHA :—" It is a request for information. Now that we have another sitting—the Government told us that they were not going to bring the Revenue Settlement Bill in this meeting—I do not know whether it will be possible for the Revenue Settlement Bill to be brought at the next meeting."

* The hon. Mr. N. E. MARJORIBANKS :—" I do not think, Sir, there is the slightest chance of that Bill being passed in a single sitting."

III

ALLOTMENT OF DAYS FOR THE MALABAR TENANCY BILL.

* The hon. the PRESIDENT :—" I understand that originally His Excellency the Governor allotted only five days for the consideration of the Malabar Tenancy Bill. I have now to announce to the House that His Excellency the Governor has extended the period by another day."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Strictly speaking, Sir, to-day was devoted to other private business than the Malabar Tenancy Bill. This day has now been given by His Excellency and his decision as to to-morrow will also be known as soon as we see the progress made in the Malabar Tenancy Bill."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I want, if possible, to finish this Malabar Tenancy Bill by this evening; but, Sir, as you stated and as my hon. Friend also stated yesterday it is not possible to say anything definitely now. We shall of course see how the matter stands this evening, and I feel confident that, if it is not over to-day, His Excellency the Governor would be able to allot to-morrow also for the further consideration of this Bill."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" In any case, we are not sitting beyond to-morrow."

IV

THE MALABAR TENANCY BILL—cont.

Clause 12—cont.

* Diwan Bahadur M. KRISHNAN NAYAR :—" There is no need, Sir, to move amendment No. 150 as amendment No. 149 has been carried."

Mr. K. UPPI SAHIB :—" Mr. President, the fact is that most of the amendments are with regard to North Malabar and with reference to the conditions prevailing in North Malabar. It is clear beyond any doubt that the Bill has failed to provide for the conditions existing in North Malabar. I therefore move . . ."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I do not wish to interrupt my friend; but I do not know whether after the disposal of amendment No. 149 this amendment No. 153 arises at all. For, what it says is 'for the existing provisos substitute the following'; but now that the existing provisos themselves have been deleted, where is the necessity for this amendment ? "

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* The hon. the PRESIDENT :—" But others might be substituted in their place."

Mr. K. UPPI SAHIB :—" My motion itself is to omit those provisos and substitute these ones. I however want to suggest, before considering these provisos, that we go to sub-clause (2) of clause 1 and discuss that matter. Then we can save much of the time of the Council. If that clause is accepted by the House, we have to drop not only this amendment but many other amendments which have been given notice of. If in the end when we go to clause 2 we find that it is accepted by the House, then we would have wasted much of our time. So, I would move that we go to clause 1, sub-clause (2) and discuss that before discussing my amendment."

* The hon. the PRESIDENT :—" But what are the hon. Member's reasons ? "

Mr. K. UPPI SAHIB :—" If that clause is discussed now, many of my amendments can be dropped. But if these amendments are discussed now and if we go in the end to clause 1 (2) and if that is accepted by the House, then much of the discussion on my amendments would be a waste. There is much difference between North Malabar and South Malabar. My amendment is . . ."

* The hon. the PRESIDENT :—" But why is the suggestion to revert to clause 1 (2) made at this particular stage ? "

Mr. K. UPPI SAHIB :—" Only to save much of the time of the House and the trouble."

* Diwan Bahadur M. KRISHNAN NAYAR :—" May I say one word ? What my friend evidently wants is this: my friend has tabled an amendment to this Bill that this Bill, or this Act when it becomes law, shall apply only to South Malabar and not to North Malabar. That is the amendment that he has tabled under clause 1 (2). Clause 1 reads: 'This Act may be called the Malabar Tenancy Act of 1925'. Then sub-clause (2) is: 'It extends to the whole of the Malabar district'. My friend comes from North Malabar though he represents the Mappilla community of both North and South Malabar, and the object of my friend's amendment is to restrict the operation of this Bill only to South Malabar and not to extend it to North Malabar. In other words, he does not want the tenants of North Malabar to have the benefit of the provisions arising from this Bill. What my friend now says is this: if he succeeds in his amendment to exclude North Malabar from the operation of this Bill, it will not be necessary for him to move many other amendments to this and to the subsequent clauses, of which he has given notice. That is the substance of what my friend says. I have no objection to sub-clause (2) of clause 1 being taken at any stage, even now. Of course, I am not going to support him in his amendment, but that is another matter. He has not yet moved his amendment."

Mr. K. UPPI SAHIB :—" I move that sub-clause (2) of clause I may now be taken into consideration at this stage." 12-15 p.m.

* Mr. A. CHIDAMBARA NADAR :—" I second it."

Mr. K. P. RAMAN MENON :—" I think it will be a very highly inconvenient procedure now. The reason why Mr. Uppi Sahib wants that sub-clause to be taken up now is that he wants a decision whether North Malabar should come within the scope of this Bill. Now, with reference to amendment

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No. 153 which stands in his name, there is a sort of enhancement of rent so far as kuzhikanam tenures are concerned. I thought that the House had pronounced yesterday, when a vote was taken with reference to amendment 149, that all the provisos which had a tendency to give the janmi a right to enhance rent were out of place and must be deleted, for the reason that renewal fees on a liberal scale had been fixed by a previous proposition, so that any amendment which had a tendency to go back upon or negative amendment 149 had to be ignored. Now, what section 12 says is that rents shall be as was now settled under the engagement under which properties are held. If, in the case of kuzhikanam tenants, notwithstanding the fact that a large amount has been accepted as being payable under the head of renewal fee, an exception has to be made, and their rents are to be enhanced, most properly Mr. Prabhakaran Tampam will be entitled to say, 'Well and good, you have no doubt said that renewal fee can be levied. But there is no reason why enhancement of rents of kanam tenants cannot be made.' Practically, it is going over the ground that we have travelled yesterday as to how far rent can be enhanced. The provisos as they originally stood stated that enhancement could be made up to a certain extent. What Mr. Uppi Sahib says is not enhancement up to a certain extent but up to a certain scale. I therefore resist the attempt made by my Friend Mr. Uppi Sahib to have sub-clause 2 taken up first, simply because he does not want a discussion on amendment 153. Clause 1, sub-clause 2, may be taken at its proper stage, and the House may now be divided on amendment No. 153."

Mr. Uppi Sahib's motion to take up clause 1, sub-clause 2, was put and lost.

Mr. K. UPPI SAHIB:—"Sir, I now move to substitute the following provisos to clause 12"

* Diwan Bahadur M. KRISHNAN NAYAR:—"Before he moves it, I have to raise one point. In fact, the whole of my hon. Friend Mr. Raman Menon's argument on the previous motion was to this effect, that the Council having disposed of the provisos to clause 12 in a particular way this amendment cannot be moved. That is how I understand the tenor of my hon. Friend's argument. The Council has already decided that there should be no provisos to section 12 and that there should be no enhancement of rent, so that no proviso can now be added relating to enhancement. Of course, there are other sections 16 and 17 dealing with future enhancements. But there can be no provisos to section 12."

Mr. K. UPPI SAHIB:—"On a point of order, Sir, may I know whether the hon. Member can oppose it before I move the amendment?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"What I now raise is a point of order already raised by my hon. Friend Mr. Raman Menon, and that is this: that the Council having disposed of the question relating to enhancement of purapad or rent when it omitted the provisos to section 12, the same question which is contained in this amendment No. 153 cannot, again be discussed. That is precluded by the previous vote of the Council. On a point of order, it is what my hon. Friend has contended and I agree with him."

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* Mr. K. PRABHAKARAN TAMPAN:—"On this point of order. I wish to speak, Sir. If I understand my hon. Friend Mr. Uppi Sahib correctly, one of his proposals deals with lands wherein the trees belong to the landholder and not to the tenant (Diwan Bahader M. Krishnan Nayar: 'No, no'). I suppose that is what he means. Section 12 does not contemplate to distinguish between lands where the trees belong to the tenant and lands where the trees belong to the janmi. It deals with only one class. The provisos have been omitted. Therefore, this class of tenants form quite a different category, and section 12 does not apply to them. Therefore, there is no point in Mr. Krishnan Nayar saying that this class of tenants has been already dealt with under section 12. My contention is that Mr. Uppi Sahib should be allowed to move this amendment, and the point of order raised by Mr. Krishnan Nayar does not arise at all."

Mr. L. K. TULASIRAM:—"I will say a word in support of Mr. Krishnan Nayar. The amendment here proposed by Mr. Uppi Sahib is: 'For the existing provisos substitute the following.' Now, I appeal to the President whether the provisos are now existing. If really the President thinks that the provisos are existing, I think the amendment will be in order. When there is no proviso existing, when this House has completely omitted the provisos, I think Mr. Uppi Sahib is not in order in proposing his amendment."

* The hon. the PRESIDENT:—"That is only a technical objection. It is open to the hon. Member to say that they may be added as new provisos."

Mr. L. K. TULASIRAM:—"I submit it is also a legal objection."

On Mr. Uppi Sahib rising to speak, Mr. K. P. Raman Menon asked: "May I know, Sir, whether Mr. Uppi Sahib is rising to answer on the point of order?"

Mr. K. UPPI SAHIB:—"Yes, Sir. The hon. Member says that since we have accepted the omission of the provisos, I cannot move this amendment. I say the wording of my amendment is to omit the existing provisos and to substitute something else. Now that the provisos have been omitted, I shall move, Sir, to add my new provisos, if you will permit me."

* The hon. the PRESIDENT:—"Yes."

Mr. K. UPPI SAHIB:—"I move:

'To add the following provisos to section 12:—

"Provided that in the case of a kuzhikanam tenant of a garden land on which all the improvements belong to the landlord either by purchase or production the landlord shall be entitled to by way of rent half the gross yield of the holding.

Provided that in the case of a kuzhikanam tenant of a garden land the improvements on which belong partly to the landlord and partly to the tenant the landlord shall be entitled to one-third of the net yield and the revenue thereon payable to the Government.

Provided also that in the case of a kuzhikanam tenant of a garden land the improvements on which are wholly made or belong to the tenant the landlord shall be entitled to twice the land revenue by way of rent and the revenue thereon."

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"My reasons are these for moving my amendment. These provisos relate to the conditions in North Malabar. The conditions of North Malabar land tenure are entirely different from those of South Malabar. Because, as you might know, the Bill itself provides for the exemption of kanams of North Malabar. We know that in North Malabar the kanam is nothing but a mortgage pure and simple. What we call verumpattam in North Malabar is the right to pluck coconuts or fruits from the trees, whereas in South Malabar it means a land tenure or lease. There is such a large technical difference, and generally the physical conditions of North Malabar are also different from those of South Malabar. Now, Mr. Thorne also in his report says that if there are not more Malabars, at least there are two Malabars."

* Mr. K. PRABHAKARAN TAMPAN :—"May I know whether the hon. Member speaks on clause 1, sub-clause 2, or on this amendment?"

Mr. K. UPPI SAHIB :—"On this amendment. Lands in the greater part of North Malabar are garden lands. There is no tenant class in North Malabar. The tenants are janmis and janmis are tenants, and there is no particular class called the tenant class as in South Malabar. These garden lands are of three kinds. The first kind consists of lands which have been cultivated, planted and improved by the landlord, and then leased out. The whole improvement belongs to the janmi and the whole capital also belongs to the janmi. What I say is we in North Malabar deal with land only on a commercial basis. A man gets interest in proportion to the capital he invests in land and improvements. My first proviso applies to lands which are entirely cultivated and made fruitful or productive by the janmi. In this land, the whole of the capital belongs to the janmi and the whole income ought as a matter of right belong to him. Yet, I say for looking after the land and for cultivating it, allow the tenant also a certain percentage; though he has not invested any capital on it, he has invested his labour and time, and therefore he must get a portion of the produce. I therefore say that in that case half the gross yield of the holding should go to the tenant and half to the janmi.

"In the second class, viz., garden lands, they are lands partly cultivated by the tenant and the janmi might have purchased the land with the whole of the improvements and leased it to the tenant, and the tenant might have made improvements by planting trees. In such a case, the proportion of the capital spent by either the tenant or the janmi may vary. The greater portion may belong to the janmi or the tenant. In either case, I am for giving the benefit to the tenant, and I say in either case the tenant shall pay only one-third of the net yield.

"In the third case, I am entirely with the tenant. The tenant must be entitled to get all the income out of the land and the janmi is only entitled to the capital that is invested in improving the land. That will be a very small amount. Therefore I say I do not mind whether it is double the land revenue or an equivalent of it. I move this amendment and appeal to the House as a matter of right, as a matter of justice, to accept this."

Mr. T. M. MOIDOO SAHIB :—"I second it."

Mr. K. P. RAMAN MENON :—"I fail to see why these provisos should have been moved by Mr. Uppi Sahib: the landlords and tenants in North

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Malabar, whatever may be the physical or other conditions differentiating North Malabar from South Malabar, are equally alive to their interests as the tenants and landlords in South Malabar. Section 12 says:

'A kanamdar or a kuzhikanam tenant or any other cultivating tenant shall pay to the landlord michavaram or rent, as the case may be, according to the terms of the engagement under which he is holding on the date of the passing of this Act.'

"So that whatever rents have been now fixed shall be the rents payable by the tenants to the landlord. There are three classes of cases which Mr. Uppi Sahib mentions. The first is that in which the entire improvement has been made by the landlord. When all the improvements have been made and when he is letting out the property the landlord of North Malabar will not be so foolish as to stipulate for a very low rent. I can credit the landlord of North Malabar with much more commonsense than my Friend does. Then take the second class of cases where the improvements are made partially by the landlord and partially by the tenant. Under the existing arrangement the rents must have been fixed. Why should an arbitrary standard be fixed? The parties have met at arm's length and have settled the rent already, and that rent shall be paid according to the provisions of section 12. Now my friend Mr. Uppi Sahib wants this House to say, 'Well and good; there may be a settlement made, the rent may have been fixed by the landlord and tenant, but still we do not know what proportion it bears to the net yield. So fix it at one-third.' This may be detrimental to the landlord or it may be detrimental to the tenant. So I will ask the House not to disturb the existing arrangement, the arrangement which we have come to after due consideration of the interests of both parties.

"Then coming to the third class, where all the improvements belong to the tenant, it is tremendously in advance of the position we have already taken. Where all the improvements have been reared by the tenant, certainly the landlord is not entitled to anything except a nominal rent. But Mr. Uppi Sahib says that the tenant who reared all the improvements and who spent years of labour and capital on the land, is bound to pay twice the land revenue for the land which is made arable. It may be remembered that kuzhikanam tenants are persons who planted trees on waste lands, it is they and they alone who contributed to the improvement of the garden and the present position of it. If they are asked to pay twice the Government revenue, nothing will be harder to them. What does the landlord do? Is he simply to sit quiet when the tenant raises the trees and makes the land cultivable, and then say: 'I pay the Government, so you should also pay me.' Certainly that is a hardship to the tenant class. With reference to classes 1 and 2, it seems to us that any disturbance of the present arrangement would be to the detriment of either class of people. Therefore, all these three provisos should be opposed and should not be accepted by the House."

* Diwan Bahadur M. KRISHNAN NAYAR :—"In further illustration of what my hon. Friend has stated, let us take the second proviso of my hon. Friend Mr. Uppi Sahib. In the case of kuzhikanam tenant of a garden land, the trees of which belong partly to the janmi and partly to the tenant, the tenant should pay one-third of the net yield. To take a specific illustration, there may be fifty trees in a compound and forty-nine trees may have

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been planted and reared by the tenant, and there may be one old tree about eighty or ninety years old belonging to the janmi. That category will come under the 2nd proviso of this motion, and it will be highly detrimental to the tenant. Take the converse case of forty-nine trees in full maturity reared by the janmi and one tree planted by the tenant just beginning to bear fruit. In this case it will be a very great hardship to the janmi. Practically, it will be greatly disturbing the existing arrangement. The existing arrangement should be protected and for this purpose an amendment has been specially put to clause 12 which has already been passed by this Council. Then there are provisions further below in clauses 16 and 17 providing for future enhancements in certain instances. So I submit that by carrying out this amendment not only the existing arrangement would be disturbed, but also the tenants of North Malabar and, in some cases, even the janmis will be hard hit."

* Mr. K. PRABHAKARAN TAMPAN :—"This amendment covers three kinds of tenants. I will first take up the last kind. My own opinion is that this has been disposed of in clause 12 when full consideration was given to all aspects of the question. But with regard to the other two points there is a great deal to be said in their favour. Proviso (1) deals with lands where all the trees belong to the janmi. It so happens that a janmi redeems the land after paying the value of the improvements and lets it out again. According to the Tenants' Improvement Act of Malabar, the janmi has to pay the full value of the improvements that the tenant has made on the holding. The janmi is the proprietor of the soil and when he redeems the land, whatever improvements the tenants make are given the full value. Therefore, the trees are the entire property of the janmi. It may happen that in leasing out to another, he may fix the rent on a generous scale. I will explain it by way of illustration. If a garden land is redeemed on payment of Rs. 5,000 for the value of the trees in it and the rent fixed on letting it afterwards is not sufficient to meet the rate of interest, it is only proper that the janmi should be given the opportunity to revise the scale. I am surprised to find that Mr. Uppi Sahib has reduced the share of the janmi to fifty per cent. In my own opinion, inasmuch as the trees belong to the janmi, the full benefit of the usufruct of the trees should be given to the janmi and not to the tenant.

"As regards proviso (2), I agree with my hon. Friends Mr. Krishnan Nayar and Mr. Raman Menon that it is not proper and safe to fix one-third of the net yield, because, as was explained by my hon. Friends, there is no knowing how many trees belong to the janmi and how many to the tenant. The standard proposed by Mr. Uppi Sahib may act either way. It is fair that each should get his share of the profits. The best thing is to count the trees belonging to each and decide according to the provisions relating to such classes. Therefore, I request you to put these provisos separately to vote and get the opinion of the House on every one of them separately."

Rao Bahadur P. RAMAN :—"The object of this motion is to increase the rent and nothing else. It has been already provided in the first paragraph of section 12. If all the improvements belong to the landlord, then the lease is not a kuzhikanam lease, according to the definition in the Bill."

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Mr. K. UPPI SAHIB :—"May I ask the hon. Member whether there are no kuzhikanam tenants in North Malabar in whose premises there is not a single tree belonging to him and yet he is called a kuzhikanam tenant?"

Rao Bahadur P. RAMAN :—"If all the trees belong to the landlords, then he is not a kuzhikanam tenant. It is for that purpose that I reserved my argument to sub-clause (2)."

Mr. K. UPPI SAHIB :—"Mr. Raman Menon told us that the landlords were not foolish to lease out for a nominal rent lands which had been cultivated by themselves. In the case of a garden, I admit that a coconut tree takes ten or twelve years for the full bearing. In the tenth year, after the whole capital necessary for cultivation has been invested on the land, it is common in North Malabar for a janmi to lease it for a nominal rent. The period of the lease is twelve years; but in the lease it will be stipulated that for five years the tenant shall pay, say, Rs. 5 and after five years he shall pay Rs. 10. It is only in the next renewal that the proper rent will be charged. In those cases, if this proviso is not put in, all those who have already leased out their lands and invested five or ten thousand rupees will get only about 12 to 15 rupees. They cannot increase the rent to any extent but only to the extent to which they are entitled as a matter of business. We do not want any janmam right or all the incidence attached to a janmi. We want only to deal with it commercially and that is generally how it is dealt with in North Malabar. It is more or less on a commercial basis. There is no such old superstitious belief existing between a janmi and a tenant in North Malabar. Therefore I say that argument does not hold good. There are no Nambudiri janmis and therefore no social difficulties in North Malabar."

* Diwan Bahadur M. KRISHNAN NAYAR :—"There are any number of Nambudiri janmis in Taliparamba."

Mr. K. UPPI SAHIB :—"There will be difficulty only with regard to the second proviso. I spent a great deal of thought before I came to a definite conclusion which would be favourable to the tenant. I am always for the tenants and I would stand for them even at the risk of losing my seat here. In the course of a conversation with some of the tenant supporters in North Malabar when Mr. S. Satyamurti also was present, we were told that there was not much grievance there except as regards melcharths. Therefore, if we could put a stop to melcharth we will be doing them a valuable service. You know, Sir, in North Malabar there is no tenancy agitation. Therefore, as a matter of justice, I request the House to pass my amendment."

The amendment was put and declared lost.

Mr. K. Uppi Sahib demanded a poll and the House divided thus.

Ayes.

- | | |
|---|---|
| 1. Mr. K. Prabhakaran Tampam. | 8. Mr. Muhammad Ghouse Mian Sahib. |
| 2. " C. E. Wood. | 9. Sriman Sasibhushan Rath Mahasayo. |
| 3. " D. Manjappa Heggade. | 10. Khan Bahadur Khalif-ul-lah Sahib Bahadur. |
| 4. " V. Madhava Raja. | 11. Mr. T. M. Moidu Sahib. |
| 5. Rao Bahadur A. S. Krishna Rao Pantulu. | 12. " Qadir Muhi-ud-din Sahib. |
| 6. Rai Bahadur T. M. Narasimhaachari. | 13. " K. Uppi Sahib. |
| 7. Mr. Haji Abdulla Sahib. | |

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Noes.

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|--|--------------------------------------|
| 1. Mr. K. P. Raman Menon. | 15. Mr. J. A. Saldanha. |
| 2. „ H. B. Ari Gowder. | 16. „ A. Ranganatha Madaliyar. |
| 3. „ D. Appavu Chettiyar. | 17. „ C. Gopala Menon. |
| 4. Diwan Bahadur O. Tanikachala Chettiyar. | 18. „ P. Peddiraju. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 19. „ B. P. Sessa Reddi. |
| 6. Mr. N. Devendrudu. | 20. Diwan Bahadur M. Krishnan Nayar. |
| 7. Diwan Bahadur P. O. Ethirajulu Nayudu. | 21. Rao Bahadur P. Raman. |
| 8. Rao Sahib P. V. Gopalan. | 22. Mr. J. D. Samuel. |
| 9. Mr. R. Madanagopal Nayudu. | 23. „ Chavadi K. Subrahmanya Pillai. |
| 10. „ T. Mallasappa. | 24. „ R. Veerian. |
| 11. Rao Bahadur B. Muniswami Nayudu. | 25. Diwan Bahadur K. Suryanarayana- |
| 12. Mr. B. Obalesappa. | murti Nayudu. |
| 13. „ G. Premayya. | 26. Mr. L. K. Tulasiram. |
| 14. Diwan Bahadur P. Kesava Pillai. | |

Ayes—13; Noes—26.

The amendment was lost.

(At this stage the hon. the Deputy President occupied the Chair.)

* Mr. K. PRABHAKARAN TAMPAN :—“Sir, I do not wish to move amendment No. 165 standing in my name just at present, but propose to ask your permission to move it when the question of compensation comes up. The provisos under clause 12 contemplated revision of michavaram and rent when there was a necessity for fixing what is called the interest on the kanam. There are certain tenures called *pattaththil anubham* (പട്ടത്തീൽ അനുഭവം), etc. Now, since the question of raising michavaram has been disposed of, there is no need at this juncture to move this amendment. I therefore beg permission to move it, if it is necessary, when the question of compensation comes up for discussion. In fact, under the circumstances, that would be the proper occasion to move it.”

Mr. K. P. RAMAN MENON :—“Sir, it will be better to come to a clear understanding of the situation. My own view is that if, as a matter of fact, revising the rent is beyond the scope of this Bill except as provided for under sections 16 and 17, then this amendment does not arise at all. By our passing amendment No. 149 this proviso ought to go. An occasion will not arise when there will be a necessity to revise the scale. So that this need not be considered at all.”

Amendment No. 165 was postponed for being moved on a later occasion.

Clause 12 as amended was then put, passed and added to the Bill.

Clause 13.

p.m. Rao Bahadur A. S. KRISHNA RAO PANTULU :—“So far as clause 13 is concerned, several hon. Gentlemen have given notices of motion for omission of this clause and I do not see any reason why they are not moving it. May I have your leave and the leave of the House to move the motion? It is absolutely necessary that in view of the previous provisions of the Bill this clause should be omitted. May I proceed to explain why this clause is unnecessary?”

The hon. the DEPUTY PRESIDENT :—“Is there any one to second it?”

Rai Bahadur T. M. NARASIMHACHARLU :—“I second it.”

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Rao Bahadur A. S. KRISHNA RAO PANTULU :—“The reason is this. Clause 15 itself suggests :

‘The michavaram or rent payable by a kanamdar or a kuzhikanam or other tenant shall be liable to be revised according to the provisions of this chapter.’

“Clause 13 practically covers the same ground, viz :

‘The michavaram payable by a kanamdar and the rent payable by a kuzhikanam or verum-pattam tenant shall not be enhanced except as provided by this Act’.

“My other suggestion is that you have provided for the reduction of michavaram or rent in clause 17. Clause 13 is therefore defective so far as it goes. Clause 15 provides for it and is more comprehensive. For these reasons, I think it is unnecessary to have clause 13.

“I therefore move—

‘that this clause may be omitted.’”

* Diwan Bahadur M. KRISHNAN NAYAR :—“I have no objection to accept the amendment as it is only tautological. Section 12 says :

‘A kanamdar or a kuzhikanam tenant or any other cultivating tenant shall pay to the landlord michavaram or rent as the case may be according to the terms of the engagement under which he is holding on the date of the passing of this Act’.

“There is in clause 15, as my hon. Friend has pointed out, a specific provision for revision of rent either by way of enhancement or by way of reduction. The details of enhancement and reduction are given in the subsequent sections, so that I see no reason why we should retain clause 13.”

Mr. K. P. RAMAN MENON :—“I agree with Mr. Krishnan Nayar.”

* Mr. S. SATYAMURTI :—“May I say one word? I thought it was only the hon. the Law Member that was non-co-operating with us. But the Advocate-General also is non-co-operating with us. I should like to say that this House should have some expert advice as to whether clause 13 is unnecessary, as was pointed out by some of my hon. Friends, because we have clauses 12 and 15. It is a matter of doubt. I should like to have some expert advice, either the advice of my hon. Friend Mr. Raman Menon or that of the Advocate-General as to whether the reasons or the arguments advanced by my hon. Friend Mr. Krishna Rao or those of my hon. Friend Mr. Krishnan Nayar are absolutely irrebuttable and that clause 13 has become tautological. I am not so clear, because clause 15 provides for the revision of rent and it is positive. Clause 12 provides for the payment according to engagement. Where is the provision which states that any new enhancements which may be illegal cannot be enforced? As there is some doubt on this point, in legislating between parties, it is much better that some positive provision is made against such enhancement or revision, rather than leaving it to be inferred. I leave it to the House to see whether it is not necessary that we should have the advice of the Advocate-General on the matter.”

* Mr. T. R. VENKATARAMA SASTRIYAR :—“As far as my recollection goes, at the time when the Bill was drafted I thought that in view of clauses 12 and 15 it would be unnecessary to have a specific clause like clause 13. But for considerations mentioned by the hon. Member for the University, I afterwards thought the clause might be allowed to remain.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“May I point out in addition to what was stated by the hon. the Advocate-General that if there was any justification for clause 13, it was so far as the provisos to clause 12

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remained part of the Bill because it will be found that the two provisos to clause 12 expressly refer to some cases of enhancement? This House by a majority decided that these two provisos should be deleted. As these provisos directly refer to enhancement, they must have a bearing on clause 13. These provisos having been omitted, there is absolutely no place for clause 13."

The motion was put to the House and carried, and clause 13 was omitted.

Clause 14.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I beg to move—
'that clause 14 be omitted'.

"Clause 14 suggests that where lands are let on verumpattam lease after the passing of this Act, the rent payable by the tenant to the landlord shall not exceed one-third of the net produce and the Government revenue payable thereon. It is somewhat curious that several hon. Members, about ten in number representing different shades of opinion, have given notice of this motion for the omission of this clause but that they have not chosen to make this motion. It will be found that, so far as clause 14 is concerned, it does not suggest any means of fixing rent for the first time. It only says that in cases where lands are let after the passing of this Act, the rent payable shall not exceed a particular rate which has been suggested as one-third of the net produce and the Government revenue payable thereon. I think it is not a wholesome provision in the interests of the janmis, and I do not understand why my hon. Friends have not chosen to make this motion. It only suggests the maximum rent payable, and it would not be unfair to leave the parties to contract between themselves. Subject to the maximum the parties should be free to contract in the best manner possible so long as their freedom is not interfered with. So I do not think there will be any difficulty in accepting this amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—"I second the motion. It will be remembered that provisos of section 12 have been omitted. Section 12 reads thus :

"A kanamdar or a kuzhikanam tenant or any other cultivating tenant shall pay to the landlord mchavaram or rent as the case may be according to the terms of the engagement under which he is holding on the date of the passing of this Act."

"So the criterion is to accept the existing rent on the terms of the contract entered into between the parties. We have omitted clause 13 with reference to kanamdar and also verumpattam tenant. I fail to see why clause 14 should be retained. We have to infer that the freedom of the contract begins after the passing of the Act. There is absolutely no reason why clause 14 should be retained to the detriment of the janmi and other landlords. I do not know why hon. Members who have given notice of this motion have kept quiet."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Sir, this piece of legislation seems to be a very ill-fated one. I find the Treasury Bench—I mean the first bench—completely vacant. I am told the second bench also would be completely vacant. I do not think that in the history of this Council during the last six years, for the matter of that ever since the Council was instituted under whatever Act it might be—this perhaps is the

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only day, this perhaps is the only measure—on which Government have deserted their posts. Sir, desertion of posts is a very serious affair in matters military. I do not know with what view the Government have left their places. Of course, we know that because proposals of theirs were not accepted, they did not want to give the impression that by taking part in other portions, they might be misunderstood to have conceded or to have accepted the provisions of the Bill. That position is perfectly intelligible. But this scant courtesy to this Council, this absence from their places, not even knowing what we are doing, sense or non-sense, is quite un-understandable. I think it is due to this House that these gentlemen should have been there and should have acquainted themselves with what the views of this Council are. We have known that this Council has been constituted under the Reforms Act. We are told that we are on the road of responsible government. We are told that we are to educate the electorates and that we were not discharging our duties properly. But to-day we find the sorry spectacle of the whole Government Members being away from their places. Is this the kind of education that we are going to give to the people? ('Hear hear'): Ministers as well as Executive Councillors have left their places. I ask, is this courtesy, the ordinary courtesy I mean, due to this Council? Some of us, many of the members I take it, come from distant parts of the Presidency to this Council in the hope that they might do some service to their electorates. Whether their views are right or wrong, is it not due to them, is it not necessary, that the Government should know what the people's representatives think on particular matters? Well, Sir, having said that, I may point out that this motion was tabled both by members of Government and by private members."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"As a matter of personal explanation, Sir. I am not here to say more than this. Technically I was not in my seat but from the beginning of the discussion of this Bill up to this amendment I have been hearing the discussions that have been proceeding and I wish to repel any suggestion of want of courtesy to the hon. Members of this House. I hold, notwithstanding what my hon. Friend the Member who has last spoken has said, that we are not wanting in courtesy and that no action of ours is to be construed in that manner. So far as the Government are concerned, they made their position clear. They felt and decided that clauses 6 and 7 should be rejected. That is the pivot of the whole matter. This Council has overruled their decision and proceeded in their own way, and rightly so, from their own point of view. So far as the rest of the Bill is concerned, certain amendments and suggestions were made by the Government solely on the basis that their amendment would follow the rejection of clauses 6 and 7. Clauses 6 and 7 not having been rejected, they came to the conclusion that they should await the decision of this House on the other points on which they have to come to a conclusion. Far be it from me to express or seem even to approve of any suggestion of want of courtesy and it is the remotest idea of any of the members of Government either individually or collectively that they should be wanting in their due sense of respect to this House."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I gracefully accept the assurance given by the hon. the Law Member that his absence and that of his colleagues on the first bench was not due to any want of courtesy on their part."

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* Mr. S. SATYAMURTI :—"What about the Ministers?"

1-15 p.m. Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Ask them when they come. Well, Sir, apart from that . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"As to the hon. Ministers, they are not in charge of this particular subject. I am in charge of that subject, tenancy. If, at any time, the presence of my hon. Colleagues, the Members and the Ministers is necessary either to help in the discussion or to take part in the voting they would be very willing to do so. In no House are all the Members of the Government bound to attend always. I am sorry I was, technically speaking, outside the precincts of the House and I apologize for that. It is my duty to be here but it is not the duty of either the hon. Ministers or the other Members of the Executive Council to be present here, except for the purpose of voting and knowing for what they are voting."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I have no quarrel on that point, Sir."

"But the Government have tabled amendment No. 176 dealing with the limitation of rent. They have given it as their views on the question of the limitation of rent. In clause 14 the Select Committee limited the rent so as not to exceed one-third of the net produce and the Government revenue payable thereon. But the Government amendment says that it should not exceed two-thirds of the net produce. It is quite possible that Government may not choose to move their amendment; yet my contention is that they should be present in their seats to know the views of the Council on this matter. They may accept them or not; it does not matter. We do not expect the Government to accept everything we propose."

The hon. the DEPUTY PRESIDENT :—"The hon. the Law Member has already explained the position and we need not pursue the matter."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I only explained why we should discuss this clause. Government should know our views in the matter. The question is between one-third of the net produce and two-thirds of the net produce. This question was discussed at great length in the Select Committee and I think it was my hon. Friend Mr. Muniswami Nayudu who raised that question. It has been forgotten by the proposers of the amendment that whereas at the settlement in the ryotwari areas Government took into account only the share of the tenant and the Government assessment, in making a settlement in Malabar especially in the year 1900 Government took particular care to divide the produce into three shares, one to go to the Government, one to the janmi and the other to the tenant. The proportions may not be equal; in some cases it was not exactly a third. But it is evident that the shares of three persons and not of two persons only were taken into consideration. When it is shown that this ratio of one-third has got a reasonable basis behind it, I hope this Council will support the view of the Select Committee. In the case of cultivating verumpattam tenants it was stated in the Select Committee that they were rack-rented. Whatever might be the attitude of the janmis towards the kanamdars, especially the kanamdars who are not actually in possession, one thing is clear. The janmis had not the least objection to the grant of occupancy rights to the cultivating verumpattam tenants. That is evident from the

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amendments tabled by the hon. Member Mr. Prabhakaran Tampan. In the proposals of the Government they fix the rent without fixing the tenure. Fixity of tenure and fixity of rent go together. Fixing the one without fixing the other also would be an anomaly. There is no instance in the whole world including Ireland and Scotland where fixity of rent is given without giving at the same time fixity of tenure. Between 1870 and 1880 the Irish Land Bills which were passed in Parliament gave fixity of tenure, fixity of rent and freedom of sale. I thought that the Government would give effect to the three F's before they mutilated the Bill. Now they want to scrap away the two F's and retain only one. That will be an incongruity. But my hon. Friend from Nellore wants to take away the third F also."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, may I say it is not fixity of rent, but fair rent?"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am much obliged to my hon. Friend. All the same there are the three F's. By this amendment even the fairness of the rent is sought to be taken away."

"Much has been said about the freedom of contract. Those who are familiar with the provisions of the Estates Land Act will see that a tenant is not allowed to contract himself out of the land. The mere fact that the tenant writes in his patta that at the end of the term of settlement he would contract himself out of the land does not entitle him to do so; the legislature has made it so. So that the question of the freedom of contract, however much it might hold good in commercial countries, need not worry us in this agricultural land of ours. It is done merely for the purpose of seeing that the tenant is made to have certain rights which will interest him in the land and thereby increase the production of the country and incidentally the wealth of the country. If our hon. Friends are prepared to lay their axes at the root of all these, then bid good-bye to all these things."

* Mr. S. SATYAMURTI :—"Sir, I rise to strongly oppose this amendment. I should like to join my hon. Friend below the gangway in his very serious complaint against what I cannot help calling the active non-co-operation of the Government benches with the rest of the House, in the discussion of this measure of far-reaching importance, affecting the lives and future of three millions of people committed to their care. I was extremely surprised to hear the hon. the Law Member say that it is not the duty of the hon. Members on the Treasury Bench to be here when the Bill is being discussed, except to come down and vote; of course he carefully added 'and to know what they are voting for'."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Except, as I said, the Member in charge of the subject whose duty it is to be here."

* Mr. S. SATYAMURTI :—"Men are usually lax in their duties; but they do not give excuses for not performing their duties."

The hon. the DEPUTY PRESIDENT :—"May I rise to a point of order?"

* Mr. S. SATYAMURTI :—"No, Sir; you may rule me out of order."

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The hon. the DEPUTY PRESIDENT:—"All right. I rule the hon. Member out of order."

* Mr. S. SATYAMURTI:—"Coming to the merits of the suggestion, I shall appeal to the House to vote against the amendment. That is so far as the East Coast people are concerned."

"What does Mr. Krishnan Nayar say in his minute of dissent? He says:

"that the decision will have the effect of violently disturbing the economic conditions of the district."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, though I have given a motion I have purposely refrained from moving it. I do not support the reasons adduced."

* Mr. S. SATYAMURTI:—"I am very glad, Sir. In view of the fact that the hon. the Mover of the Bill does not support the reasons he has himself adduced for the amendment, I hope the amendment will not be pressed. My hon. Friend, the representative of the janmis, Mr. Prabakaran Tampan, says in his minute of dissent, page 53:

"I also foresee the moment this section is put to the vote and declared carried in the Council Mr. Krishnan Nayar quietly getting up in his place and asking the leave of the House to withdraw his Bill."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Oh, I have not said so."

* Mr. S. SATYAMURTI:—"Verumpattam tenants are entitled to our utmost consideration and sympathy. (Diwan Bahadur M. Krishnan Nayar: 'Hear, hear') I hope, Sir, that the House will turn down this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I am sorry that my hon. Friends Messrs. Venkatarreddi Nayudu and Satyamurti have not understood the scope of this clause. The House will remember that the proviso (1) to clause 12 has been omitted. Attempt was made in the Select Committee to fix the rent in the case of the kanamdar or kuzhikanam tenant. By a majority, the House omitted it. In the case of a non-cultivating kanamdar or kuzhikanam tenant the House by a majority agreed to the omission of the proviso. Having agreed to the omission of the provisos to clause 12, it is for consideration whether we have to provide for verumpattam leases granted after the passing of this Act which are included in clause 14. The hon. Member Sir K. Venkatarreddi Nayudu drew the attention of the House to the provision in the Estates Land Act. It has been urged that those who have the interests of the tenants at heart will vote down this motion. May I point out that my interest in the welfare of the tenants is not less keen than that of either of the hon. Members? It is only for that purpose that I brought forward this motion and I press it. In the Estates Land Act there is nothing about the restrictions on the contracts. The restrictive provisions there will not apply to cases of this sort."

1-30
a.m. "It is generally suggested that an analogy has to be drawn between the Estates Land Act and this Bill. I wish hon. Members will remember the provisions of the Estates Land Act so far as this section is concerned. No one objected to the question of occupancy right which has been conferred. The point for consideration is whether it is or is not reasonable to have a

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restrictive provision. Section 187 of the Estates Land Act contains various provisions as to cases in which the contracts between the landlord and the ryot will not be binding. Section 188 of that Act says:

"Nothing in any contract between any landholder and a ryot of old waste made before or after the passing of this Act shall take away or limit the right of the ryot to acquire the status of an occupancy ryot in respect of such land."

"Again Sir, any provision of the Estates Land Act which requires to be looked into in this connection is section 25. It says:

"Every ryot admitted by the landholder after the commencement of this Act to possession of ryoti land other than old waste shall be bound to pay rent at a rate not exceeding the rate prevailing for similar lands with similar advantages in the neighbourhood, or, in case such rate cannot be ascertained, at such rate as the Collector may on application decide to be fair and equitable."

"I am not suggesting one-third or two-thirds. I am suggesting the omission of clause 14. The question is whether it is necessary for you to have this restrictive provision in cases where lands are let on lease after the passing of this Act. Comparing the provision in the Bill with section 25 of the Estates Land Act, the latter gives discretion to the Collector to settle a fair and equitable rent. It is for these reasons that I think that section 14 should not find a place in the Bill."

The motion was put to the House and lost.

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

Clause 14 was put, passed and added to the Bill.

New clause after clause 14.

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

"that the following clause be added after clause 14:—

Nothing in this chapter shall prevent the janmi from repaying in full or in part the kanam or kuzhikanam amount due to the tenant of a holding when the interest allowed in the demise on such amount shall be paid as additional michavaram or rent."

"After giving the kanamdar occupancy right on his holding there is hardly any necessity to treat the kanam amount as a debt. As the House knows, kanam amount varies with each janmi. A rich janmi may not have raised a large amount of kanam on his holding, whereas in the case of a poor janmi, the kanam amount will be very large. According to the character of the tenure, some interest is allowed to be deducted from the produce and it is only the balance that is given as michavaram."

"There are two aspects which the House has to take into consideration when dealing with this amendment. One aspect is this: some of this money was raised in the good old days when money was very scarce in the land. I remember the days when for four annas we could get as much as one para of paddy. I have myself sold it at that rate. The interest allowed in the old kanams is not only usurious but will work out at a thousand per cent. Even to-day it is common to provide a rate which is three times the usual market rate. We pay Rs. 175 for Rs. 1,000 or 17½ per cent interest. The tenant now gets occupancy right. There is no meaning in asking the janmi to remain for ever a debtor. Once he is a debtor he is always asked to

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remain a debtor. If he gets money, is it not fair the janmi should be allowed to pay back the kanam so that the interest paid on it may go to him in the shape of additional michavaram. Having prohibited him from redeeming his properties, it is only fair and just that he should be allowed at least this privilege. I therefore recommend that this amendment be accepted."

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

Mr. K. P. RAMAN MENON:—"This amendment, Sir, is one that is calculated to take away really the benefit of the right conferred on the kanam tenant. As my hon. Friend Mr. Prabhakaran Tampan himself observed, money was advanced at a time when it was very scarce and the interest therefore ran high. The times have changed; money is cheaper now and interest is lower. Why should the janmi alone be entitled to take advantage of the changing times? If, as, a matter of fact, kanams are allowed to be repaid, the interest that was then calculated should not be taken into consideration. When there was stringency in the market, and the need for money, it was the kanamdar who advanced the money and enabled the landlord to tide over the difficulty. There is no reason why the return of the kanam amount should be allowed to the detriment of the persons who advanced the money. The times are easier now because there has been peace in the country. I do not know the reason why the advantages arising from the peace of the country should accrue to the benefit of one section only and not to all classes of people.

"As a matter of fact, when conferring permanency on the kanam tenant the feeling was that the cultivating tenants should get larger concession at the hands of this House. If the kanam amount is to be returned to the kanam tenant, and if he is saddled by a larger amount of michavaram, do you not think that you are taking away the benefit conferred upon him of permanent occupancy because he was a cultivating tenant? It was because of the fact that the cultivating kanam tenant had done much benefit to the country and that he will do much benefit in future also, you conferred that right. Will it be proper for you to deprive the person who secured money to the janmi, of his benefit? Certainly it cannot be.

"Then, dealing with the question of the renewal fee yesterday, has it not been pointed out to you that, as a matter of fact, it is as a part of the extra interest that the kanamdar is receiving with reference to his money, that he is paying a large amount as renewal fee? To exemplify the statement, the hon. Member Mr. Prabhakaran Tampan instanced the case of the kanamdar realizing 50 paras of paddy as interest on Rs. 100.

2-45
P.M.

"In calculating the amount of renewal fee and in putting it at a liberal figure, this was one of the items that were taken into consideration. Money is now available in the market at 12 per cent or 18 per cent. You are getting 40 per cent or 50 per cent. Now are you not going to give the difference between the two to us. That is the question put by Mr. Prabhakaran Tampan to the House. In calculating the renewal fee, this was taken into consideration. It was said 'you are getting more interest than you are entitled to get, therefore it is but right and proper that you should pay a higher rate of renewal fee'. It is based on that that the renewal fee was fixed at one year's profit. Is it proper now, I ask, to go back upon that statement and allow the janmi to raise the rent to such an extent as to deprive the kanamdar of the benefit already conferred

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upon him? Well, you have laid upon him the extra liability of paying a renewal fee. That aspect of the question has also to be considered. Sir, in considering the question of rent with reference to clause 12, this House has resolved that no revision of rent should be made except as provided for by sections 15, 16, etc. By the new section that is now sought to be introduced, what are you going to do? You are refusing what you have given. You are going to say: 'Well and good, we did it with reference to that clause of the Bill. We did it then, although under another name we put some more burden on the shoulders of the tenant, in the shape of rent, renewal fee, or anything like that'. My reasons are these. In the first place, as a matter of fact, because the tenant advanced more under more stringent conditions it cannot be said now that the conditions now prevailing are the same and it is the janmis' privilege alone to enjoy the benefits of the improvement in the economic situation of the holding. Secondly, this item has really been considered when fixing the rate of renewal fee. Thirdly, we will be going back upon section 12. For all these reasons, I oppose the motion now made by Mr. Prabhakaran Tampan."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I cannot accept this amendment for obvious reasons. My friend Mr. Prabhakaran Tampan's argument was based upon two assumptions. My friend says that once a debtor always a debtor. That principle should not be followed. Nor should the principle once a mortgagor always a mortgagor. Those two assumptions made by my friend Mr. Prabhakaran Tampan are based on a third assumption, namely, that the janmi is really a debtor and really a mortgagor. I need not go again over those lengthy arguments which I advanced, Sir, at the time when we discussed the general question. I believe I have convinced the House that the janmi is not a debtor, not a mortgagor and the kanamdar is not a mortgagee, not a creditor. If not, all those things that I referred to at that time would have been in vain. My hon. Friend still assumes that these janmis of small kanams are really debtors and mortgagors and he has based his argument on it. That is absolutely wrong. Then again, as was pointed out, the high rate of renewal fees that was fixed by the Council yesterday not even deducting therefrom the Government revenue and other things, was based on the express understanding that the kanamdars, i.e., those ancient kanamdars and the cultivating kanamdars are to have occupancy right and fixity of tenure.

"It is on that express understanding that we, the tenant representatives in this Council, consented to the payment of such a large amount of renewal fees as one year's net produce. Practically if this proposition of my friend is carried, it would mean paying twice over. That I think is absolutely unfair. For the matter of that, there is a wrong assumption in the proposition itself, namely, that there are amounts due under kuzhikanam tenure. As a matter of fact, kuzhikanam is practically a simple tenure for a period of twelve years. There are no amounts charged at all. For these and other reasons, I cannot accept this motion."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, it really takes one's breath away to hear the arguments advanced by the expert Member from Malabar who was in opposition to this amendment. He says that the janmi was always the oppressor and he has advanced arguments to show that. But how is it, if he is really a debtor and the kanamdar a creditor; that the

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debtor is able to oppress the creditor? Now, Sir, he adduced arguments to show that the janmi is really the oppressed and not the oppressor. It is admitted that there was a time when money was scarce and the janmi had to go borrowing and be borrowed at a very high rate of interest. I assume that that submission was correct; and on that basis can we . . .

Mr. K. P. RAMAN MENON :—"My friend is making it plain still further."

Rai Bahadur T. M. NARASIMHACHARLU :—"No, Sir, it is the other way; that is, if it was lent at a very cheap rate of interest, how is it that the tenants' supporters object to this very modest amendment? They will get your money back and they can invest it at a higher rate of interest. Therefore, either you advance it at a very high rate of interest in which case it shows that you had the occasion and the opportunity to extract or extort as much as possible in the shape of interest from him by advancing small amounts or you advance it at a very ordinary or low rate of interest, in which case you should have no objection to receive back your money. On the other hand, he says 'well, let the same thing remain as before'. What does it mean? It simply means that it was lent at a very high rate of interest and that these jannims should be paying heavy rate of interest for ever and ever and that they should not be allowed to pay the kanam amounts to the kanamdars. Sir, is there any country in the world which has a parallel of this kind of principle that a debtor should be prevented from paying his creditor the debt due to him, so that he may wipe off the debt and cease to pay the heavy rate of interest. 'No,' he says: 'You gave the permanent right of occupancy and what you gave with your right hand you are taking away with your left.' What is it that we are taking away? What is it that the janmi proposes? He proposes only to make his position easier, that is to discharge the debt 'in full or in part the kanam or kuzhikanam amount due to the tenant of a holding when the interest allowed in the demise on such amount shall be paid as additional michavaram or rent,' i.e., he wants to be no longer under any obligation. Can any person in this world be prevented from discharging his debt? The principle is so fundamentally clear and I am sorry that hon. Members are so much obsessed with the personal interest which is the dominant factor in this Bill so as to forget the fundamental principles of law and justice and say, 'Well, we shall continue to receive the high rate of interest, you should continue to be my debtor and we shall never take back this loan'. I submit Sir, that to say in that strain simply means that they act against all fundamental principles of law and justice. I therefore support the motion.

"The other point urged is 'as soon as the debt is cleared, substitute something for the interest which has been hitherto deducted from the michavaram'. I submit that is a very reasonable thing. Nothing can be more reasonable than that. You cannot have both *avva* and *buva*. That is a Telugu saying. It means that a man cannot have his grandmother living and at the same time want the *buva*, i.e., the cakes which would be prepared once every year at the grandmother's ceremony. He cannot have both. That is what the tenant wants although the debt is wiped off, he does not want the michavaram to be increased. That seems to be the argument put forward by the supporters of the tenants. I submit, Sir, it takes away one's breath when hearing such an argument on the floor of this House and yet both of them who adduced such arguments are lawyers."

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* Rao Bahadur B. MUNISWAMI NAYUDU :—"Sir, my Friend has been talking without knowing what the implications of this amendment are. Sir, we resolved yesterday that, so far as kanamdars are concerned, they should be given permanent rights in the sense that they should continue as kanamdars and continue to hold on the terms on which they held previously, that the kanams will be liable to be renewed on payment of the renewal fee, that michavaram will be continued and all that. When once you concede that, there is no meaning in saying now 'we will continue to oppress him, we shall destroy him as a kanamdar by paying his full kanam amount'. If the full amount is to be paid, there is no necessity for renewal fee at all. The renewal fee is only to compensate the janmi for allowing the kanamdar to continue as such, paying a favourable return."

Rai Bahadur T. M. NARASIMHACHARLU :—"I understood yesterday that the renewal fee was a sort of compensation for being prevented from evicting the tenant. To-day he says some other thing."

* Rao Bahadur B. MUNISWAMI NAYUDU :—"There has been much talk about people knowing their rights, as settled by High Courts from 1852. I take it therefore that the janmi has been fully alive to the rights that he has. At the time when the kanam comes to be renewed, he knows if he pays the kanam amount back to the kanamdar, evicts him and puts in another tenant what benefit he will get. So he mentally works in himself the amount that he will get if one kanamdar is evicted and another man is put in his place. The kanamdar also knows the suffering he will be put to if he is not allowed to continue. Then, in order to benefit the janmi and to avoid the suffering of the kanamdar, the kanamdar is allowed to continue and they strike a figure as renewal fee. No doubt the Court of Wards and the manager of estates fix a certain amount based either on the kanam or on the net produce that was calculated and fixed. All the same, the janmi knows that if he puts in another man he would get an additional income. It is an adjustment of the gain or loss on both sides that was termed as the renewal fee. At the time the kanam came to be renewed, the janmi knew what he would gain and the kanamdar knew what he would lose and the adjusted figure was the renewal fee. Renewal fee therefore means compensation for the benefit which the kanamdar would derive by continuing the kanam and also for the loss of the janmi in not evicting the kanamdar and putting in another. So there is nothing like a separate compensation for eviction. To avoid eviction and to continue the kanamdar and to make good what benefits the janmi might get if another man is put in, a renewal fee is provided. Renewal fee was fixed yesterday and at what periods--to be paid once in twelve years? So that if as compensation for the renewal, he gets what is called the renewal fee, it is hard to say 'give the renewal fee, put it into my pocket' and the next day to say 'pay the full rent'. If the whole rent is paid, then there is no question of renewal fee at all. You can very well say that only cultivating verumpattam tenants should be given occupancy rights; but when once you have said that kanamdars also are entitled to permanent rights, you cannot go behind what you said yesterday. It is nothing more than saying, 'we must have option of repaying in full the kanam amount, we must have the renewal fee, and by all means let the kanamdar have full rights of occupancy'. I submit that the amendment is based on an imperfect understanding of the position of the kanamdars to whom we have conceded permanent rights."

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3 p.m.

Mr. V. MADHAVA RAJA:—"I wish to support this amendment of Mr. Prabhakaran Tampan. He does not speak of renewal fee or any such thing in this amendment. What he says is: here is a kanam amount. It is a debt so far as the janmi is concerned. If the janmi is able to pay back the amount, he should be allowed to pay it back with the interest on the kanam. But renewal fee is an amount payable for the excess income over and above the interest on the kanam amount, and it is calculated after deducting the revenue assessment as well as the interest on the kanam amount, and over and above that a portion of whatever income there remains is paid as the renewal fee. But here, what is asked is that the janmi must have power to pay back the kanam or kuzhikanam amount and get back the land. I do not find any harm in that. So I say this has nothing to do with the renewal fee, and it is only the interest that is allowed for the kanam amount, when that amount is repaid, that must be given back."

* Mr. K. PRABHAKARAN TAMPAN:—"I feel bound to express my regret that much confusion is sought to be made by the ignorance of hon. Members of this Council with regard to the kanam tenure. The basic principle of a kanam tenure is to demand from the kanamdars only the janmapattam, which means only half of the pattam or rent. The other half goes to the enjoyment of the kanamdars. The janmi provides for the interest on the kanam from his share of the pattam and not from the tenant's share. The interest on the kanam is deducted, and the Government assessment is also deducted and only the balance remaining in the janmapattam is paid as michavaram to the janmi. So, if this provision is accepted, it does not in any way go to reduce the tenant's share of the produce. That is a point which the Council has to bear in mind in recording its vote. My hon. Friend Mr. Krishnan Nayar, said that there are no large kanams in Malabar which are more or less."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I did not say anything of the kind."

* Mr. K. PRABHAKARAN TAMPAN:—"At least in South Malabar there are many large kanams."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Some kanams."

* Mr. K. PRABHAKARAN TAMPAN:—"But all these kanams have been treated as mortgages by the courts for the last hundred years. So, instead of raising a loan by hypothecation, the janmi raises a loan by way of a kanam, and the interest is all paid from the janmi's portion of the rent. What harm is there in allowing him to discharge his debt? The land will still be in his hands. This provision will not work a hardship. Of course, the House decided yesterday to give renewal fee at the rate of one year's produce. I do admit that. That is not much. There are many janmis who have been levying a higher rate of renewal fee, equal to two or three years' produce. Therefore, this is not a concession granted by the House in favour of the janmis. My hon. Friend (Mr. Raman Menon) said that moneys were advanced at that time when the money market was very stringent. But, Sir, there are very few kanamdars who have continued in possession from those old days; the present kanamdars are generally people who have come in quite recently. To these people the House has granted occupancy right (Diwan Bahadur M. Krishnan Nayar: 'Oh, no'). People who have

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[Mr. K. Prabhakaran Tampan]

taken assignments of kanams have been given occupancy right. They do not deserve any such consideration. I have already said that the proposal of granting permanent tenure to such people is quite unsound in principle. It is open to all classes of people to borrow money from the Government through the Agricultural Loans Act, or from the Co-operative Societies, or from Agricultural Land Banks, to discharge their debt. Why should the janmi alone be prevented from resorting to such loans, which the Government have provided for the benefit of the people. It will be really a great hardship if the janmis are not allowed to pay off these loans. I must therefore press this motion to a division."

* Mr. A. CHIDAMBARA NADAR:—"With your permission, Sir, I wish to move an amendment. I want—

to omit the words 'or in part' in line 2 and to add the words 'and converting the tenant into a verumpattamdar' after the word 'holding';

and the clause will then read thus:—

'Nothing in this chapter shall prevent the janmi from repaying in full the kanam or kuzhikanam amount due to the tenant of a holding and converting the tenant into a verumpattamdar when the interest allowed in the demise on such amount shall be paid as additional michavaram or rent.'

"My object in moving this amendment is this. You may allow the kanamdars to become a verumpattamdar. That means you will be removing the intermediaries, and thus, Sir, you will be simplifying the tenure in Malabar. That is my object in moving this amendment."

The hon. the PRESIDENT (after a pause):—"The amendment is not seconded, and it falls through."

Mr. K. Prabhakaran Tampan's amendment was then put and declared lost.

Mr. K. Prabhakaran Tampan then demanded a poll, which was taken with the following result:—

Ayes.

- | | |
|-------------------------------|---|
| 1. Mr. K. Prabhakaran Tampan. | 6. S. R. Y. Ankineedu Prasad Bahadur. |
| 2. Capt. E. G. Windle. | 7. Mr. Chavadi K. Subramania Pillai. |
| 3. Mr. V. Madhava Raja. | 8. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 4. " A. Chidambara Nadar. | 9. Rai Bahadur T. M. Narasimha Charlu. |
| 5. " C. Muttayya Mudaliyar. | |

Noes.

- | | |
|--|--|
| 1. Mr. K. P. Raman Menon. | 14. Mr. A. Ranganatha Mudaliyar. |
| 2. Rai Bahadur Sir K. Venkatarreddi Nayudu | 15. " C. Gopala Menon. |
| 3. Diwan Bahadur O. Tanikachala Chettiyar. | 16. " B. P. Sessa Reddi. |
| 4. Rao Sahib S. Ellappa Chettiyar. | 17. " Muhammad Meera Sahib. |
| 5. Mr. A. Ramaswami Mudaliyar. | 18. Diwan Bahadur M. Krishnan Nayar. |
| 6. Diwan Bahadur P. C. Ethirajulu Nayudu. | 19. Rao Bahadur P. Raman. |
| 7. Rao Sahib P. V. Gopalan. | 20. Mr. J. D. Samuel. |
| 8. Mr. R. Madanagopal Nayudu. | 21. " K. Sarabha Reddi. |
| 9. " T. Mallesappa. | 22. " K. Saravayudu. |
| 10. " P. N. Marthandam Pillai. | 23. Rao Sahib R. Srinivasan. |
| 11. Rao Bahadur B. Muniswami Nayudu. | 24. Srikanth Sasibhooshan Rath Mahasayo. |
| 12. Mr. B. Obalesappa. | 25. Mr. L. K. Talasiram. |
| 13. " J. A. Saldanha. | 26. " C. V. Venkataramana Ayyangar. |
| | 27. " C. Venkatarangam Nayudu. |

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Neutral.

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| 1. The hon Sir C. P. Ramaswami Ayyar. | 12. Rao Bahadur C. V. S. Narasimha Raju. |
| 2. " Mr. T. E. Moir | 13. Mr. K. Koti Reddi. |
| 3. " Diwan Bahadur Sir T. N. Sivaganesam Pillai. | 14. " S. Satyamurti. |
| 4. Rao Bahadur Sir A. P. Patro. | 15. " P. Anjaneyulu. |
| 5. Mr. T. R. Venkatarao Sastriyar. | 16. " G. Rameswara Rao. |
| 6. Rao Bahadur V. T. Krishnama Achariyar. | 17. " B. Ramachandra Reddi. |
| 7. Mr. G. T. Poag. | 18. Khan Bahadur P. Khalif-ud-din Sahib Bahadur. |
| 8. " J. F. Hall. | 19. Mr. K. Raghuchandra Ballal. |
| 9. Khan Bahadur Abdullah Ghatala Sahib Bahadur. | 20. " Qadir Mohi-ud-din Sahib. |
| 10. Mr. S. Arpudaswami Udayar. | 21. " Abdul Wahab Sahib. |
| 11. " D. Manjappa Heggade. | 22. Rao Sahib P. C. Tangavelu Pillai. |
| | 23. Mr. K. Uppi Sahib. |

Ayes 9. Noes 27. Neutral 23.

The amendment was lost.

Mr. K. PRABHAKARAN TAMPAN :—" I move that the following clause be added as a new clause :—

' Nothing in this chapter shall affect any customary right of the landlord to levy any dues not inconsistent with or not expressly or by necessary implication modified or abolished by this Act. '

" I should say only a very few words in moving this amendment. It is a provision which the hon. the Mover of the Bill thought it necessary to incorporate into this Bill even when he first introduced it into this Council. It is a provision adopted from the Tenancy Regulations of Cochin and Travancore. Therefore I need hardly say anything more in support of this motion. So I formally move that it may be accepted."

Mr. V. MADHAVA RAJA :—" I second it."

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p.m.

Mr. K. P. RAMAN MENON :—" This clause was one of the matters which was discussed at some length in the Select Committee, and the same reason which was given then would also apply now. There are what may be called quasi customary dues which may be recognized in a court of law if their continuity is proved. For example, there are dues which the tenants do sometimes pay with a great deal of reluctance for the marriage of the landlord, for the first child that is born to the landlord, when pollution takes place in the landlord's house and so on. There are so many items of exactions which can be levied and shown to be levied at particular times; and you must be aware the courts of law must be guided by the length of custom; and whether certain dues are customary or not will depend on the quantum of evidence that is forthcoming. And so this proviso if passed will subject the tenants to payment of all sorts of sundries. I therefore strongly object to the inclusion of this clause."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I cannot accept this amendment. As a matter of fact, the janmis levy compulsory contribution from their tenants, on occasions of sorrow as well as on occasions of joy. And the practice very often is that these tenants, in order that they may be able to live in their homesteads and cultivate their lands, are always paying this very much against their will cursing the janmis behind their back while pretending to pay it with pleasure. For instance, there are at least six occasions, particularly in the house of the Nambudri Brahman landlords on

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[Mr. M. Krishnan Nayar]

which these customary contributions are levied. For instance, when a male child is born in the family, when the senior male or female dies, when the eldest son of the family marries and so on, on all these occasions it has become customary to compel the tenants to make contributions. In addition to all these, there are other occasions such as when the Nambudri landlords take it into their heads to organize dramatic troupes known in Malabar as Kathakalis, and these troupes are let loose freely on the tenantry. It becomes the duty of the tenant from the standpoint of the janmi and also from his own standpoint to have these dramatic performances conducted at his own expense at least once in a month. The troupe passes from tenant to tenant, levying compulsory contribution. Again, there is another form of contribution which is also customary. Suppose a janmi takes it into his head to initiate what is called a kurikalyanam, which is a sort of lottery. For that, he calls upon all his tenants to pay a particular sum on a particular date. He gives intimation asking his agents to give notice to all the tenants of the date on which this collection is to be made. On that particular date, tenant after tenant comes, not with very small amounts but amounts which the landlord thinks must be adequate, and places it at his feet, cursing of course the landlord all the while. There are other contributions like this which are customary in the sense that they have been levied for some length of time. If this clause is passed, practically it will be taking away with one hand what is given with the other. My Friend says that I introduced this as one of the provisions in the original Bill. There are many sins for which we repent (Mr. K. Prabhakaran Tampam :—" Hear, hear"). I am one of the sinners. When the evil of this was pointed out in the Select Committee by Member after Member, then I opened my eyes; I said the collective wisdom of the Select Committee was right and my own wisdom was wrong. I still adhere to the collective wisdom."

* Mr. S. SATYAMURTI :—" May I raise my humble voice as that of the trodden worm against the way in which experts on either side have spoken without telling us the whole truth?"

Mr. K. P. RAMAN MENON :—" I object to that statement most strongly. I always tell the whole truth. I am the last person to conceal anything in this House or elsewhere."

* Mr. S. SATYAMURTI :—" Still I complain, whether owing to the denseness of my understanding or the variety of speeches that I heard, whatever it is, I still feel, taking a dispassionate view of the whole question, that till the whole truth is stated the House will be prejudiced one way or the other. There is unconsciously or unintentionally—I will not say anything more—an attempt at overstating the case on either side. My Friend says very blandly in his most bland manner that this clause originally formed part of his own Bill and he did not then think of deleting it and when a motion was made for the purpose, he was surprised and, unwillingly as far as I remember, agreed to the deletion of the clause (Mr. Krishnan Nayar :—" Very willingly"). At the motion of my hon. Friend, the Andhra University Vice Chancellor who suggested that these might be dues which would be thoroughly uncivilized and inconsistent with the self-respect of the tenants, we thought we might leave it to experts to deal with this matter. Now coming to the amendment, I do not know exactly what the legal consequences will be, but I think I am not wrong when I say that if many of the

[Mr. S. Satyamurti]

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non-customary dues are not paid, and if the Bill is passed, the landlord will have no right of eviction because the dues are not paid. When we have limited the rent payable, when we have limited the right of eviction most specifically, if you pass this clause, I do not know really what additional liabilities would ultimately be imposed on the tenant; because I take it, it can be fairly argued in any court of law that any dues not recognized in the clause which gives the right of fixing a fair rent between the landlord and the tenant or the right of eviction, need not be paid. At the same time I have tried my best to follow the speeches of the two hon. Members, the Mover of the Bill and the Expert Member, and they have not so far told the House the exact amounts levied on those two unhappy occasions. I shall be obliged, and the House will be obliged, if they will give us some idea of the amounts which are sought to be imposed, whether these amounts are really so heavy as to weigh to an unconscionable extent on these people, or whether they are inconsiderable. In the East Coast, there are such customs prevailing. There are occasions, as on the Pongal day when landlords get presents from the tenants. Usually they are not very much in value, but it depends on the status of the tenant. It certainly does not give the landlord the right of proceeding against him for non-payment of these customary dues. I do not know, but other Members may know exactly what are those exactions and how much do they amount to in money value to-day. In the absence of information, it seems to me, Mr. President, anxious as we are to protect the tenant, anxious as we are that this Bill should go into the Statute Book as early as possible, without any obstacles that we can avoid, we should not put into this Bill provisions which the hon. the Mover himself at one time till a very late stage, till almost the last sitting of the Select Committee when it came up, thought unobjectionable. I should have some information as to what has happened between then and now, to convince my Friend—to convince myself—to make these customary dues, the monetary value of which we do not know, so objectionable, that even if they are allowed to be levied without any right of enforcement, it is likely to put the tenant in a worse position than otherwise. Personally I am not convinced one way or the other, but I am bound to support the tenants' cause. If my Friend insists that this clause shall not go into the Statute Book, I shall vote for it, but I shall vote with a protest, because I feel that he has not tried to make out a case against the clause."

*Diwan Bahadur M. KRISHNAN NAYAR :—"My Friend wanted to know the amount of money represented by these dues. All these dues do very often depend on the seed capacity of the land. For instance, if a tenant is in possession of 10 acres of land, that is, according to the Malabar area about 100 paras of seed sowing land it will be, say, at the rate of one rupee per para. In this particular case I have mentioned, it will be Rs. 100. In other cases it will be at the whim of the janmi. It will vary with the extent of the land in tenants' possession. With reference to *kathakalis*, the average levy depends on the excellence of the dramatic troupe. If it is a particularly good troupe, it will cost Rs. 75 for a performance and so on and so forth."

*Rao Bahadur B. MUNISWAMI NAYUDU :—"Sir, we find in the Tenancy Acts there is a specific provision that anything in the nature of an illegal exaction should be prohibited. We have no such provision here. It is open to the landlord to make exactions under the pretence of customary dues.

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[Mr. B. Muniswami Nayudu]

There are dues which are customary and legally enforceable but the right intention of this clause is to stop all illegal exactions. To say that the customary dues shall not be prohibited by this Act, is to give these customary dues a certain amount of sanctity to be respected by the court. My Friend, Mr. Satyamurti, referred to Sankarantti presents. The courts have held that such things are irrecoverable and payment of such dues has been held to be illegal. But in a Tenancy Act these things must be specified. The section does not say 'any dues' are legal. The courts have held that if certain payments are customary then they may be paid. But if there are other customary dues such as payment on marriage occasions, etc., they cannot be held valid. So to introduce a clause like the one under consideration would be trying to legalize such dues.

"Secondly, in any Tenancy Act the tenant should know what exactly he is to pay. So far as the rent is concerned, you are given the right to go up to a maximum of one-third net produce plus land revenue. To add to that a vague phrase like that (customary dues) will be to put the tenants under a handicap. Actually the cultivator or the verumpattam tenant has to be protected against all the evidence that the janmi can marshal. As my Friend Mr. Narasimbachari said the other day with regard to another clause, the sting in this instance also is in the tail."

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, I do not see any reason why they should be so much alarmed at this amendment. It does not say that the customary dues shall be paid. If it says so, then there is cause for alarm. But it simply says: 'Nothing in this chapter shall affect any customary right of the landlord to levy any dues'. That is all that it says. Supposing this amendment is not there, it will not prevent the landlord from recovering or levying any dues that are due to him apart from the provisions of this Act. I only wish to point out that there is no cause for alarm. It simply says: that nothing in this chapter shall prevent any person or any landlord from recovering the dues that are otherwise legally recoverable from the tenants."

"The examples quoted by the hon. Member from Malabar are simply not examples of legal dues. He wants to introduce some of these social obligations which are to be found in all parts of the Presidency. Perhaps the hon. Member for Malabar does not know instances of the kind I am enumerating. There is a Sub-Judge or Collector who has a songster known to him. This songster comes out from the Collector's house with a note of introduction. It is not a regular exaction. (Laughter). People may be inclined to encourage songsters or not, but they have some respect for the Collector and therefore they give something to the songster who is recommended by the Collector. The case of the dramatic troupe is similar to this. Because the janmi is held in high esteem, generally what is recommended by him is not ignored by the people of the locality. My Friend wants to call it an exaction. I think the examples quoted by him are merely social customs which the tenants may accept or ignore. Therefore there is no difficulty. Suppose in connexion with a holding if there is anything due from the tenant which is not provided for in this Act, it is not the intention of the legislature to penalize the janmi by saying: Well, you shall not get anything more even if it is really legally due. After all, as I said, this section does not confer any right. It simply says, it shall not affect any right which otherwise exists."

[Mr. T. M. Narasimbacharlu] [16th July 1926]

"The hon. Member from Malabar said that he originally sinned and that he is now free from sin. Whether he originally sinned or not, or whether he is now only sinning the future is going to decide. (Laughter.) Therefore let him not be quite sure on the point that he is now free from sin. My own impression is that he is now sinning, whether or not he was previously sinning. I submit therefore that there is a confusion between social and legal obligations. It is to protect legal obligations this clause is enacted and not to enforce social obligations. So, I submit, Sir, this ought to be there. Even if this is not carried, we know what the state of affairs will be. The janmis will not be alarmed. Their legal rights still remain legal rights."

Mr. K. PRABHAKARAN TAMPAN:—"Here again, there is some confusion, if the House will allow me to say so. This provision does not seek to enforce any new custom. It only means that the Act does not affect the customary dues that are now levied by the janmis. If there are no such dues now levied the provision will not affect anybody."

"Then my hon. Friend Mr. Muniswami Nayudu said that he was anxious to protect the verumpattamdar. But I may tell him that no customary due is enforced against them. This applied only to kanamdars. If Mr. Muniswami Nayudu wants it, I will amend it and make it applicable only to kanamdars."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"May I ask my hon. Friend to give me all the instances relating to this customary dues?"

Mr. J. A. SALDANHA:—"Not all, we will be satisfied with one or two instances."

* Mr. K. PRABHAKARAN TAMPAN:—"Mr. Krishnan Nayar said that the Nambudri landlords were very oppressive."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Others also."

* Mr. K. PRABHAKARAN TAMPAN:—"His object was to introduce the Brahman-non-Brahman question into this measure. I may tell the House at once that it is the non-Brahmans that predominate among the janmis in Malabar and not the Brahmans."

* Diwan Bahadur M. KRISHNAN NAYAR:—"May I say one word, Sir? I did not mention one word by way of distinction between Brahmans and non-Brahmans. I referred to the fact that it is the Nambudri landlords who exact contributions for births and deaths in their families. So far as the landlords generally are concerned, Rajas, Kovilakams or Nambudris, all are equally oppressive."

* Mr. K. PRABHAKARAN TAMPAN:—"But there was an insinuation that the Nambudri landlords had been oppressive and that the non-Brahmans in this House should support him. (Laughter.) I may tell the House at once that the majority of the janmis in Malabar are non-Brahmans. Mr. Logan has prepared a list from which you will find that out of 830 janmis who have got 100 items of land in one village more than 550 are non-Brahmans. Only 300 and odd are Brahmans. Among the 550 non-Brahman janmis, there are Nayers, Mappillas, Thiyyas and other classes of people. So, there is no meaning in referring to the Nambudri landlords."

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"As an instance of the customary dues, it was said that a kathakali (കാതകലി) would be let loose on the tenants. I have not the remotest idea of a kathakali (കാതകലി) as a customary infliction on the tenants."

* Diwan Bahadur M. KRISHNAN NAYAR:—"There is the Kavalapara kathakali. There is the Olappamanna kathakali."

Mr. K. P. RAMAN MENON:—"Olappamanna never lets it loose on the tenants."

* Mr. K. PRABHAKARAN TAMPAN:—"There, my hon. Friend is contradicted by his own colleague. It was stated that there were lotteries. I am yet to hear of a Nambudri or any other landlord starting a lottery or kurikalyanam (കുറികല്യാണം). It is *infra dig* for anyone to do so and, even if there is one stupid janmi doing it, it is not to be taken as a social evil or a weapon of oppression prevailing universally among the janmis."

"Now, Sir, if you will refer to the old reports on the Malabar land tenure, you will find it stated that *Nthanees* depend upon a kind of special levy or customary dues for the expenses of the initiation ceremonies. Suppose the Zamorin dies, installation ceremony will have to be performed for his heir for which purpose he has to find a large sum and he levies a kind of contribution from the tenants under him. This levy is made at the rate of 4 annas a para or Rs. 2-8-0 per acre. I have no objection if the House wants to reduce such dues to a nominal sum. But there is the custom, you cannot deny it. And how is this levy spent? It is spent mainly on feeding the tenants alone."

* Diwan Bahadur M. KRISHNAN NAYAR:—"May I say 'Brahmans'?"

* Mr. K. PRABHAKARAN TAMPAN:—"Brahmans as well as non-Brahmans. There are very many feasts taking place in my own family at which if 100 Brahmans are fed, 500 non-Brahmans are also fed. So the collection is made from the tenants and spent on the tenants themselves. We consider it a sort of prestige to feed them all. If this Bill is passed into law, all such charities will be discontinued in Malabar. That is a state of thing which our friends will certainly rue. That is one of the occasions when a customary levy is made. The big janmis or the Kovilakams generally depend for their current expenses on the michavaram. Only when extraordinary ceremonies, for instance a marriage which takes place once in twelve years, have to be celebrated, they resort to this kind of dues which after all ammount to only a nominal sum. I have no objection to the House laying down or prescribing a maximum amount in regard to this. My friend says it will be abused and that it is capable of being abused. I ask him, how this works in Travancore where he was Diwan for several years, and how this works in Cochin. It is he who provided for it in the original Bill. The analogy of Cochin and Travancore is often trotted out here. Why should not that analogy hold good in this case also? I request the House to use its discretion in coming to a decision on this matter. The hon. Mover should tell us whether in Travancore and Cochin there is any oppression felt in the working of this provision. I think not. I cannot but press this motion for the acceptance of the House."

* Mr. J. A. SALDANHA:—"On a point of order, I wish to know from my hon. Friend whether he says that the Council might fix the extent of certain dues . . ."

[16th July 1923]

* The hon. the PRESIDENT :—"That is not a point of order."

The motion was put and declared lost.

Mr. Prabhakaran Tampan demanded a poll and the House divided thus—

Ayes.

1. Mr. K. Prabhakaran Tampan.
2. " B. Manjappa Heggade.
3. " V. Madhava Raja.
4. " K. Raghuchandra Ballal.

5. Mr. P. Anjaneyulu.
6. " G. Rameswara Rao.
7. Rai Bahadur T. M. Narasimbachari.

Noes.

1. Mr. K. P. Raman Menon.
2. " H. B. Ari Gowder.
3. Rao Bahadur M. C. Raja.
4. Rao Sahib S. Ellappa Chettiyar.
5. Mr. A. Ramaswami Mudaliyar.
6. Diwan Bahadur P. C. Ethirajulu Nayudu.
7. Rao Sahib P. V. Gopalan.
8. Mr. L. C. Guruswami.
9. " R. Madanagopal Nayudu.
10. " T. Mallesappa.
11. Rao Bahadur B. Muniswami Nayudu.
12. " C. V. S. Narasimha Raja.
13. Mr. J. A. Saldanha.
14. " A. Ranganatha Mudaliyar.
15. " A. Chidambara Nadar.
16. " M. Gangaraju.
17. " C. Gopala Menon.
18. " K. Koti Reddi.

19. Mr. B. P. Sessa Reddi.
20. " S. Satyamurti.
21. " Muhammad Merra Sahib.
22. Diwan Bahadur M. Krishnan Nayar.
23. Rao Bahadur P. Raman.
24. Mr. J. D. Samuel.
25. " K. Sarabha Reddi.
26. Rao Sahib R. Srinivasan.
27. Mr. R. Veorian.
28. " T. M. Narayanaswami Pillai.
29. " Muhammad Ghous Mian Sahib.
30. Sriman Sasibhushan Rath Mahasaya.
31. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
32. Mr. Kadir Mubi-ud-din Sahib.
33. " M. Abdul Wahab Sahib.
34. " L. K. Tulasiram.
35. " C. Venkatarangam Nayudu.

Ayes 7. Noes 35.

The motion was lost.

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

that the following be added as a new clause after clause 14:—

'If the landlord wants a mumpattam or advance rent the tenant shall be bound to pay it. Provided the amount of mumpattam shall not exceed two years' rent and interest at 12 per cent per annum shall be allowed on it'.

"Sir, a janmi or a kanamdar generally receives from the tenant under him a year's rent in advance so that even if the rents fall in arrears the landlords will have the satisfaction of having one year's rent as security. This advance will act as a check upon the tenant. It is only with a view to safeguard the proper realization of the landlord's dues that the custom of receiving advance is prevalent in Malabar. Now that occupancy right is given to all cultivators among whom there may be poor people. There ought to be facilities provided to recover the rent if it falls in arrears through distraint or other kinds of process which are allowed in other parts of the Presidency. Nothing has been done and therefore it is highly necessary to make a provision for the payment of mumpattam as I have just proposed. I believe some other hon. Members also have given notice of a similar motion. I have also provided in the clause that interest at 12 per cent should be given for the advance which is paid to the landlords. These are the reasons why I have proposed this amendment, and it is highly necessary that it should form part of the Bill. I therefore move it."

[16th July 1926]

* Rao Bahadur B. MUNISWAMI NAYUDU :—"We resolved yesterday that at the end of every term the janmi would be entitled to renew his kanam and that the tenant would be bound to accept the kanam. The verumpattam rent is only for one year, and, at the end of that year, supposing the verumpattamdar is not able to pay his rent, I ask whether he is to be driven out of the land. I submit that this provision will act very hard on the tenant and therefore it should not find a place in the Bill."

Mr. V. MADHAVA RAJA :—"I second this amendment. The Council wants to give occupancy right to the actual cultivators of the soil. They want also at the same time that they should not pay any advance to the janmis. Supposing an actual cultivator becomes insolvent, is the janmi simply to keep quiet and get nothing for his dues? I suggest that this amendment may be accepted."

* Mr. K. PRABHAKARAN TAMPAN :—"I have nothing more to add to what I have already said. I thought the author of the Bill also was interested in this proposal."

The amendment was put to the House and lost.

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

that the following be added as a new clause:—

'Where the rent is payable in kind it shall be delivered at the landlord's granary in the village in which the holding is situated or at such other granary within six miles of the village as may be provided in that behalf by the landlord.'

"I may say at once that I adopted this provision with slight alteration from the Estates Land Act. The object of this clause is obvious. The landholder will have only one granary in a village and it sometimes happens he has one in a central place for a group of holdings. It is highly necessary that the tenant should bring his mihavaram to the granary intended for the purpose. So a provision making it obligatory on the tenant to bring his dues to the granary close to him is highly necessary. Otherwise, now that occupancy right is given to him, he may say 'Come to my house and take your dues from there.' That is a contingency nobody is anxious to create. Therefore it is highly necessary that such a provision should be made in the Bill."

Mr. V. MADHAVA RAJA :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I have no objection to accept this amendment if my hon. Friend adds a proviso that if there is a special contract already existing between the janmi and the tenant as to the particular place where the rent should be paid that contract should be respected. So my amendment runs thus:—'Where the rent is payable in kind, in the absence of a contract to the contrary, it shall etc.'"

* The hon. the PRESIDENT :—"It would be better if the amendment runs thus:—'Where the rent is payable in kind, it shall, in the absence of a contract to the contrary, be delivered at the landlord's granary in the village in which the holding is situated or at such other granary within six miles of the village as may be provided in that behalf by the landlord.'"

* Mr. K. PRABHAKARAN TAMPAN :—"I accept that amendment."

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The amendment of Mr. Prabhakaran Tampan as amended above was put to the House and carried, and the clause was added to the Bill.

* Mr. K. PRABHAKARAN TAMPAN :—“ Sir, the amendment that stands in my name runs as follows :—

that the following be added as a new clause :—

‘ Nothing in this chapter shall affect the janmi’s right to recover as his share one-fourth the price of any timber grown by the tenant on a holding when it is cut or sold.’

“ Sir, at the very outset I may say that the custom of giving a share of the value of the trees to the janmi is prevalent in the district. The principle underlying this has already been accepted in the Tenants Improvement Act. In assessing the value of trees in a redemption suit one-fourth is treated as the janmi’s share. That is the law with regard to compensation according to the Tenants Improvement Act. Many of us levy one-fourth share and it is found in the kanam documents that I have placed on the table of the House. You will find that the Government of Cochin levies their own share from the tenants in British Malabar. In British Malabar, the Cochin State owns extensive lands leased to the tenants and the State recovers from them one-fourth share of the value of the tree whenever any timber is sold or cut by the tenant. In the estate of Kavalappara Nayar that custom is observed. You will find this in the document which was executed by Sir Arthur Knapp when he was the Agent of the Court of Wards in Malabar. In that document provision is made to receive what is known as kuttikanam or stump fee. Kuttikanam may vary. This is a kind of seigniorage or royalty and in my family also this is levied whenever tenants cut or sell timber grown on their holding.

4 p.m. “ In the Bengal Tenancy Act also a similar provision is made to enable the zamindar to recover one-fourth of the value as his share. It is not altogether a new-fangled theory. It is the custom of the land and it should be accepted by the House.”

Mr. V. MADHAVA RAJA :—“ I second it.”

Mr. K. P. RAMAN MENON :—“ Sir, my hon. Friend Mr. Prabhakaran Tampan is entirely incorrect when he says that there is such a right which would entitle the janmi to recover one-fourth of the cost of the trees. There are decisions of the High Court—I am sorry the hon. the Law Member is not now here—which have laid down clearly that the tenant is at full liberty to cut any tree on his land and sell it to the highest bidder. He need not pay a single pie to the landlord. No doubt, under the Malabar Tenants Improvements Act, when a janmi sues for eviction and has thereby to pay compensation for the improvements made by the tenant, then three-fourths of the value of the timber on the land is taken as a rough and ready method of calculating the value of the improvements. It is not at all in recognition of the right of the janmi to get one-fourth of the value. That is done only to avoid an elaborate process of calculating the value of the trees. No doubt, in some janmams there are stipulations which compel the tenant to pay. My hon. Friend referred to Kavalappara Nayar. I hold lands under him. If I cut trees I have to pay at the rate of Re. 1 for a jack tree and so on. Certainly, we do not for a moment stipulate for this kind of payment,

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Name.	Date from which detained.	Allowance or cost to Government per mensem.
		RS. A. P.
132. Ossan Kunhali	18th July 1923.	8 8 0
133. Pullambalavan Marakkar Haji ...	Do.	8 8 0
134. Kurukkan Moideen	Do.	8 8 0
135. Ayanikat Aidross	Do.	8 8 0
136. Palasseti Alavi	Do.	8 8 0
137. Koonari Moideenkutti	Do.	8 8 0
138. Ktha alias Etakandan Alavi ...	Do.	8 8 0
139. Kariyatan Kammutti	Do.	8 8 0
140. Anjukandan Avarankutti Haji ...	Do.	8 8 0
141. Anjukandan Mootha	Do.	8 8 0
142. Ossan Moideen	Do.	8 8 0
143. Pullambalavan Kommn	Do.	8 8 0
144. Kottakkat Kunhokku Haji	Do.	8 8 0
145. Karumannil Ayamad	Do.	8 8 0
146. Areekat Athankutti	Do.	8 8 0
147. Mala Alavi	Do.	8 8 0
148. Kazhingumthottathil Ahmed Haji.	Do.	8 8 0
149. Kavungal Kunhalan	21st Mar. 1924.	8 8 0
150. Pudusseri Mamad	29th Aug. 1923.	8 8 0
151. Ossan Mamad	4th Dec. 1923.	8 8 0
152. Kollathoduka Mamad	Do.	8 8 0
153. Kollathoduka Kunhokku Haji ...	Do.	8 8 0
154. Alikutti	Do.	8 8 0
155. Koramba Hyderman Haji	Do.	8 8 0
156. Ummazhithodi Ayderman Kutti.	Do.	8 8 0
157. Ummazhithodi Kunhappa	Do.	8 8 0
158. Pallikunnan Mammad Kutti ...	Do.	8 8 0
159. Thelakatan Unnithari	Do.	8 8 0
160. Thenutti Kalliagal Pokkutti ...	Do.	8 8 0
161. Karikatampoyil Gulam Moideen.	Do.	8 8 0
162. Karikatampoyil Kunharutti ...	Do.	8 8 0
163. Kakkidumban Hyderman Haji ...	Do.	8 8 0
164. Kakkidumban Kunholan	Do.	8 8 0
165. Kizhakkuveetan Moideen Kutti.	Do.	8 8 0
166. Eangam Pulakkal Ayamad	Do.	8 8 0
167. Choramodi Kutti	Do.	8 8 0
168. Karimbanganet Kunhappa Mussaliar.	12th Jan. 1924.	8 8 0
169. Kolakadan Moyankutti	2nd June 1924.	8 8 0
170. Parappun Ahmad Kutti	18th Jan. 1924.	8 8 0
171. Chengana Ali	Do.	8 8 0
172. Mukkodan Momadisa	20th Aug. 1924.	8 8 0
173. Chembrery Kammuni	Do.	8 8 0
174. Palathingal Etalath Imbichimamad.	Do.	8 8 0
175. Kalathingal alias Mempoatta alias Therthumal Imbichi Mamad.	30th Sep. 1924.	8 8 0

[16th July 1926]

Name.	Date from which detained.	Allowance or cost to Government per mensem.		
		RS.	A.	P.
176. Ilikal Ali ...	30th Sept. 1924.	8	8	0
177. Venayikkot Unnimoyi ...	17th Oct. 1924.	8	8	0
178. Karimbalangot Moyankutti ...	Do.	8	8	0
179. Irivetti Pallikkal Veerankutti Musaliar.	5th Feb. 1925.	8	8	0
180. Mundottan Unni Mammad Haji.	8th Apr. 1925.	8	8	0
181. Kuttanpurath Cheriya Kunhamu.	Do.	8	8	0
182. Ossan Ayyampilakkal Ayamed alias Ossan Kumpidiyam-pilakkal Ayamed.	1st Aug. 1925.	8	8	0
183. Pulliyil Alattur Moideen ...	20th May 1922.	8	8	0
184. Nanath Kuruvayil Alivikutti Haji.	Do.	8	8	0
185. Panampuzha Aidross ...	Do.	8	8	0
186. Chembayil Ahamad Musaliar ...	Do.	8	8	0
187. Parathodi Athankutti ...	Do.	8	8	0
188. Paramban Moideen Haji ...	Do.	8	8	0
189. Ossan Veerankutti ...	Do.	8	8	0
190. Kalathingalthodi Aimadkutti Mulla.	Do.	8	8	0
191. Puliyil Ali ...	Do.	8	8	0
192. Iriyakalath Mammad Haji ...	Do.	8	8	0
193. Nadithodi Kunhi Moideen ...	Do.	8	8	0
194. Pandalan Kunhalavi ...	Do.	8	8	0
195. Panampuzhakkal Kunhaimad ...	Do.	8	8	0
196. Pottanpulavan Moideen ...	Do.	8	8	0
197. Pulliyal Kuttirayan Haji ...	Do.	8	8	0
198. Palliyal Alavi ...	Do.	8	8	0
199. Paramban Kunhihamad Haji ...	Do.	8	8	0
200. Paramal Kunhi Abdulla ...	Do.	8	8	0
201. Kapur Kunhali ...	Do.	8	8	0
202. Parathodi Kunhi Moideen ...	Do.	8	8	0
203. Puthiyagath Kunhohamad Musaliar.	Do.	8	8	0
204. Konnara Imbichi Koya Thangal.	26th June 1923.	8	8	0
205. K. Attakoya Thangal ...	16th Dec. 1922.	8	8	0
206. K. Pukoya Thangal ...	Do.	8	8	0
207. K. Abdulla Koya Thangal ...	Do.	8	8	0
208. Parappur Cherukadan Mootha ...	20th May 1922.	8	8	0
209. Ossan Kunhali ...	Do.	8	8	0
210. Nambikunnan Kunhimu ...	Do.	8	8	0
211. Cholakkal Marakkar Musaliar ...	Do.	8	8	0
212. Ossan Moideen ...	Do.	8	8	0
213. Ossan Aimad ...	Do.	8	8	0
214. Kuthrithodi Alavi ...	Do.	8	8	0
215. Palliyalpeedikakal Mootha ...	Do.	8	8	0
216. Ossan Kunhamad Haji ...	Do.	8	8	0
217. Ossan Kunhaimad ...	Do.	8	8	0

Amount No. 220, I think

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Name.	Date from which detained.	Allowance or cost to Government per mensem.		
		RS.	A.	P.
218. Tiyyan Toppittu Ahmad ...	20th May 1922.	8	8	0
219. Kollaparamban Kunhalali ...	Do.	8	8	0
220. Chalath Kalladithodi Marakkar ...	Do.	8	8	0
221. Kalladi Kuthiali ...	Do.	8	8	0
222. Koothradan Kunhaimad ...	Do.	8	8	0
223. Koolankutty Moideen Kutti ...	Do.	8	8	0
224. Palakkan Mammad ...	Do.	8	8	0
225. Kadiri Moideen ...	Do.	8	8	0
226. Kurudi Kandathil Avaran ...	Do.	8	8	0
227. Koothrat Unnithi Haji ...	Do.	8	8	0
228. Koyisseri Moideenkutti ...	Do.	8	8	0
229. Etakandan Kunhokkar ...	28th Oct. 1922.	8	8	0
230. Kunnimal Ahamad ...	19th Nov. 1922.	8	8	0
231. Chonari Syed Ali ...	Do.	8	8	0
232. Cherothil Veeran ...	Do.	8	8	0
233. Paramal Kunhin ...	Do.	8	8	0
234. Mechikandan Mayan ...	Do.	8	8	0
235. Kuttipuliyar Abdulla ...	Do.	8	8	0
236. Kallangal Ayamu ...	Do.	8	8	0
237. Polakkathodi Veerankutti ...	13th Dec. 1922.	8	8	0
238. Churakooth Kunhayamu ...	26th Jan. 1923.	8	8	0
239. Thengunthodi Moideen ...	14th Apr. 1923.	8	8	0
240. Mathodika Muhammad ...	20th Apr. 1923.	8	8	0
241. Koovapalli Koyimar ...	19th May 1923.	8	8	0
242. Kallingal Ahamad ...	17th May 1923.	8	8	0
243. Pathira Manna Kunhalan ...	21st June 1923.	8	8	0
244. Karakanthodi Mammu ...	20th May 1922.	8	8	0
245. Pothanpulavan Kunhaimad ...	Do.	8	8	0
246. Pulliyal Komu ...	Do.	8	8	0
247. Ilikal Kunhali Haji ...	18th July 1923.	8	8	0
248. Katavath Ummaru ...	21st July 1923.	8	8	0
249. Palathodi Thodukathari Mammad.	9th Oct. 1923.	8	8	0
250. Pallancheri Alasankutti ...	Do.	8	8	0
251. Minumulur Kanna Patruda ...	22nd Dec. 1916.	36	0	0
252. Mottadam Veerayyadhora ...	2nd June 1917.	8	8	0
253. Balaram Palo ...	10th Mar. 1925.	15	0	0
254. Sundara Narayana Deo ...	Do.	50	0	0
} and joint house-rent of Rs. 30 per mensem.				
255. Krishna Chandra Deo ...	Do.			
256. Raghunatha Misri ...	1st Oct. 1925.	10	0	0

APPENDIX III.

[16th July 1926]

[Vide answer to question No. 2157 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 16th July 1926, page 498 supra.]

Statement of information relating to the Colony of Ceylon (Rule 17, Indian Emigration Rules, 1923).

(a) *Climate*.—Ceylon enjoys a healthy tropical climate similar to the southern part of the Madras Presidency. The planting districts of Ceylon enjoy a good rainfall. The provinces in which emigrants are employed vary in elevation from sea level to about 6,000 feet, and the climate varies according to the elevation of the estate.

The planting provinces may roughly be divided as follows:—

Low country (under 1,500 feet).	Mid-country and up-country (over 1,500 feet).
Western Province.	Central Province.
Southern Province.	Province of Uva.
North Central Province.	
Province of Sabaragamuwa.	

In parts of the low-country and mid-country districts malaria is prevalent, mainly in wet weather. At high elevations during prolonged spells of wet weather there is a certain amount of pneumonia. Plague does not exist outside Colombo. The island is practically free from cholera or smallpox.

(b) *Work*.—Emigrants are required for unskilled manual labour mainly for agricultural work on estates. For men, the main kinds of work are pruning (in tea), tapping (in rubber), work in the factory (tea and rubber), weeding, clearing of drains, digging pits and maintaining estate roads; for women, plucking (in tea), tapping (in rubber, but chiefly in the low country only), sorting leaf in the factory (tea) and light earthwork.

Rubber tapping and tea plucking are generally performed on piecework. Other labour is mainly daily paid. There is no legal maximum as to hours of work, but the hours named in paragraph (c) are practically universal and of long-standing custom, which is thoroughly understood by all labourers.

Holidays.—Sundays, unless the labourer chooses to turn out for piecework, two days at Thai Pongal and Dipavali respectively and often other local festivals.

(c) *Daily hours of work*.—The usual working day is about 9 hours from about 6-30 a.m. to about 4-30 p.m. with about an hour's rest at midday. Sunday is usually a day of rest.

(d) *Wages*.—The usual rates of wages per day on estates are—

Ceylon Currency.			Indian Currency.		
	C.	P.	AS.	P.	AS. P.
Men from 40 to 35			6	5	to 10 5
Women " 25 " 50			4	0	" 8 0
Children " 20 " 30			3	2	" 4 10

Indian rupees are current in Ceylon.

Extra pay given for overtime work.—Employers are compelled by law to give six days' work per week. Wages are not paid for days on which the labourer does not offer himself for work. Labourers not performing a full day's work will receive pay in proportion to the work done. Deductions can

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be made from a labourer's wages for actual advances of money, or in kind made to the labourer by his employer. Labourers cannot be fined for absence from work.

(e) *Housing and medical attendance*.—On estates good houses are supplied free, and free medical attendance and medicines are provided.

The greater number of unskilled labourers in Government departments work on the maintenance of roads or railway lines and are provided with housing accommodation. Unskilled labourers in the larger towns, in factories and works, usually find their own housing accommodation, but their daily wages are proportionately higher than those of estate labourers.

(f) *Cost of living*.—The average cost of living for a man, wife and two working children is estimated at Rs. 21 per mensem.

Uncooked rice of good quality is usually provided by the employer on estates and sold to the labourer at a price below cost.

(g) *Journey to Ceylon*.—The journey by sea from India to Ceylon takes only two hours in a steamer. The whole cost of food during transport and transport of an emigrant from India to Ceylon is paid for by the Ceylon authorities and nothing whatever is charged to the emigrant on account of his travelling expenses.

(h) *Repatriation*.—Within one year of his arrival in Ceylon any emigrant who has been assisted to emigrate at the cost of the Common Fund shall, on satisfying the Agent of the Government of India in Ceylon, that his return to his home is desirable, either on the ground of the state of his health, or on the ground that the work which he is required to do is unsuitable to his capacity, or that he has been unjustly treated by his employer, or for any other sufficient reason, be repatriated free of cost to the place of his recruitment.

(i) *Education and religious ceremonies*.—Under the Ceylon law schools are provided on estates. There are temples on or near all estates and holidays are given for important religious festivals.

(j) Emigrants are subject to no disability in regard to the acquisition of freehold land. No land in the planting districts is available for assignment by the Government to emigrants for cultivation, but many estates allow land to labourers for cultivation of vegetables, etc.

(k) There are no special penal provisions for labour offences and Indian labourers employed on estates are not liable to arrest and imprisonment for debt, whether the debt is one due to their employer or to any other person.

APPENDIX IV.

[Vide answer to question No. 2158 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 16th July 1926, page 498 supra.]

STATEMENT OF INFORMATION RELATING TO PENANG, SINGAPORE AND THE MALAY STATES.

Emigrants wanted for British Malaya, that is, for the Straits Settlements, Federated Malay States and other Malay States under British Protection.

Work is available in these countries for unskilled labourers on rubber and coconut estates as tappers and weeders or factory hands, on public roads and railways and other similar places of employment.

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Climate.—It is never so hot in Malaya as in Madras. The rainfall is about 100 inches and is distributed more or less evenly during the year.

To go to British Malaya you can either pay your own fare or accompany a kangani from your own district paying neither rail nor boat charges or if you apply in person at Avadi or Negapatam you will, if accepted, be sent over free of cost to yourself. None of the expenses incurred in bringing you over can be deducted from your wages. You will be landed free from debt and can leave your employer at any time on giving a month's notice. The journey from Negapatam to Penang takes four days.

If you go with a kangani you will find the work for which he recruits you written on his licence which also gives particulars of the rates of wages on his estate. If you go by yourself on arrival at the port in Malaya, you can go to work wherever you like.

No labourer is compelled to work more than 9 hours a day. On estates, in fact, weeders never work more than 8 hours and tappers never more than 6 hours a day. Work begins at 6 or 6-30 a.m.

No labourer is bound to work on more than 6 days in one week.

Wages vary according to locality. At present they range from 30-45 cents a day, i.e., 9-12 annas for men, and 25-35 cents a day, i.e., annas 7-10 for women. Wages must be paid at least once a month. Cash advances are usually made to labourers working on estates. Rice is also sold at cost price. If the labourer has no cash to pay for rice purchased, credit is allowed. At the end of the month when wages are paid, the advance is deducted and also any money due on account of rice bought on credit. Only cost price of rice is recovered. No other deductions from salary are allowed.

On most estates even children over 10 years of age can get light work at 10-20 cents ($2\frac{1}{2}$ - $5\frac{1}{2}$ annas) a day. A labourer is paid only for days or parts of days on which he works. If he does half a day's work, he is entitled to half the daily wage for that day. No fine is imposed for absence from work.

All estate coolies and most coolies employed on Government works are provided free of cost with houses built according to Government plan.

When sick, emigrants are either treated free in estate hospitals or else sent at their employer's expense to Government hospitals. Even if there is no hospital on an estate, there is at least a dresser to look after the health of the labourer.

Dollars 6 to 8 (Rs. 10-8-0 to Rs. 14) are found sufficient to supply an individual labourer with food and clothing.

Repatriation.—Within one year of his arrival in Malaya, any emigrant who has been assisted to emigrate at the cost of the Indian Immigration Fund shall, on satisfying the Agent of the Government of India in Malaya that his return to his home is desirable, either on the ground of the state of his health, or on the ground that the work which he is required to do is unsuitable to his capacity, or that he has been unjustly treated by his employer, or for any other sufficient reason, be repatriated free of cost to the place of his recruitment.

Even after the expiration of one year after his arrival, any such emigrant who is incapacitated by illness or who owing to trade conditions is thrown out of work will be repatriated free of cost to the place of recruitment.

[16th July 1926]

Where there is a sufficient number of children on an estate, the Controller will order the Manager to provide a school and teacher. Nearly every estate has got its own temple.

Most estates have got vacant land on which labourers may have gardens and keep goats and cattle. Indians have the same rights as all other races in taking up State land and acquiring alienated land.

By the new Labour Code, all penalties for labour offences will be abolished and the relation between the labourer and employer will be treated as of a purely civil nature.

APPENDIX V.

[Vide answer to question No. 2182 asked by Rao Bahadur M. C. Raja at the meeting of the Legislative Council held on the 16th July 1926, page 518 supra.]

Resolution.

Action taken by Government.

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|---|--|
| 1. Election of a member for a seat in the local Advisory Committee of the Madras and Southern Mahratta Railway in the place of M.R.Ry. Diwan Bahadur W. Vijiaraghava Mudaliyar Avargal, deceased. | The election of the Raja of Ramnad was communicated to the Agent, Madras and Southern Mahratta Railway. |
| 2. Election of two members to the Advisory Committee of the Madras and Southern Mahratta Railway. | The election of M.R.Ry. Diwan Bahadur P. C. N. Ethirajulu Nayudu Garu and M.R.Ry. Rao Bahadur M. C. Raja Avargal have been communicated to the Agent, Madras and Southern Mahratta Railway. |
| 3. Opening of Government farms in South Malabar and in South Kanara for the improvement of paddy cultivation. | The Government have since sanctioned the establishment of a paddy breeding station in the Malabar district. Action is being taken for acquiring land for the paddy station. |
| 4. Appointment of a committee to investigate unemployment in this Presidency. | A committee has been appointed to investigate the problem of unemployment among the educated middle classes. |
| 5. Suspension of the scheme of colonising Andaman Islands with Mappillas and appointment of a committee to report on the conditions obtaining there. | A committee was appointed by the Government of India to examine the condition of the Mappilla villages established in the Andamans. Pending orders on the recommendation of the committee the scheme for the colonization of the Andamans by Mappilla prisoners has been kept in abeyance. |

[16th July 1926]

Resolution.

Action taken by Government.

- | | | |
|--|---|---|
| <p>6. Recognition of Maundy Thursday as a sectional holiday for Roman Catholics in the Judicial Department</p> <p>7. Declaration of the penultimate Saturday of every month a holiday for the Judicial Department in the mufassal.</p> | } | Orders have issued giving effect to these resolutions. |
| <p>8. Appointment of a committee to enquire into the grievances of non-gazetted officers.</p> | } | The action taken has already been reported to the Council—vide item 14 in Appendix VI on page 547 of the Legislative Council Proceedings, dated 21st August 1925. |
| <p>9. Selection of Ellore as the headquarters of the West Godavari district.</p> | } | The Government have decided on Ellore as the headquarters of the West Godavari district. |
| <p>10. Excise—Government Policy—Total prohibition within 20 years.</p> <p>11. Abkari, toddy, etc., shops—Location near places inhabited by members of the depressed classes—Prohibition.</p> | } | The recommendations are under consideration of Government. |
| <p>12. Tree-tax reduction</p> | } | The recommendation was <i>not</i> generally accepted as the new rates were imposed and paid without any complaint for over three years. The rates in Tanjore district are however being investigated. |

APPENDIX VI.

[Vide answer to question No. 2204 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 16th July 1926, page 527 *supra*.]

G.O. Mis. No. 447, Development, dated 25th March 1926.

The Government are unable to grant the requests of the memorialists. The Chief Conservator is requested to inform them accordingly.

2. Separate orders will issue as regards the introduction of time-scale of pay for rangers.

(By order of the Governor in Council)

V. PANDRANG ROW,
Secretary to Government.

To the Chief Conservator of Forests.

[16th July 1926.]

APPENDIX VII.

[Vide answer to question No. 2207 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 16th July 1926, page 529 *supra*.]

G.O. No. 452, Development, dated 26th March 1926.

The revised form of agreement to be executed by forest panchayats as approved by Government is appended. The Government approve the proposal of the Board of Revenue that Collectors should be empowered to sign old agreements while new agreements should be signed by the Secretary to the Board of Revenue.

2. The Senior Translator to Government is requested to furnish the Board of Revenue with Tamil and Telugu translations of the revised form of agreement.

(By order of the Governor in Council)

V. PANDRANG ROW,
Secretary to Government.

To the Board of Revenue (Land Revenue and Settlement).

Copy to the Chief Conservator of Forests.

„ Senior Translator to Government, with two copies of the form through Law (Legislative) Department.

APPENDIX

Agreement.

Agreement between the Secretary of State for India in Council represented by _____ and the undermentioned persons, resident in the villages specified against their names in the _____ taluk, district.

(Here enter names and description of panchayatdars.)

2. The Secretary of State for India in Council hereby agrees to assign the area specified in the schedule hereunto annexed to the persons above mentioned who agree to form a panchayat and undertake the management of the same on the conditions set out below.

3. This agreement shall be in force from _____ to _____ but may be extended.

4. Vacancies in the panchayat shall be filled up by the general body of cattle-owners in the villages mentioned in the schedule subject to the approval of the Forest Panchayat Officer.

5. The Forest Panchayat Officer shall have power with the previous approval of the Collector of the district to remove any panchayatdar whose conduct as such or otherwise renders him in the opinion of such officer unfit to remain in office. The order of the Forest Panchayat Officer shall be final.

[16th July 1920]

6. *Duties of panchayat.*—(i) The panchayat shall for each full year or portion thereof that this agreement remains in force pay in advance the amount of Rs.

(ii) The panchayatdars shall be jointly and severally liable for the payment of the amount mentioned in clause 6 (i) above.

7. The panchayat shall meet at least once in two months to transact business.

8. It shall convene periodical meetings of the general body of cattle-owners and towards the close of every year shall produce its accounts for the scrutiny and approval of the general body.

9. The profits of the panchayat shall be utilized first for the improvement of the village forest, and then for any works of general utility to the panchayat villages.

10. It shall be the duty of the panchayat to ensure that the area assigned to it is used to the best advantage of the village community and for this end it shall

(i) prevent wilful damage to the area assigned to it for management by fire or other means;

(ii) clear and maintain boundary marks in good condition;

(iii) exclude goats from the area;

(iv) close the whole area against grazing for two months after the first rains in the year, i.e., till (month) and limit the number of cattle permitted to graze to cow units at the rate of acres per cow unit;

(v) remove tree or bushy growth, regulate the fellings and see that all fellings are made flush with the ground;

[NOTE.—This provision is to be struck out in the agreement if the panchayat is not authorized to cut trees.]

(vi) allow the cutting of manure leaves only from shrubs and under-growths in an area not exceeding part of the block, viz., acres, as marked out by the staff of the Forest Panchayat Officer annually by rotation;

(vii) refrain from and prevent the sale of fuel, timber and manure leaves to persons not resident in the panchayat villages;

(viii) report to the Tahsildar any offence for which prosecution is desired, or, when the offence may be compounded, recommend to him the amount for which composition may be sanctioned;

(ix) maintain the following accounts and registers in the form prescribed from time to time by the Forest Panchayat Officer:—

(1) Cash register.

(2) Permit-holders' register.

(3) Permit forms in duplicate.

(4) Minute book.

11. The panchayat shall have power

(i) to issue permits and charge fees for grazing and for the removal of manure leaves, fuel and small timber for agricultural implements in the area assigned to them at the following rates;

(ii) to exclude any cattle from the area or to set apart any portion in the area for a particular class of cattle;

[NOTE.—This provision is to be struck out in the agreement if the panchayat is not authorized to make the collections.]

[16th July 1926]

(iii) to exclude the cattle of any person who recklessly or mischievously sets fire to or otherwise causes damage to the area or who removes tree-growth for sale or who disobeys orders issued by the panchayat in exercise of the powers conferred upon it;

(iv) to impound cattle for grazing without permits;

(v) to regulate the removal of dead-wood and wind-falls;

(vi) to collect the sale-proceeds of the usufruct of all trees and other minor produce in the area;

(vii) to appoint watchers and pay them from the panchayat funds;

(viii) to permit the grazing of cattle in the villages of besides those of the villages forming the area of the panchayat;

(ix) with the permission of the Forest Panchayat Officer, to make improvements to the area by way of planting trees, growing fodder grass and manure leaves, making cattle ponds, digging wells or improving them, clearing noxious growth or bunding streams and to utilize the entire revenue derived from such improvements for the benefit of the village community in the manner mentioned in clause 9 supra so long as the area assigned remains under its control.

12. Failure to comply with any of the conditions above mentioned will be a ground for the cancellation of this agreement. The Board of Revenue reserves the right of such cancellation at any time without rendering any reasons, and on the cancellation of the agreement no refund of the amount mentioned in clause 6 will be allowed.

Schedule.

Area assigned.			Villages and hamlets forming the panchayat.	Taluk.	District.
Reserve.	Extent.	Boundary.			
	ACS.				

[16th July 1926.

APPENDIX VIII.

[Vide answer to question No. 2211 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 16th July 1926, page 530 supra.]

1. Mr. H. H. Tippetts of the Russelas estate, Malabar district.
2. „ B. A. Marden of the Woodlands and Oland estates, the Nilgiris.
3. „ A. M. B. Otter of the Sussex Group estates, the Nilgiris.
4. „ R. J. Layard of the Parkside estate, the Nilgiris.
5. „ Q. E. McConnell of the Terrace estate, the Nilgiris.
6. „ A. W. Anderson of the Malloor estate, the Nilgiris.
7. Lt. R. L. Stuart of the 'Rob Roy' Tea estates, the Nilgiris.
8. Mr. A. L. Lang of the Cherakara estate, Malabar district.
9. „ W. S. Scott of the Seaforth and Yellamalai estates, the Nilgiris.
10. „ M. E. Jafar Muhammad Sait, Ootacamund.
11. „ J. Bayzand of the Caroline estate, the Nilgiris.
12. „ A. Foote of the Richmond estate, the Nilgiris.
13. „ V. Mardon of the Jessie estate, Malabar district.
14. „ F. H. Moulton of Burnside estates, the Nilgiris.
15. „ L. C. G. Hayne of Erramanlla estate, Malabar district.
16. „ W. P. Scott of the Pattycumbay estate, the Nilgiris.
17. „ T. C. H. Anderson of the Vengacottah estate, Malabar district.
18. „ D. Bate of the Auda Tode estate, Malabar district.
19. „ L. Garret of the Terrace estate, the Nilgiris.
20. The Rev. Fr. E. Beretta, S. J., of the Kuppamudi estate, Malabar district.
21. Mr. C. J. Shaw of the Kotada estate, the Nilgiris.

APPENDIX IX.

[Vide answer to question No. 2232 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 16th July 1926, page 539 supra.]

Statement of receipts and charges of West Coast coconut stations.

Year.	Nileshwar I, II and III stations.		Kaseragod station.	
	Income.	Expenditure	Income.	Expenditure.
	RS.	RS.	RS.	RS.
1917-18	40	1,138	695	1,990
1918-19	44	2,112	2,036	1,282
1919-20	278	1,774	3,142	1,865
1920-21	47	2,874	4,229	2,778
1921-22	93	2,069	720	3,534
1922-23	58	3,246	6,682	3,434
1923-24	290	2,197	3,573	3,376
1924-25	209	4,055	3,573	2,164
1925-26	572	4,850	4,708	2,840

THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 17th July 1926.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY) in the chair.

PRESENT:

Ramaswami Ayyar, The hon. Sir C. P.	Marthandam Pillai, Mr. P. N.
Marjoribanks, The hon. Mr. N. E.	Meera Sahib, Mr. Muhammad.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Moidu Sahib, Mr. T. M.
Moir, The hon. Mr. T. E.	Muniswami Nayudu, Rao Bahadur B.
Raja of Panagal, The hon. the.	Muttayya Mudaliyar, Mr. C.
Patro, The hon. Sir A. P.	Muttayya Mudaliyar, Mr. S.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Narasimha Raja, Rao Bahadur C. V. S.
Abdul Wahab Sahib, Mr. M.	Narayanawami Pillai, Mr. T. M.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Natesa Mudaliyar, Rao Bahadur C.
Adinarayana Chettiyar, Mr. T.	Obalesappa, Mr. B.
Anjaneyulu, Mr. P.	Pandrang Row, Mr. V.
Ankinedu Prasad Bahadur, S. R. Y.	Frabhakaran Tampam, Mr. K.
Appayya Chettiyar, Mr. D.	Prenayya, Mr. G.
Ari Gowder, Mr. H. B.	R. Chandra Ballal, Mr. K.
Arpudaswami Udayar, Mr. S.	Rao Bahadur M. C.
Bhanoji Rao, Mr. A. V.	Rajah, Mr. P. T.
Biswanath Das Mahasayo, Srman.	Ramachandra Reddi, Mr. B.
Boag, Mr. G. T.	Raman Menon, Mr. K. P.
Chambers, Mr. G. W.	Raman, Rao Bahadur P.
Chidambara Nadar, Mr. A.	Ramalinga Chettiyar, Rao Bahadur T. A.
Devendrudu, Mr. N.	Ramaswami Mudaliyar, Mr. A.
Ellappa Chettiyar, Rao Sahib S.	Ranganatha Mudaliyar, Mr. A.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Saldanha, Mr. J. A.
Gangaraju, Mr. M.	Samuel, Mr. J. D.
Ghouse Mian Sahib, Muhammad.	Sarabha Reddi, Mr. K.
Gopala Menon, Mr. C.	Sarvarayudu, Mr. K.
Gopalan, Rao Sahib P. V.	Sasibhushan Rath Mahasayo, Srman.
Guruswami, Mr. L. C.	Satyamurti, Mr. S.
Haji Qasim Sahib Bahadur, Khan Bahadur.	Sesha Reddi, Mr. B. P.
Haji Abd-ul-lah.	Srinivasan, Rao Sahib R.
Hall, Mr. J. F.	Subrahmanya Pillai, Mr. Chavadi K.
Hegde, Mr. Naganna.	Sundaramurti, Rao Sahib P. V. S.
Heggade, Mr. D. Manjappa.	Tangavelu Pillai, Rao Sahib T. C.
Keeava Pillai, Diwan Bahadur P.	Tanikachala Chettiyar, Diwan Bahadur O.
Khadir Mobiddin Elyas Khan Sahib, Mr.	Tulasiram, Mr. L. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Uppi Sahib Bahadur, Mr. K.
Koti Reddi, Mr. K.	Veerian, Mr. R.
Krishnan Nayar, Diwan Bahadur M.	Vellingiri Gounder, Mr. V. C.
Krishna Rao Pantulu, Rao Bahadur A. S.	Venkatachala Padayachi, Mr. K.
Krishnama Achariyar, Rao Bahadur V. T.	Venkatarama Ayyangar, Mr. C. V.
MacDougall, Sir Alexander.	Venkatarama Sastriyar, Mr. T. R.
Madanagopal Nayudu, Mr. R.	Venkataramam Nayudu, Mr. C.
Madhava Raja, Mr. V.	Venkatareddi Nayudu Sir K. V.
Mallesappa, Mr. T.	Virappa Chettiyar, Rao Bahadur P. K. A. Ct.
	Windle, Capt. E. G.
	Wood, Mr. C. E.
	Zamindar of Mandasa.

[17th July 1926]

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924.]

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Agriculture.

The coconut pest in South Kanara.

* 2235 Q.—Mr. K. RAGHUCHANDRA BALLAL: With reference to the article entitled 'Coconut Pest' by the Mangalore correspondent of the *Daily Express* in its issue of 14th May 1926, will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the said pest called *Nephantis Serinopa* is spreading in South Kanara in the topes to the south of the Netravati Railway Bridge;

(b) whether it is a fact that the last visitation of the said pest had been dealt with by the Entomological Department and, if so, what the result was;

(c) whether it is a fact that the pest had not been stamped out; and

(d) whether the Government propose to take early steps to check the spread of the pest?

A.—(a) The pest which originally appeared in and around Mangalore has now spread to various centres in the district.

(b), (c) & (d) When the pest appeared for the first time in 1920, the Agricultural Department took measures to control it by means of cutting and burning the affected leaves. This method of control was, however, only of a temporary nature and it was found that if the control was to be effective it should be by the introduction of natural parasites which would kill the caterpillars. Work was begun on the parasitic control in 1923 by establishing cages where the parasites could be hatched. Parasites in large numbers were thus bred and released. This method kept the caterpillars under control and a natural balance between caterpillars and the parasites was established.

The pest cannot however be stamped out; all that can be done is to keep it under control by the parasites. The pest is however spreading through infected coconut leaves which are carried from one place to another and at each new outbreak cutting and burning of leaves are adopted for immediate control followed by breeding and introduction of parasites.

[17th July 1926]

As the pest is spread easily by careless use of infected leaves for covering tiles, etc., considerable difficulty is experienced in controlling it rapidly and effectively. The Agricultural Department is however doing its best with its limited staff and resources to cope with the pest as it appears.

Co-operative Societies.

Working of certain co-operative societies in North Arcot district.

* 2236 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) by whom and when the undermentioned co-operative societies in North Arcot district were organized and started:—Sethuvalai, Gudiyattam Weavers', Kuthathur Malayalees', Vellore Central Weavers' Depot, and Ambur Agricultural Improvement Society;

(b) the condition of these societies as on 1st January 1926;

(c) the total net assets of the members of the above societies;

(d) whether Irumbedu and Mylarampatti co-operative societies in North Arcot district have less than the minimum number of members required by the Co-operative Societies Act;

(e) if so, how long have they been allowed to remain thus; and

(f) why the registration of these societies have not been cancelled?

A.—(a)

By whom organized.	Date of organization.	Date of starting.	By whom started.
<i>Sethuvalai Co-operative Society.</i>			
1. V. K. Srinivasa Ayyar, Inspector.	15-8-21	Not started.	....
2. M.R.Ry. Bai Bahadur V. Murugesu Mudaliyar, Honorary Assistant Registrar, Vellore.			
<i>Gudiyattam Weavers' Co-operative Society.</i>			
A supervisor in the employ of the District Council, Vellore.	27-6-24	30-6-24	Inspector A. Kanakaraj Mudaliyar and Supervisor employed by the District Council of Supervision.
<i>Kuthathur Malayalees' Co-operative Society.</i>			
Venkataviraghava Ayyangar, Inspector.	21-5-23	30-1-24	Inspector Venkataviraghava Ayyangar.
<i>Vellore Central Weavers' Depot Co-operative Society.</i>			
M.R.Ry. R. Krishnaswami Ayyar, Chief Inspector.	1-2-24	1-2-24	Chief Inspector R. Krishnaswami Ayyar.
<i>Ambur Agricultural Improvement Co-operative Society.</i>			
K. R. Krishnaswami Ayyar, Inspector.	26-10-24	22-2-25	Inspector M. Nagappa Chettiyar.

[17th July 1926]

(b) The condition of these societies on 1st January 1926 was as follows :—

1. *Sethuvalai*.—Has not yet started work in spite of many attempts in that direction, as interested money-lenders have influenced the members not to work the society. The chief promoters have not however lost hopes of starting the society.
2. *Gudiyattam Weavers' Co-operative Society*.—There were 10 members on the list. Its assets and liabilities on 1st January 1926 were Rs. 111 and Rs. 116-14-10 respectively.
3. *Kuthathur Malayalees' Co-operative Society*.—There were 12 members on the rolls with a paid-up share capital of Rs. 120. It has invested Rs. 50 towards share in the Central Bank, Vellore.
4. *Vellore Central Weavers' Depot*.—There were 22 members on the list with a paid-up share capital of Rs. 541-8-0. It has invested Rs. 150 towards shares and Rs. 4-9 in reserve fund in the Central Bank, Vellore. The depot had not borrowed any money. In addition to the stock of cloths worth Rs. 298-0-6 on 30th June 1925, the society purchased cloths worth Rs. 232-2-0 and sold stock worth Rs. 238-14-0 and had a stock worth Rs. 298-0-6.
5. *Ambur Agricultural Improvement Society*.—There were 32 members with a paid-up share capital of Rs. 600. The society purchased for distribution to its members one ton of ammonia sulphate (manure) for Rs. 265-14-0.

(c) 1. *Sethuvalai Co-operative Society*—has not yet been started and correct information about its net assets is not available.

2. *Kuthathur Malayalees' Co-operative Society*.—The net assets of the members amounted to Rs. 2,295.

The other societies are on the limited liability basis and statements of the net assets are therefore not available.

(d) Yes.

(e) In Irumbedu Co-operative Society the number of members fell from 10 at the beginning of the year 1924-25 to 1 at the end. The number of members in Mylarampalli Co-operative Society fell from 11 in 1920-21 to 8 in 1921-22 and to 7 in 1924-25.

(f) The registration of the Irumbedu Co-operative Society has been cancelled.

Mylarampalli.—The Natrampalli union to which the society is affiliated is endeavouring to amalgamate the society with a neighbouring society and the results are awaited.

17th July 1926]

Industries.

Government aid to industries.

* 2237 Q.—Mr. J. A. SALDANHA : With reference to the debate on 26th March and 25th March 1926 in the Legislative Council as to the aid to industries, will the hon. the Minister for Development be pleased to state—

(a) whether the Government have made enquiries as to the condition of old industries like weaving, tile-making throughout Presidency and if so, what the result of such enquiries is ;

(b) what measures Government propose to take for the aid of such industries ; and

(c) whether Government have in view any legislation by this Council or propose to recommend to the Government of India legislation for the aiding of the industries and trade in this Presidency on the lines of the English enactments like the safe-guarding of Industries Act and the Trade Facilities Act, 1921 ?

A.—(a) & (b) The matter is engaging the attention of the Government.

(c) The answer is in the negative.

Training of apprentices in Government industries.

* 2238 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state—

(a) what is the number of apprentices trained in the several Government industries during the last five years closing with 31st December 1925 ; and

(b) what has been the Government policy as to training apprentices in their industries and the grounds on which such policy is based ?

A.—(a) *Kerala Soap Institute, Calicut*.—Eighteen students were trained up to the end of 1923-24 for short periods ranging from two weeks to six months. The training of none of these, however, can be said to have been sufficiently thorough.

Fisheries Cannery, Chaliyam.—Four students have received training.

Tanur Experimental Station.—Twenty-five students were trained in the five years ending with 1925-26.

(b) The training of apprentices has always been one of the objects in view in the opening and running of pioneer or demonstration factories under the control of Government so that, when the Government withdraw from the venture, there may be available a sufficient number of men trained in the particular industries, the commercial success of which has been demonstrated, who can with their own capital develop the industries or find useful avenues of employment in existing concerns as managers, foremen or operatives.

Mr. J. A. SALDANHA :—“ Sir, with reference to (a) may I enquire whether the training of four students in the Fisheries Cannery, Chaliyam, is considered as really carrying out the objects of Government ? ”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—“ Yes, we began with small beginnings and we go on.”

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Mr. J. A. SALDANHA :—"Sir, this caldery has been there many years; where is the beginning? When did they begin to train the students?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—"It began with the beginning. I do not know when it began to train the students."

Mr. J. A. SALDANHA :—"In what year was the beginning? If you say we began at the beginning, it looks Biblical." (Laughter.)

Fisheries.

Transfer of the supervision of the fish-curing yard to Salt Department.

* 2239 Q.—Rao Sahib P. V. GOPALAN: Will the hon. the Minister for Development be pleased to state—

(a) the number of memorials or petitions received by the Central Board for transferring the Fish-curing yard salt supervision from the hands of the Fisheries to the Salt Department and the names of the chief signatories with the names of the stations;

(b) the reasons alleged in the above memorials or petitions for such a course;

(c) whether the Government have any objection for the curers buying their own salt and curing the fish; and

(d) whether the Fisheries Department have lately issued a circular to all the yard officers to issue salt bags to the curers who pay for the full bags even if the bags are 10 seers less?

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

(c) No.

(d) On receipt of certain complaints in July 1924 that salt bags in several of the yards were considerably short in weight, the Director of Fisheries issued instructions that if the shortage exceeded 10 seers a bag, the curers should be allowed the option of refusing it. The curers enjoyed no such option before the transfer of the yards to the Fisheries Department.

Education.

Medical inspection of the Government Muhammadan High School in Kurnool.

* 2240 Q.—KHADIR MOHIDDIN ELYAS KHAN SAHIB, Bahadur: Will the hon. the Minister for Education be pleased to state—

(a) whether he has perused the report of the Medical inspection of the Government Muhammadan High School, Kurnool, made in last March;

(b) whether it is a fact that the medical inspector has condemned the school building as dusty, noisy and ill-ventilated;

(c) whether it is a fact that the school has no play-ground at all;

(d) whether it is a fact that the medical inspector has discovered several cases of incipient tuberculosis among the students; and

(e) what action the hon. the Minister proposes to take to provide the school with a healthy commodious building and a spacious play-ground?

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A.—(a) No.

(b) The Government understand that the medical inspector considered the building unsuitable.

(c) The school has no play-ground, but it is reported that a site about two furlongs from the school is being used as play-ground.

(d) The Government understand that the medical inspector has reported one case of tubercular disease of the spine and has remarked that some of the cases of nutrition below normal have a family history of consumption. The parents of such boys have been advised to give preventive treatment to them.

(e) An expenditure of Rs. 5,200 on improvements to the buildings of the school has recently been sanctioned. The question of providing a play-ground for the school will be investigated.

Training schools in the Andhra University area.

* 2241 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) the number of training schools in the Andhra University area;

(b) the number of teachers working in every one of the schools; and

(c) the number of non-Andhras posted to every one of the schools?

A.—(a) Number managed by Government ... 29

Number managed by private agencies ... 17

(b) & (c) The Government are not in possession of particulars relating to aided schools. The number of teachers working in the Government training schools in the area is 311 of whom 29 are non-Andhras.

Alleged refusal of admission of certain lady students into the Widows' Home.

* 2241-A Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that two Adi-Dravida widow lady students of the Lady Willingdon Training College, Madras, have been refused admission into the Government Widows' Home after the reopening of the college in July;

(b) whether it is a fact that a Tiyya lady student of the same college was refused admission into the Hindu Hostel attached to the college; and

(c) whether it is a fact that these two refusals were made by the Brahman Lady Superintendent while she was in charge of the institution?

A.—(a) No.

(b) Yes. The matter is being investigated by the Director of Public Instruction.

(c) No.

Mr. R. VEERIAN :—"Sir, with reference to clause (a) may I know who was the Superintendent who refused admission? Whether it was the Lady Superintendent or some other authority?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Evidently it is the Lady Superintendent."

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Mr. R. VEERIAN :—" May I know whether it was the acting Superintendent or the permanent Superintendent ? "

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

Mr. R. VEERIAN :—" May I know, Sir, whether there are any Adi-Dravida widows in the Government Widows' Home ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" That question does not arise. "

Mr. R. VEERIAN :—" I put this question with reference to clause (a). "

The hon. Rao Bahadur Sir A. P. PATRO :—" The answer is given there. "

Mr. R. VEERIAN :—" The answer is given that nobody was refused admission. I am only asking whether there are any Adi-Dravida widows already in the Government Widows' Home ? "

The hon. the PRESIDENT :—" That is a separate question. "

Mr. R. VEERIAN :—" I am only putting a supplementary question. "

The hon. the PRESIDENT :—" Supplementary questions are intended to elucidate the answers given on the paper. The hon. Member is putting a number of separate questions. "

Alleged ill-treatment of depressed class students in Wandiwash High School.

* 2242 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the depressed class pupils reading in the Wandiwash High School, Wandiwash, North Arcot district, are kept aloof on separate benches in the fourth class, fifth class, first form, second form and third form, instead of being allowed to sit along with other non-depressed class pupils;

(b) if so, why;

(c) whether it is a fact that the Adi-Dravida boys are kept aloof during the period of drill also;

(d) whether it is a fact that the Adi-Dravida Boy Scouts formed in the school for all classes of boys are treated badly by keeping them separate during the scouting period;

(e) if so, why;

(f) how many Adi-Dravidas are reading in the Wandiwash High School in all standards and forms, giving separate figures of the boys in each standard and form; and

(g) if the Government have no information with reference to clauses (a) to (f), they will be pleased to call for the information?

A.—(a), (b), (c), (d), (e), (f) & (g) The Government have no information; a report has been called for.

Mr. R. VEERIAN :—" Sir, I wanted to know whether, with reference to the whole clause, the Government have taken any effective steps to remove such disabilities except issuing Government Orders such as No. 28, Law (Education), dated 6th January 1922, stipulating several conditions and pointing out certain disabilities with reference to the admission of pupils to schools under public management as well as under Government. "

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The hon. Rao Bahadur Sir A. P. PATRO :—" The hon. Member will kindly elucidate what he means by effective steps. We have issued a Government Order on the matter drawing the attention of the public to the disabilities. "

Mr. R. VEERIAN :—" In the order it is stated that no distinction should be made with reference to the admission of pupils belonging to different communities. Here practically a particular distinction has been made and certain pupils are kept separate. "

The hon. the PRESIDENT :—" There is the answer on the paper that the Government are awaiting the report which has been called for. "

Mr. R. VEERIAN :—" I only ask whether the Government have taken any effective steps beyond the issuing of some Government Orders. May I know whether there are any powers with the Government for the withdrawal of grants or any such things if their orders are not obeyed ? "

The hon. the PRESIDENT :—" That question does not arise. "

Excise.

Recruitment of sub-inspectors in the Excise department.

* 2243 Q.—Mr. N. DEVENDRUDU: Will the hon. the Minister for Education be pleased to state—

(a) whether any hands are to be entertained in the near future as sub-inspectors or inspectors in the Excise department; and, if so, how many;

(b) what the minimum educational qualifications are for these appointments;

(c) who takes the initiative in making such appointments; and

(d) whether any candidates belonging to the depressed classes have been entertained during the past five years?

A.—(a) The Government have no information as to whether it is proposed to recruit any sub-inspectors in the near future. There is no proposal to recruit any Probationary Inspector.

(b) The minimum educational qualification required for appointment to the post of sub-inspector is given on pages 34-35 of Part I-B of the *Fort St. George Gazette*, dated 15th January 1924, and that for appointment as Probationary Inspector is given in the notification published on pages 1383-84 of Part II of the *Fort St. George Gazette*, dated 20th September 1910.

(c) Sub-inspectors are appointed by Assistant Commissioners from a list approved by the Commissioner. The procedure to be adopted for the recruitment of Probationary Inspectors is being examined by Government.

(d) No probationary inspectors have been appointed during the past five years. Four candidates from the depressed classes have been appointed sub-inspectors during 1924-25 and 1925-26. Information as to the number of men of these classes appointed as sub-inspectors during the previous three years is not available.

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Appointment of sub-inspectors in Excise department.

* 2244 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) the number of applications received from the members of the depressed classes specifying how many of them are Christians and how many are Hindus during the year 1923-24, 1924-25 and 1925-26 for the post of sub-inspectors in the Excise department;

(b) the number of those depressed classes' applications approved and included in the approved list;

(c) the number of approved candidates who have been provided with posts as sub-inspectors in the Excise department up to date giving the total number of Hindus and Christians so appointed in each district;

(d) what are the minimum educational and other qualifications that are required for the post;

(e) how much initial salary the post carries;

(f) whether there is any other allowance and if so, what those allowances are;

(g) whether there is any criterion other than the order, rank or standard assigned in the approved list for appointing men in the department;

(h) whether there has been any 'special' appointments of men who managed to get high recommendations overlooking the priority of the claims of men in the approved list;

(i) whether any such 'Special' appointments have been made before the approved list has been exhausted; and

(j) what the criterion is for assigning rank or order in the approved list?

A.—(a) 1923-24—Information is not available.

1924-25—Nine applications were received of which five were from Hindus and four from Christians.

1925-26—Sixteen applications were received of which twelve were from Hindus and four from Christians.

(b) 1924-25—1.

1925-26—11.

(c) Out of 188 candidates approved in 1924-25 and 1925-26, 75 have been appointed of whom 4 belong to the depressed classes, 3 Hindus and 1 Christian.

(d) For the minimum educational qualifications prescribed for the post of Excise Sub-Inspector, the attention of the hon. Member is invited to article 1 of the Public Service Notification published on pages 34-35 of Part I-B of the *Fort St. George Gazette*, dated 15th January 1924. The other qualifications prescribed are that candidates should not be less than 18 years or more than 25 years of age and that they should be not less than 5 feet 5 inches in height and 32 inches round the chest.

(e) Rs. 60 per mensem.

(f) A fixed travelling allowance of Rs. 25 in ordinary tracts and of Rs. 37-8-0 in agency tracts is given to Sub-Inspectors on touring duty. Sub-Inspectors stationed in unhealthy tracts like the Agency, the Wynaad, etc., get an allowance of Rs. 25 per mensem.

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(g) The names in the approved list are arranged on a communal basis so as to secure an even distribution of appointments according to communities; and appointments have to be made strictly in the order shown in the list.

(h) Unless his name is in the approved list, no candidate is appointed.

(i) No.

(j) The names are arranged in the approved lists in the order of the importance of communities as indicated by the percentages adopted by the Staff Selection Board, viz.,

40 per cent of Non-Brahman Hindus.

20 „ Brahmins.

20 „ Muhammadans.

10 „ Indian Christians or Anglo-Indians.

10 „ Depressed classes.

The names are generally arranged in the list in rotation in the following order:—

(1) Non-Brahman Hindu, (2) Brahman, (3) Muhammadan, (4) Indian Christian or Anglo-Indian, (5) Depressed class, (6) and (7) Non-Brahmin Hindu, (8) Brahman, (9) Muhammadan, (10) Non-Brahman Hindu.

Mr. R. VEERIAN:—“With reference to clause (c) it is stated that only four members belonging to the depressed classes have been appointed as Excise Sub-Inspectors. I want to know the number of applications that were received for the post.”

The hon. Rao Bahadur Sir A. P. PATRO:—“That is a separate question, Sir.”

*Local Boards.**Alleged prohibition of conveyance of timber along public roads in Ramnad.*

* 2245 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the District Board of Ramnad has framed a by-law prohibiting conveyance of blocks of timber along public roads and the by-law has been approved by the Government; and

(b) whether any petition has been submitted to Government regarding this matter?

A.—(a) The hon. Member presumably refers to the following by-law adopted by the Ramnad District Board and confirmed by Government in 1919:—

“No article carried in a vehicle shall project more than five feet in front of or behind the vehicle. In the event of any article which would so project having to be conveyed by a vehicle through the roads, an additional vehicle or vehicles must be added so that the projection does not exceed five feet.

“Whoever contravenes the provisions of this by-law shall be liable on conviction before a Magistrate to a fine not

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exceeding Rs. 50 provided that no prosecution shall be instituted without the permission of the president of the local board concerned."

- (b) The answer is in the affirmative, if the above presumption is correct.

Presidents of district boards who are members of the Legislative Council.

* 2246 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state the names of the presidents of district boards who are also members of the Legislative Council?

A.—A list^a is placed on the table.

Roads from South Kanara to the Ghats.

* 2247 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) which of the two roads running up the Ghats after bifurcating near Bantwal and Panemangalur in South Kanara has the larger traffic of carts and other carriages and how each of these roads is classified;

(b) if any expert committee has recommended the respective differential treatment, on what grounds it has done so; and

(c) whether there is any expert committee considering the question of reclassifying the roads?

A.—(a) The two roads referred to are presumably the Charmadi Ghat road and the Mangalore-Mercara road. The former is a second-class road and is reported to be second in importance as regards traffic to the latter which is a trunk road.

(b) The classification was not made on the recommendation of an expert committee. The Government after considering the advice of its officers recognized the Mangalore-Mercara road as a trunk road on account of its importance.

(c) No.

Mr. J. A. SALDANHA:—"In the answer to (a), the road is 'reported' to be second in importance. I want to know by whom it was 'reported'."

The hon. the RAJA OF PANAGAL:—"By the authorities concerned."

Mr. J. A. SALDANHA:—"May I know who the authorities concerned are?"

The hon. the RAJA OF PANAGAL:—"The District Board Engineer and the District Engineer."

Mr. J. A. SALDANHA:—"May I point out in reply to a question which I put some time ago the hon. the Minister placed before the Council the report of the District Board President himself in which he stated it was a most important traffic road in the district. May I enquire whether that opinion was superseded by subsequent reports?"

The hon. the RAJA OF PANAGAL:—"That has nothing to do with the question. The determination as to which of the roads should belong to first class and which second class was left to a committee which was

^a Printed as Appendix I on page 674 infra.

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appointed by Government and the committee had decided that certain roads should be treated as first class or traffic roads and others as second class roads."

Mr. J. A. SALDANHA:—"Am I to understand that in each district there is only one trunk road, one first class road?"

The hon. the RAJA OF PANAGAL:—"I may point out that that inference does not arise from the answer I have given."

Mr. J. A. SALDANHA:—"Has it not been brought to the notice of the Government by the District Board President himself that it is a most important road between the Coast and Mysore in South Kanara?"

The hon. the RAJA OF PANAGAL:—"The Presidents of the District Boards may consider any road and every road to be important. But the Government has to decide which of them belong to first class for which that have appointed a committee. So the opinion of the President of the District Board does not affect the decision."

Mr. J. A. SALDANHA:—"May I know, Sir, what the constitution of that committee is, when appointed and under what circumstances?"

The hon. the RAJA OF PANAGAL:—"If the hon. Member will give notice of the question, Government will be pleased to answer."

Municipal Councils.

Secretary to Mangalore Municipal Council.

* 2248 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Secretary of the Mangalore Municipal Council tendered his resignation of the office some time ago;

(b) whether it is a fact that the municipal council has not accepted the said resignation; and

(c) whether the municipal council has held any enquiry in the matter and, if so, what the result is?

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

Amendment to the Madras District Municipalities Act for reduction of cycle-tax.

* 2249 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state whether there is any proposal to amend Schedule IV to the Madras District Municipalities Act so as to reduce the tax of Rs. 2 per half year for possession of cycles in municipal areas?

A.—The answer is in the negative.

Mr. R. VEERIAN:—"May I know whether the Government have received any memorials from the cyclists praying for the reduction of cycle tax?"

The hon. the RAJA OF PANAGAL:—"I do not remember any memorial having been received by the Government. But if the hon. Member will give notice of the question I shall enquire and let him know."

Mr. R. VEERIAN:—"May I know whether the Government are satisfied that two rupees as cycle tax is a decent and reasonable demand?"

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The hon. the PRESIDENT:—"Evidently, because the answer is in the negative."

Mr. R. VEERIAN:—"I want to know whether there is any likelihood of their reducing it because a cycle never does any damage to the road."

The hon. the RAJA OF PANAGAL:—"The hon. Member is at liberty to refer the question to the Select Committee when the Bill is referred to it."

Medicine.

Courses and examinerships in medicine.

* 2250 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to furnish replies to question No. 287 asked at the meeting of the Council, dated 2nd March 1925, regarding certain courses and examinerships in medicine?

A.—A report* received from the Surgeon-General furnishing the information desired by the hon. Member is laid on the table.

The Government have sanctioned a reorganization of the teaching staff of the Hygiene and Bacteriology Departments of the Madras Medical College from the 15th May 1926. According to this reorganization the undermentioned officers will take part in the instruction of B.S.Sc. students in future:—

Officers.	Special subjects to be taught.
1. Professor of Hygiene (an officer of the grade of Assistant Director of Public Health).	(a) Principles of Hygiene and Public Health and Medicine in relation to Public Health.
2. Assistant to the Professor of Hygiene (an officer of the grade of first-class Health Officer).	(b) Industrial Hygiene. (c) School Hygiene. (d) Public Health Chemistry.
3. Professor of Bacteriology (an officer of the King Institute).	(a) Public Health Bacteriology.
4. Assistant to the Professor of Bacteriology (an officer of the grade of Assistant Surgeon).	(b) Immunity. (c) Parasitology. (d) Entomology.
5. Health Officer, Corporation of Madras.	Practical sanitation.
6. Assistant Director of Public Health (Epidemiology).	Epidemiology, infectious diseases and management of fairs and festivals.
7. Assistant Director of Public Health (Vaccination).	Sanitary law, vital statistics and practical vaccination.
8. Assistant Director of Public Health (Propaganda and Maternity and Child Welfare).	Health propaganda and maternity and child welfare.
9. Medical Officer in charge of the Venereal Diseases Department of the General Hospital.	Venereal diseases.
10. Medical Officer in charge of the Infectious Diseases Hospital.	Clinical teaching of infectious diseases and administration of infectious diseases hospitals.
11. Director of Town-Planning ..	Town-Planning.
12. Superintendent, Tuberculosis Hospital.	Tuberculosis, clinical and administrative.
13. Sanitary Engineer ..	Sanitary Engineering.
14. Technical Superintendent, Sanitary Engineer's Office.	

* Printed as Appendix II on pages 674-677 infra.

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Mr. A. RANGANATHA MUDALIYAR:—"In the appendix furnished in 11-15 answer to this question at pages 676-677, a list of officers and subordinates ^{a m.} for the constitution of the Board of Examiners, for the examinations to be held in April and October 1924, is given. Is that not a mistake for 1926?"

The hon. the RAJA OF PANAGAL:—"It is for the period from 1924-26."

Public Health.

Appointments of District Health Officers in the Presidency.

* 2251 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) in what year the appointments of separate District Health Officer were created in this Presidency and for what purposes;

(b) whether they were created for all the districts in the Presidency at the same time;

(c) how many such Health Officers are now employed in the Presidency;

(d) what is the scale of their salaries and allowances; and

(e) whether the said officers are directly under the Director of Public Health?

A.—(a) District Health Officers were appointed as a permanent measure in April 1923. The reasons for their appointment are set out in G.O. No. 1096, L. & M., dated the 21st June 1922, a copy of which is laid on the table. A copy of the rules regulating their duties is also laid on the table.

(b) Health officers were appointed in 1922 as an experimental measure in five districts (Vizagapatam, Kistna, Tanjore, Trichinopoly and Kurnool). In April 1923, Health Officers were appointed for all districts except the Nilgiris on a permanent footing. A post of District Health Officer for the Nilgiri district was created with effect from 1st April 1926.

(c) Twenty-four.

(d) Rs. 250—20—450—25—600 per mensem.

(e) Yes.

Water-supply in Adoni, Rayadrug, etc.

* 2252 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the nineteen villages referred to in the District Season Report published in the Supplement to Part II of the *Fort St. George Gazette*, dated 20th April 1926; and

(b) the measures taken by the Government to improve the water-supply in those villages and in the towns of Adoni and Rayadrug?

* Printed as Appendix III on pages 678-684 infra.

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- A.—(a) (1) Kadabageri. (11) Sivapuram.
 (2) Komaranahalli. (12) Madur.
 (3) Uchangidrug. (13) Gajapur.
 (4) Chigateri. (14) Kudligi.
 (5) Mydore. (15) Hosakeri.
 (6) Bagali. (16) Boppalapur.
 (7) Nagathibasapur. (17) Hulikunti.
 (8) Sivalinganahalli. (18) Joharapuram.
 (9) Madligeri. (19) Neraniki.
 (10) Harpanahalli.

(b) In 1925-26 the Government sanctioned the following grants:—

Improvement of the water-supply in the rural areas of the Bellary district.	Rs. 20,000
Rayadurg water-supply.	14,650
Improvements to the Adoni water-supply ...	6,204

Mr. A. RANGANATHA MUDALIYAR:—"I should like to know whether wells in any of the villages referred to in clause (a) have been actually dug."

The hon. the RAJA OF PANAGAL:—"The district was sanctioned a certain amount for the purpose. Whether that amount was spent properly by the district board is a matter for the district board concerned to look into."

Mr. A. RANGANATHA MUDALIYAR:—"I do not dispute the fact that the amount might have been spent properly. The amount sanctioned might have been so insufficient as to prevent the board from digging enough wells in the 19 villages. In the report published it is stated that there is not enough drinking water in the villages. Will the hon. the Minister think of increasing the grant?"

The hon. the RAJA OF PANAGAL:—"The question will be considered."

Sale of quinine at cheaper rates.

* 2253 Q.—Mr. J. A. SALDANHA: With reference to answer given on 17th March 1926 to my question No. 1591 regarding the sale of quinine, will the hon. the Minister for Local Self-Government and the hon. the Home Member be pleased to state—

(a) whether orders have been passed on the question of sale of quinine at cheaper rates or free distribution of quinine in malarial places through the Post offices and other agencies; and

(b) if not, what the causes of the delay are, and when orders may be expected to be passed?

A.—(a) No.

(b) The matter is under correspondence with the Director of Public Health. A decision in the matter will be arrived at as early as practicable.

Mr. J. A. SALDANHA:—"In the course of the last budget debate the hon. the Home Member assured this House that Government had made up their mind to distribute quinine free in malarial areas. But the answer to clause (a) of this question is: 'No'."

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The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I did not say that the Government have decided the question in the way suggested by the hon. Member. What I said was that the Government have a scheme for so doing under consideration."

Depressed Classes.

Holidays to depressed classes in public offices.

* 2254 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the clerks of the Adi-Dravida and other depressed communities employed in the offices of Board of Revenue, Director of Public Instruction, Public Works Department, Labour Commissioner's Office, Madras, are not being given the same leave which the other caste Hindus enjoy on Hindu festival days as per Government notifications; and

(b) whether it is a fact that on such public holidays for Hindus the immediate superiors in the offices above mentioned who are caste Hindus deny such leave to the depressed class clerks of Hindu faith saying that depressed class Hindus have no mamul or custom to perform any feast during such holidays of Hindus?

A.—The Government have no information.

Mr. R. VEERIAN:—"May I know whether the Government have made any attempt to call for the information?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I think the Government have already called for the information."

Government Houses.

Building for the Military Secretary to His Excellency the Governor.

* 2255 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether the building required for the accommodation of the Military Secretary to His Excellency the Governor for which a supplementary grant was sanctioned in 1925-26 has been erected and if so, at what cost; and

(b) whether Government consider the suggestion made by me that the bungalow set apart for the Military Secretary in the Guindy Government House Gardens should be used for the purpose in question?

A.—(a) The hon. Member's attention is invited to the answer to question No. 2162.

(b) The suggestion was considered by Government.

Village Establishments.

Restoration of village officers.

* 2256 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Member for Revenue be pleased to state—

(a) what steps the Government are taking to give effect to the resolution of this Council to restore those village officers and servants who were thrown out in the last revision;

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(b) whether it is a fact that the Government contemplate to restore only some of them; if so, what are the reasons for it; and

(c) what is the pay which the Government propose to give to the village officers and servants after the restoration?

A.—(a) As the hon. Member is aware, a Bill called the Madras Village Officers Restoration Bill has been introduced by the Government and passed by the Legislative Council on 15th February 1926. The Bill is intended to enable the Government to reappoint to the offices restored the former holders of the offices. The measure has just become law and steps are being taken now to give effect to its provisions.

(b) The Government intend to restore all those offices which were abolished as a measure of retrenchment subject to the condition that the total cost of the revised number of officers at the revised rates of pay does not exceed the total budget allotment for the village officers for 1926-27.

(c) In ryotwari areas the pay of the headman will be reduced by Rs. 2, that of the karnam by Re. 1, and that of the menial by As. 8. In proprietary estates the pay of the karnam and headman will be reduced by Re. 1 in each grade and the standard rate of pay for menials will be Rs. 6; but the pay of the talaiyaris now drawing Rs. 8 will be reduced by Re. 1 only. The pay of village officers whose pay was not raised at the last revision will be left unaltered.

Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"Will the hon. the Revenue Member be pleased to state whether all the village officers, etc., who have been thrown out, will not be restored in view of the fact that the House desired that all of them should be restored?"

The hon. Mr. N. E. MARJORIBANKS:—"On condition that the total cost does not exceed the budget allotment."

Civil Justice.

Public Prosecutor of East Godavari district.

* 2257 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) for how many years the gentleman who was the Public Prosecutor of East Godavari district till April last held that office;

(b) what is the standing and caste of the gentleman who has been appointed in his place at the bar;

(c) whether it is a fact that for the last 45 years the Public Prosecutor of the Godavari district has been a Brahman;

(d) whether any non-Brahman was also recommended for this place; and

(e) whether there are any non-Brahman practitioners in the district of longer standing and better practice?

A.—(a) For nearly 24 years.

(b) High Court Vakil and Brahman.

(c) The Government have no information.

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(d) No.

(e) The Government have no information. The present Public Prosecutor was recommended by the District Magistrate and the District Judge and the Government accepted their recommendation.

Official Referee of the High Court.

* 2258 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the present Official Referee of the High Court was the Translator to the High Court some time before his appointment as an Official Referee;

(b) what was his salary as Translator;

(c) whether it is a fact that he was sent out as a District Munsif, and if so in what year;

(d) whether it is a fact that he was not confirmed as District Munsif and had to revert;

(e) whether it is a fact that his duties as the Official Referee are of a judicial character;

(f) when he was first appointed to act as Official Referee and by whom;

(g) whether the Government have communicated to the High Court their opinion as expressed in this Council by the hon. the Law Member about the appointment of M.R. Ry. Chengalvaraya Ayyar as Official Referee;

(h) whether the Government have communicated the discussion of the Legislative Council on this subject to the High Court; and

(i) if so, with what results?

A.—(a) & (b) The present Official Referee was Chief Interpreter and Commissioner on the Original Side of the High Court prior to the 15th September 1922 and drew a total salary of Rs. 510 a month. He was Second Assistant Registrar, Original Side, from 1922 to 1924.

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

(e) The hon. Member's attention is invited to the rules in Chapter XXIV-A of the Rules of the High Court of Judicature at Madras in its Ordinary Original Jurisdiction.

(f) On 30th June 1924 by the hon. the Chief Justice in virtue of his powers under the Letters Patent.

(g) & (h) Yes.

(i) The hon. Member's attention is invited to the debate, dated 18th December 1925, on the supplementary demand for a grant for the continuance of the post of Official Referee printed on pages 508-512 of the Proceedings of the Legislative Council, Volume XXVI of 1925.

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Elections.*Disqualification of Mr. Yaqub Hasan for standing for election to Council.*

* 2259 Q.—Mr. K. ABDUL HYE: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Government have refused to remove the disqualification imposed on Moulana Yaqub Hasan from standing for election to the Madras Legislative Council; and

(b) if so, whether the Government will be pleased to state the reasons on the basis of which this decision has been arrived at?

A.—(a) Yes.

(b) The Government regret that they are unable to publish the particulars asked for.

Eligibility of Mr. Yaqub Hasan for election to the Legislative Council.

* 2260 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state whether the Government considered the question of permitting Mr. Yaqub Hasan Sahib to stand as a candidate for the Legislative Council, Madras, and, if so, with what results?

A.—The attention of the hon. Member is drawn to the answer given to question No. 2259.

Irrigation.*Cost, etc., of the Mettur Project.*

* 2261 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) what the total estimated cost of the Mettur project is;

(b) what is the area that it is expected to bring under cultivation; and

(c) what are the districts that will be benefited by this project and what amount of acreage in each district?

A.—(a) The total estimated cost of the Mettur project as sanctioned by the Secretary of State is Rs. 6.12 crores.

(b) The project is intended to improve the existing fluctuating water-supplies for the present Cauvery delta irrigation of over a million acres and to extend irrigation to about 221,000 acres of existing dry lands and 80,000 acres of existing wet lands now irrigated by inferior and unreliable sources of supply. Seventy thousand acres of the existing delta area and 20,000 acres of the new area are also expected to be brought under second-crop cultivation.

(c) The districts that will be benefited by the scheme are those of Trichinopoly and Tanjore.

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Change in the site selected for the Mettur dam.

* 2262 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether there has been a change in the site selected for the Mettur dam;

(b) what will be the additional cost involved by the change of site;

(c) if the altered site is taken into consideration in estimating the cost, what will be the return the Government expect out of this scheme;

(d) whether it is a fact that the Madras Government have given only their tentative approval to the new site; and

(e) whether it is a fact that they have called for a revised estimate consequent on the change of site?

A.—(a) & (d) The Chief Engineer has recommended a new site about a mile higher up stream, and the Government have provisionally accepted his views.

(b) & (e) The revised estimate of cost, which was called for by Government, shows that the cost of the dam at the former site will be some 27 lakhs more than was originally estimated and the excess in the case of the new site will be slightly less.

(c) The change in forecast of revenue which will obviously be slight has not been finally worked out as the final approval of the Government of India and the Secretary of State to the change of site is still waited.

Mr. J. A. SALDANHA:—"May I enquire how far the new site will affect the villages in the matter of submersion?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"So far as we understand, very slightly, if at all."

Mr. J. A. SALDANHA:—"May I have fuller information on the matter?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"Notice, Sir."

Expenditure incurred in the acquisition of land for the Mettur scheme.

* 2263 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that acquisition of extensive land is being made in connexion with the Mettur scheme and what is the expenditure so far incurred for the same;

(b) how any expenditure was incurred for the execution of the above scheme when the ultimate total expenditure has not been estimated and the question of the productive nature of the scheme also has not been investigated; and

(c) whether the sanction of the Finance Department has been obtained for any expenditure being incurred for the execution of this scheme?

A.—(a) The hon. Member is referred to the answer given to question No. 801 asked by Mr. Ghouse Mian Sahib on the 31st October 1925, in which the extent of lands to be acquired for the project was given. The Government have no information as to the actual expenditure so far incurred on land acquisition.

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- (b) The implied assumption that the total cost and revenue result of the scheme have not been worked out is incorrect.
- (c) Full authority has been obtained for incurring the expenditure.

Approval of the Secretary of State for the Mettur scheme.

* 2264 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state whether it is a fact that neither the Government of India nor the Secretary of State have yet given their formal approval to the Mettur scheme specially after the change of site has been decided upon?

A.—The proposed change of site of the dam at Mettur has been referred to the Government of India whose orders are awaited.

Appointment of a special Collector for acquisition work in connexion with the Mettur scheme.

* 2265 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state whether there is any special Collector appointed for the acquisition work in connexion with the Mettur scheme and who is this officer so appointed?

A.—A special Collector has been appointed for the supervision of land acquisition work in connexion with the Cauvery-Mettur project. M.R.Ry. P. T. Srinivasa Achariyar holds the post.

Purchase of plant for the Mettur scheme.

* 2266 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that an officer has already been deputed for the purchase of the necessary plant for the Mettur scheme; how the Government propose to purchase the plant required for this scheme and whether the Government have requested the High Commissioner for India to purchase the necessary plant; and

(b) whether it is proposed by the Government to call for the tenders of the plant either directly or through the High Commissioner for India?

A.—The Government have deputed Mr. W. P. Roberts to England to negotiate for the purchase of the plant required for the dam construction.

As regards the other points raised, the hon. Member is referred to the answer given to Mr. Saldanha in question No. 2064.

Closing of the breaches in the Koranjar.

* 2267 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that there were breaches in the Koranjar between the Maruthuvaneri and Elundrakondan anicuts, Srivilliputtur taluk, Ramnad district, during 1925;

(b) whether there is no supply of water to the Elundrakondan Periyaneelam tank owing to the breaches;

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(c) whether the ayacut wet lands under the said tank have been left waste on account of the insufficient supply of water; and

(d) if the answer to clauses (a) to (c) be in the affirmative, whether any steps have been taken by the Public Works Department to have the grievances of the people redressed by closing the breaches?

A.—The Government have no information but have called for a report.

Panchayat Courts.

Village Panchayat Court at Oragadam.

* 2268 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Village Panchayat Court at Oragadam village, Chingleput district, is on a plot of a Brahman house in the agra-haram and that the depressed classes have to stand at a distance of about 100 feet near the main entrance into the agra-haram itself;

(b) how many Brahmans and non-Brahman Hindu touchable communities were already elected to this court; and

(c) what is the total strength of this Panchayat Court?

A.—(a) There is no fixed place for holding the Panchayat Court in the village. Orders have been issued to the effect that the Court should be held in a place to which the depressed classes can have free access.

(b) Four Brahmans and three non-Brahman caste Hindus.

(c) Seven.

Alleged discourtesy to Adi-Dravidas by the Village Panchayat Court at Oragadam.

* 2269 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state—

(a) how many public offices are there in the agra-haram of the Oragadam village, Chingleput taluk, other than the Village Panchayat Court;

(b) whether it is a fact that the Adi-Dravidas are being addressed in a very discourteous and reproachful manner by the Village Panchayat Court; and

(c) whether a copy of the G.O. No. 817, Law (General), has been sent to this court already?

A.—(a) Post Office.
Village Panchayat.
Forest Panchayat.
Co-operative Credit Society.

(b) Enquiries made in the village show that they are never addressed in a discourteous manner by the members of the Panchayat Court.

(c) The Government Order has been communicated to all Collectors and placed on the Editors' Table.

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Mr. R. VEERIAN :—" With reference to the answer to clause (a) of this question, may I know whether all these have been already removed to another place with a view to have free access to the members of the depressed classes ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Yes. The house of a gentleman called Sankarachari, a member of the Viswakarma community, has been arranged in order to allow free access to the members of the community for whom my hon. Friend is pleading. "

Mr. R. VEERIAN :—" Are they going to remove the buildings outside the agraaharam ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" It is outside the agraaharam. It is the house of a goldsmith called Sankarachari to which the public can have free access. "

UNSTARRED QUESTIONS.

Agriculture.

Experimental demonstration in Government agricultural farms.

2270 Q.—Mr. D. MANJAYYA HEGGADE : Will the hon. the Minister for Development be pleased to state—

- (a) the number and total extent of Government agricultural farms for experimental demonstration in the Presidency ;
- (b) the number of demonstrators employed and the work turned out during the last three years ;
- (c) the total amount of money spent on them during the official year ending with 31st March 1926 ; and
- (d) the income, if any, derived from them during the same period ?

A.—(a) Strictly speaking, no Government farms exist for " experimental demonstration. " The Government farms are primarily places where experiments are tried ; when these experiments have shown any particular practice to be an improvement, it is then demonstrated to the ryots, not on any station, but on the ryots' own land which is called a ' demonstration plot. ' The only exception to this is the station at Samalkot where an area of 7 acres is run as a demonstration of practical farming on a paying basis with a three-year rotation. There are 600 or more demonstration plots in the Presidency. There are 4 demonstration areas averaging about 10 acres to demonstrate that the adoption of the improved methods recommended by the department are of a practical nature and result in a profit.

There are 16 experimental stations comprising 1,629 acres ;
three cattle breeding stations comprising 2,435 acres ;
three paddy breeding stations comprising 123 acres ;
one cotton breeding station comprising 31½ acres ; and
one millet breeding station comprising 32½ acres.

(b) 1923	...	...	...	...	...	83
1924	...	...	...	...	...	95
1925	...	...	...	...	...	103

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An account of the work turned out by the demonstrators will be found in the annual administration report.

				RS.
(c) Experiment stations	...	...	...	6,22,200
Demonstrators	...	...	...	1,60,400
(d) Experiment stations	...	...	...	4,31,809

No income is derived from demonstrators.

Local Boards.

Roads connecting Malabar with South Kanara.

2271 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) what roads there are connecting Malabar with South Kanara ;
- (b) whether it is a fact that there is no metalled or other road whatever except a footpath or cart-track between Payanur in North Malabar and the southernmost village or town in South Kanara ; and
- (c) if so, the reasons for this neglect of public interests ?

A.—(a), (b) & (c) The Government have no information. They will inquire.

Replacement of the embankment at Raykutta.

2272 Q.—Mr. J. A. SALDANHA : With reference to the answer given to my question No. 1550 in March 1926 as to the replacement of the embankment at Raykutta in Mangalore taluk washed away by the floods, will the hon. the Minister for Local Self-Government and the hon. the Member for Revenue be pleased to state what report has been received on the several points raised and what action Government and local bodies have taken or are going to take in the matter ?

A.—A report has been received from the Collector of South Kanara. The eastern portion of the embankment in question was washed away by the floods of 1923. As a result of this, about 150 acres, of an adjacent field is submerged during ordinary floods in the monsoon. A remission of Rs. 9 was granted in respect of the submerged portion in 1924 but no remission was granted last year as a part of the field was cultivated. The Collector had an estimate for Rs. 315 prepared by the Public Works Department for restoring the bank and sent it to the President, Taluk Board. The latter had a revised estimate prepared by the Local Fund Engineering Department amounting to Rs. 510 and forwarded it to the President, District Board. The question is now apparently under the consideration of the District Board.

Constitution of Udupi and Kasargod as unions.

2273 Q.—Mr. J. A. SALDANHA : With reference to the answer given on 25th March 1926 to question No. 1827, will the hon. the Minister for Local Self-Government be pleased to state—

- (a) in what stages the proposals to constitute Kasargod and Udupi into unions are ;

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(b) as to the proposals for constituting Coondapoor, Karkal and Puthur into unions, whether there are other grounds than the adverse local opinion for rejecting the proposals; and

(c) on what grounds other than local opinion, those proposals were made?

A.—(a) Proposals called for from the President, District Board, South Kanara, for the constitution of Kasargod as a union have not yet been received. The Inspector of Municipal Councils and Local Boards has been requested to proceed to South Kanara and to report whether Udipi can be constituted as a union.

(b) & (c) Proposals to constitute Coondapoor, Karkal and Puthur as unions were made with a view to give financial relief to the taluk boards in the district. The proposals were not pursued as it was found that not merely was local opinion adverse to the proposal but also that the taluk boards did not derive any considerable advantage by the constitution of those towns as unions.

Irrigation.

Mr. Stoney's report on the working of the Kattalai right bank.

2274 Q.—Mr. M. R. SETURATNAM AYYAR: Will the hon. the Law Member be pleased to place on the table Mr. R. F. Stoney's report on the working of the Kattalai Right Bank canal and the proposed bed regulator?

A.—The letter* from the Chief Engineer for Irrigation, No. 2589/25-B 13, dated the 25th June 1926, on the subject is placed on the Council table.

II

DISCUSSION RE: DELAY REGARDING THE LOCAL BOARDS ACT (AMENDMENT) BILL OF Mr. J. A. SALDANHA.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

* Mr. J. A. SALDANHA:—"May I just bring to your notice a serious case of infringement of the rights of this House? This has been caused by the hon. the Chief Minister who is the chairman of the Select Committee appointed to consider my Bill to amend the Local Boards Act by delaying it unnecessarily. He sent my Bill to the department under him instead of asking your Secretary to call a meeting of the Select Committee. It is a Bill of the utmost importance in that it is intended to safeguard the rights of a certain class of citizens who are denied access to public roads both in the municipalities and in the villages. So far as the villages are concerned, my hon. friend Mr. Veerian's Bill safeguards that right and that Bill is progressing satisfactorily. But my own Bill is sticking somewhere in the Secretariat in spite of my reminders. It may be that delay is unavoidable in the Secretariat, but it could have been avoided in the Legislative Council Office. I fear very much that my Bill which is of the utmost importance to a certain class of citizens will lapse without being taken into consideration at all. I ask your protection against this inroad on our rights."

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

* Printed as Appendix IV on pages 684-686 infra.

DISCUSSION RE: DELAY REGARDING THE LOCAL BOARDS ACT (AMENDMENT) BILL OF Mr. J. A. SALDANHA

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* Mr. J. A. SALDANHA:—"This is an inroad on the rights of this House by the hon. the Chief Minister who, instead of expediting my Bill, has been delaying it. It is more than six months since it was referred of the Select Committee. I wonder why he, as the Chairman of the Select Committee, is delaying it in the Secretariat department which has no business with a matter when once this House is seized of it. Whoever might be the chairman of the Select Committee, even if he is the Leader of the House, he should have sent it to your Secretary and not to the Secretariat department where the red tape is so long and so endless that matters are delayed. The Select Committee met on Monday last and decided to send it for redrafting to the hon. the Advocate-General. I enquired on Wednesday about it in the presence of the hon. the Raja of Panagal. I was told that it was just going to the hon. the Advocate-General. The Advocate-General told me this morning that he had not yet received the Bill. Sir, you are the protector of the rights of this House and I appeal to you to safeguard our interests against this inordinate and unnecessary delay and redtapism of the Secretariat."

* The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I am rather surprised at this, more than unusual, excitement of my hon. Friend. I know the cause of so much excitement."

* Mr. J. A. SALDANHA:—"This is the last day of our sitting."

* The hon. the RAJA OF PANAGAL:—"I hope it will not be the last day of his being present in this House."

* Mr. J. A. SALDANHA:—"No, not all."

* The hon. the RAJA OF PANAGAL:—"I do not quite understand what exactly the complaint is. The hon. Member placed before the Select Committee a Bill which he himself admitted to be one impossible for being considered by that Committee."

* Mr. J. A. SALDANHA:—"I entirely deny it."

* The hon. the RAJA OF PANAGAL:—"He wanted to change it and sought the advice of the hon. the Advocate-General. The idea was that he and the Advocate-General should sit together, and place before the Select Committee a Bill which can be considered by the Committee."

"As to his complaint that the correspondence in connexion with his Bill was carried on by the Local Self-Government Secretariat and not by the Secretary to the Legislative Council, I can only say that I have no objection to the Secretary of the Legislative Council carrying on the correspondence. If the Department took upon itself the responsibility of corresponding with the hon. Member, it was more with the idea of helping the hon. Member."

* Mr. J. A. SALDANHA:—"First of all, I entirely deny the statement that I myself considered that the Bill was impossible of consideration. What happened was that there were two Bills which were somewhat overlapping each other."

* The hon. the PRESIDENT:—"The Raja of Panagal said that whatever delay there was, was due to the consultation between the hon. Member and the Advocate-General. Let him meet that point."

* Mr. J. A. SALDANHA:—"I deny that altogether. (Laughter.) Because there is very little to consider. The simple question was whether my Bill

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should be confined to municipalities and Mr. Veerian's Bill to the district boards. I confined my Bill to the municipalities where the trouble was greater. This would be testified by my hon. Friend Mr. Krishnan Nayar who has experience of the recent trouble at Palghat. So there was no material change in the Bill. It was only a question of mere redraft confining my Bill to the municipalities. I cannot understand why it should be delayed in the Secretariat in spite of my reminders. The Bill is sticking there and I am told by the Advocate-General that he has not yet received it."

* The hon. the PRESIDENT :—" Perhaps the Advocate-General will be able to throw some light."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" It was found impossible to put into shape the Bill as originally introduced by the hon. Member. We had, in fact, to redraft the Bill on the lines which were accepted in connexion with the other Bill which was brought forward by the hon. Member, Mr. Veerian. The necessity for changing it entirely was recognised in the Select Committee meeting which was held some time in March. At the last meeting of the Committee which was held, I think, two or three days ago, it was agreed that the hon. Member's Bill should be put aside to be redrafted on the lines on which the Select Committee agreed to redraft the hon. Member Mr. Veerian's Bill in regard to local boards. The hon. Member also agreed that the draft should be made in the Secretariat in the form that was suggested and that it should be sent to me and that after it was looked over by me, it should be circulated among the Members of the Select Committee for their approval. It is true that my Friend Mr. Saldanha asked me yesterday and also to-day whether I had received the draft Bill and I told him that it had not come to me as I expected. I sent a chit myself to the department concerned to send the Bill to me in order that I might look through it and send it round to the members of the Select Committee. I expect that this will be done in the course of the day. On the question of complaint which the hon. Member makes about delay, all that I know is that the delay, if any, has been during the last three or four days only. All I can say is that in the course of the day the draft Bill would be sent to me. I shall send it to the Members without any avoidable delay. If the hon. Member desires to confer with me on the terms of the Bill in order that he might adopt any change that he might desire, by all means let him do so."

* Mr. J. A. SALDANHA :—" I shall be quite prepared to do so. But there is no principle underlying this delay . . ."

* The hon. the PRESIDENT :—" Order, order. Why need we go to that question at all?"

III

COMMUNICATION TO THE COUNCIL.

With reference to the discussion in the Council on the 13th July 1926 on the question regarding the outbreak of plague in Paramakudi and Ramnad which was answered at the meeting of the Legislative Council held on 25th March 1926, the Secretary laid on the table copies of the report* received from the Collector of Ramnad.

* Printed as Appendix V on pages 686-688 infra.

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IV

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

* The hon. the PRESIDENT :—" I have to announce that the Madras Bors'al Schools Act, 1925, received the assent of His Excellency the Governor-General on the 5th July 1926."

V

THE MALABAR TENANCY BILL—cont.

Clause 22.

* Mr. J. A. SALDANHA :—" May I point out one thing, Sir? Most of the amendments that come hereafter refer to the definition of the word 'tenant'. My point is that the word 'tenant' which has been defined to include verumpattam tenant is used throughout which will mean and include the verumpattam tenant also. Therefore my proposal is that the word 'or verumpattam' should be dropped. These words have much to do with the definition of the word 'tenant' and when we come to the definition clause I will have the liberty of moving my amendment that the words 'or verumpattam' be dropped, and that the word 'tenant' be used. I do not therefore now propose to move the amendment standing in my name."

Clause 22 was put, passed and added to the Bill.

Clause 23.

Clause 23 was put, passed and added to the Bill.

Clause 24.

* Mr. K. PRABHAKARAN TAMPAN :—" The amendment that stands in my name runs as follows :—

"Omit the full stop at the end and add the following :—"but no transfer shall be valid unless (1) the transferee is a cultivator and (2) the landlord has given his previous consent to or has subsequently ratified the transaction."

"Sir, I do not object to the principle of transfer, but what I propose in this amendment is to restrict the conditions under which a transfer may be made. My amendment consists of two parts. The first part lays down that the transferee must be a cultivator. The underlying principle of this Bill is to safeguard the interests of the actual cultivator and attempts should be made to prevent the land from passing into the hands of money-lenders and speculators."

* The hon. the PRESIDENT :—" Have we not already decided that these rights can be enjoyed by the non-cultivating classes also? If so, how can we go back upon that question?"

* Mr. K. PRABHAKARAN TAMPAN :—" The present clause is in regard to cases which will come into existence after the passing of this Act. The question we have disposed of dealt with cases of non-cultivators who came into existence before the passing of this Act. So there is a good deal of difference between the two. Part II contemplates that the consent of the landlord is absolutely necessary for a transfer. This is not a new idea at all. Mr. Logan has proposed on page 84 of his report 'a reasonable right of veto

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against the person to whom the actual cultivator may wish to transfer his interest in his holding'. In his explanation he has dilated upon the argument for introducing such a provision and I do not propose to say more on the point. The report of Mr. Madhava Rao's Committee also contains such a provision. On page 133 of their report it is stated:

'The occupancy tenant's right in his holding is to be heritable and transferable. But a transfer is to have no legal force or effect unless assented to by the janmi.'

"Again they say:

'On the same principle that a janmi ought to have a right of veto on an objectionable tenant, we provide that the janmi is to have a right of pre-emption, whenever the occupancy tenant's right on the whole or a portion of his holding is sold at a Court sale'.

"I am going to refer to that aspect of the question later on and I have tabled the necessary amendments also. That report not only says that restriction should be imposed with regard to free transfer but it also says in the next paragraph that the tenant should be precluded from subletting the land, the main reason being that the janmi is the superior landlord and as such he is the man who is most interested in the cultivation of his land. He has much more interest, at any rate, than the tenant himself. Therefore in subletting the land to another the janmi should be consulted. The Master Committee who were asked to report on the tenancy problem who also sent a draft Bill stated that the privilege of transfer should be restricted. On page 11 of their report it is said:

'The customary tenants' right in his holding shall be heritable and transferable but every transfer shall be in writing and no instrument of transfer shall be valid unless the landlord has given his previous consent to, or has subsequently ratified the transaction in writing.'

"This is clear enough. So all those people who proposed tenancy legislation in Malabar have unanimously adopted the principle underlying the amendment that is before the House just at present. Not only here, but in other parts of the country also, we find similar provisions. In the Bengal Tenancy (Amendment) Bill which the Government have recently introduced in the Legislative Council there, there is a provision to this effect. Clause 20 of the proposed amending Bill provides a clause for this. In the Statement of Objects and Reasons there is a passage to this effect:

'This clause deals with the transferability of occupancy holdings. Occupancy rights are at present freely transferred without reference to and without the knowledge of the landlord. In most cases, the transferee secures recognition by going to the landlord either immediately after the sale or at some later period and paying him a salami and the arrears of rent due from the old tenant. In some cases the landlord is unwilling for some reason or other to accept the transferee as his tenants and the result is litigation on a question to which no positive law can be applied. The remedy proposed is to recognize the existing widespread practice of transfer and to admit transferability of occupancy holdings subject to the safeguards necessary to protect the interests of the landlords and to secure the general welfare of the agricultural community.'

11-45
a.m.

"In the Agra Tenancy Act also there is a provision exactly like this. Section 20 says that the interest on such land shall be heritable but not transferable. Mark that. It distinctly prohibits the lessee from transferring his rights. Again, Sir, section 26 clearly lays down that no sub-tenant should transfer his land to another without the consent of the landlord. The main principle underlying my amendment has been accepted not only by all the committees that had anything to do with Malabar land tenures, but also provided for in similar measures obtaining in other provinces. I therefore press it to vote. I may also request you, Sir, that since the amendment raises two issues they may be put to vote separately."

Mr. V. MADHAVA RAJA:—"I second it."

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* Rao Bahadur B. MUNISWAMI NAYUDU:—"Sir, we find three classes of persons, the cultivating kanamdar, the kuzhikanamdar and the cultivating verumpattam tenant. The kanamdars have to pay renewal fees in advance. Secondly, the rent is made a charge on the produce; if there is default on the part of the person paying, then a decree will be obtained and executed against him. The lands will be sold. Will my hon. Friend, the Mover of the amendment then say that even the court should not sell it to a non-cultivating buyer? If it is said that a court can sell it to a non-cultivating person, whereas a private person cannot, we would be taking away with one hand what we are giving the tenant with the other. If the original assignment is subject to certain conditions as in the case of assignment of land to the depressed classes by Government. I can understand the restrictions being enforced. But in this case where the rent is to be paid by the tenant and the defaulters sued in a court, it is not justifiable to take away his right of transfer. The tenant must be free to enjoy the land to the best possible extent. In the Bengal Tenancy Act the corresponding provision is intended more in the interests of the landlord than those of the tenant. If a tenant transfers his right to another, a question will arise as to whether the landlord has any right of recourse against the transferee. In the Estates Land Act also when a tenant sublets his land to another person the original person in whose name the patta stands is responsible to the landlord for the rent. This provision was made in order to prevent a tenant from transferring his rights to another person from whom nothing can be recovered. To insist that the landlord should be a consenting party to every transfer made by the tenant is to fetter the discretion of the tenant and restrict his enjoyment of the land even though he pays rents and renewal fees. He cannot then easily discharge his obligations to the landlord. For these reasons, I oppose the motion."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I also cannot accept the amendment. In addition to the reasons mentioned by Mr. B. Muniswami Nayudu I have to state this. Under section 7 this Council has granted fixity of tenure to kanamdars and kuzhikanamdars whose right came into existence on or before 1853. After having given that, to say now that if these persons want to make a transfer the transferees must necessarily be actual cultivators of the land, would be restricting their right of transfer. It would be taking away with one hand what is given with the other. Even non-cultivating kanamdars and kuzhikanamdars of some years' standing are given fixity of tenure. If we now say that the right shall not be transferred to any person except an actual cultivator we would be depriving them of the rights given by this House. Then there is this circumstance also. Non-cultivating kanamdars and kuzhikanamdars sometimes consist of persons who hold mere homesteads on the lands. A tenant may be holding on a tenure that came into existence before the year 1853. To say now that he should be deprived of the rights of transferring that homestead to another would be to take away the right given to him. Regarding the second portion of the amendment, it gives unlimited power to the landlord. If the landlord says to the tenant, 'you cannot transfer your interests to any non-cultivating person; you can only transfer to a cultivating tenant, a kanamdar or kuzhikanamdar', the tenant will be prohibited from effecting any transfer. For these reasons, I oppose the amendment."

* Mr. S. SATYAMURTI:—"Sir, I must confess to a considerable feeling of sympathy with the object of this amendment. I understand the main purpose of this Bill to be to confer rights of occupancy on those upon whose

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prosperity depends the prosperity of Malabar, those who spend their time, energy and money on the cultivation of the land. I quite appreciate the difficulties in the working of the amendment, as pointed out by my hon. Friend Mr. Muniswami Nayudu. I wish the hon. the Mover of the amendment, instead of taking a non-possumus attitude, comes to some kind of workable arrangement by which, without putting too great a limitation on the rights of the tenants to cultivate and enjoy their land to their best, we can do something statutorily to see that the occupancy rights which we are now conferring is not mortgaged or sold by them for frivolous purposes. Our object is to build up a sturdy and prosperous peasantry in the beautiful land of Malabar. This House is conferring a new right on the tenant of Malabar which he does not now possess according to the existing law. I do not see why in the interests of the State we cannot limit that right by some such restriction as the hon. the Mover has indicated. In the Bengal Tenancy Amendment Act and in the Punjab Act very salutary provisions have been introduced to this effect, and according to the testimony of the administrators of the Punjab and the Government of India, they have worked very well. Punjab, especially the canal colonies, is flourishing very well owing to the limitations on the rights of unfettered transfer imposed on these people. For example, if we tell everybody concerned that the transferee should be an actual cultivator, then everybody knows, including the tenants, on whom this right is conferred, and his possible creditors who might lend him money either on the mortgage of lands or as simple loans, that the tenant's right is limited in this manner. To that extent, I admit that his credit might be affected; but it is affected only for his own benefit and for the benefit of the country. He will not be able to transfer it except to a man who will take his place of cultivator. So far as the consent of the landlord is concerned, in the Bengal Tenancy Act (Amendment) Bill, elaborate reasons are given as to why the landlord should be protected in his rights of collecting rents and so forth. It may be that a landlord may arbitrarily refuse to give his consent; some provision will have to be made to see that he does not withhold his consent arbitrarily. Whatever the voting on this amendment may be, I for myself want to make it perfectly clear that our object in this legislation is to benefit the cultivating tenant and we do not want to confer rights upon people to enable them to speculate and enter into debts, and transfer their property to others and recreate those very evils which this Bill is intended to eradicate."

Mr. K. P. RAMAN MENON:—"Sir, first of all the provision that the transferee should be a cultivating tenant would be innocuous in practice. In Malabar there is not that class of persons corresponding to the Marwaris, who advance money on land. You find there only people who have interests in land. Therefore that difficulty will not arise. With regard to the second part of the amendment regarding the consent of the janmi to the transfer, I must say that if the House passes the amendment they would unwittingly place in the hands of the janmi an engine of oppression which will be more oppressive in its operation than all those he had hitherto had. My hon. friend Mr. Tampam has hitherto been upholding the principle of the freedom of contract when the question of restriction of rents was discussed. But now, his attitude has changed thoroughly and it requires an explanation. This attitude is the outcome of other movements behind."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, this amendment is very wide in its nature. As far as the transfer of interests of

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the cultivating kanamdar and the cultivating verumpattamdar is concerned, I am in perfect agreement with the hon. the Mover of the amendment. The transfer should be only in favour of cultivating persons. I remember that the House rejected the amendment to the effect that rights of occupancy should be conferred on the non-cultivating verumpattamdar. The idea was that we did not want to create a number of tenures with a series of persons having interests in the land. If such restrictions are not imposed, the cultivating verumpattamdar who is, for the first time, granted occupancy rights, will have his rights transferred to non-cultivating persons, thus creating a series of interests on the land. Therefore, I am in perfect agreement with the hon. Mover of the amendment that restrictions should be imposed on the right of transfer of cultivating persons who, for the first time, get fixity of tenure. I think this provision will have a very salutary effect. But with regard to the kanamdars, I do not think it is possible to agree with him; because it will certainly depreciate the value of the kanam interest. We cannot expect a cultivating tenant to buy large kanam interests. Therefore, when there is no competition, the value of the kanam naturally will depreciate. Such restrictions on free transfer are in such cases undesirable.

"Regarding the recognition of the transfer by the landlord, I am not able to agree with the hon. Mover of this amendment. Why should there be any recognition by the landlord when the absolute right is given in favour of the verumpattamdar or kanamdar? That is a restraint which is not desirable and will have much effect in depreciating the value of the right which has been conferred on the tenant. He cannot negotiate first with the landlord to obtain his consent and then transfer the right. Therefore, it is better that these restrictions are removed." 12 noon

Mr. V. MADHAVA RAJA:—"Sir, all the hon. Members are putting forth the cause of the actual cultivators. What my hon. Friend wants is that the right should be transferred only to cultivators and not to non-cultivating tenants. I thought hon. Members accepted that principle. I find now that even the supporters of the tenants are opposing this amendment. There is no harm in accepting the amendment. It will protect the interest of the actual cultivators. It is with that object that this amendment has been moved. I strongly support it."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, the House has decided the question of occupancy right and the janmi is prohibited from evicting the tenant. In other words, some of the rights which the janmis were enjoying hitherto are being deprived of. Therefore, there is no harm in restricting the rights and privileges which are newly given to the kanamdars and other cultivators. What is chiefly aimed at is to prevent traffic in land. That is the basic principle of this legislation. Therefore, the right of transfer should be restricted to a reasonable extent.

"Another aspect of the question is this. The Council has decided to give the occupancy right to the cultivating verumpattamdars and not to the non-cultivating class. Supposing the right which is given to the cultivating verumpattamdar is purchased by a non-cultivating tenant, then the principles which we have adopted in giving the privilege to the cultivating tenant are nullified. There is no meaning in saying there is harm in limiting the transfers. My hon. Friend Mr. Raman Menon said that the amendment would be an engine of oppression against the tenant because he stated that

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the janmi might ask fancy sums to give his consent. To avoid this, I have provided in the next amendment which stands in my name to limit that demand.

"I have stated that 50 per cent of the renewal fee should be paid as a kind of transfer fee. I shall deal with the merits of that question when it comes before the House. Therefore, I submit, the landlord cannot in any way coerce or prevent the tenant from transferring the right. There is no meaning also in saying that it would be a troublesome weapon in the hands of the janmis. On the other hand, it is highly desirable that there should be a provision like this. As I said at the time when I moved the amendment, all those people who recommended tenancy legislation in Malabar have unanimously without any exception agreed that this provision should be adopted. I should submit, therefore, that the Council should accept the amendment. May I suggest to you, Sir, that the two parts of the amendment be put separately to vote?"

* The hon. the PRESIDENT:—"What is the idea? It seems to me that one follows the other."

* Mr. J. A. SALDANHA:—"The two parts are different."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"Sir, it is stated now that the transferee should be a cultivating tenant. If a person is not a cultivating tenant, the right cannot be transferred to him so that he can never become a cultivating tenant. In the second place, unless the tenant is a cultivator and continues to be a cultivator, he cannot get the right. If he ceases to be a cultivator, the land will be taken away from him."

* Diwan Bahadur M. KRISHNAN NAYAR:—"It seems to me, Sir, that the two parts of the amendment are connected with each other and that it is desirable to put the two parts together to vote."

The first part of the amendment was put to vote and lost.

The second part also was put to vote and lost.

Clause 24 was put, passed and added to the Bill.

New clause after clause 24.

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

'That the following be added as a new clause after clause 24 and the remaining clauses be re-numbered:—

"No division of a holding or distribution of kanam or michavaram and rent payable in respect thereof made by the co-sharers therein shall be binding on the janmi unless it is made with his consent in writing."

"The second part of the amendment or the qualifying clause of which I have given notice does not arise at all as the House has thrown out my previous proposal. I shall have to explain what I aim at in this amendment. It very often happens that while a family or tarwad divides the land or while the kanamdar assigns a portion, the lands are divided and with it the kanam and also the rent that has to be paid to the janmi. Suppose there is a land paying a rent of Rs. 1,000 and it extends to ten acres. The kanamdar divides the land according to the number of members or sells it according to

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his needs. One branch of the family may take one acre while the other nine acres may be given to another branch with more members. They do not divide the kanam nor do they divide the michavaram proportionately and equitably; very often they do not pay any regard from the janmi's viewpoint to the improvements on the land when it is divided or sold. One member takes all the improvements and a very small portion of the cultivating land. He may take only half an acre or only two cents, along with the big house and gardens. In such a case, it will be very prejudicial to, nay, difficult for the landlord to receive his rent. Mr. K. Srinivasa Rao, who is the agent of the Zamorin under Court of Wards in Malabar, has referred to this aspect of the question in a minute which he sent to the Government. I do not propose to read it, but I will only refer to what he says. He says he has considerable difficulty in the administration of the Zamorin's estate in recovering rent from such tenants. The Travancore Regulation also provides for a contingency like that in section 6. It says that no transfer of any portion of the holding can be made without the consent of the janmi in writing. In the Bengal Tenancy Act also there is a provision to that effect. Section 32 of the Agra Tenancy Bill says that no division of the holding or distribution made by the co-sharers shall be binding on the janmi unless it is made with his consent.

"I therefore suggest that this motion may be accepted by the House."

Mr. V. MADHAVA RAJA:—"I second it."

12-1b
p.m.

Mr. K. P. RAMAN MENON:—"Sir, I am afraid this clause also is not acceptable to us. When there is a general charge upon the holding for the entire rent, whether the co-sharer takes or not a share of the michavaram or rent, I fail to see how the landlord is affected. If there is even a single pie in arrears, he can sell up the entire holding, not only the part of it on which this particular rent is charged. As between the landlord and the tenant there is only one holding. It is practically certain that no rent can be kept in arrears. So long as even kanams, etc., are treated as mortgages, that difficulty cannot arise hereafter; for the landlord is never called upon to pay his kanam amount. The kanam will practically be dead. When you once confer occupancy right on kanam tenants, cultivating or non-cultivating, the kanam amount is dead. The tenant cannot claim it back under the Act. When eviction comes, it is taken as only one holding and the entire arrears on the holding can be recovered."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"Sir, I am generally in sympathy with this amendment provided certain safeguards are laid down against arbitrary action by the janmis. We find in the Tenancy Act that so far as the tenancy is concerned, the holding is indivisible. It is not open to them to divide it among themselves and then write to the janmi as to who are the persons that are entitled to it; but at the same time, it will be in the interests of the landlord also to see that he directly deals with his tenant and takes his money immediately, instead of asking the co-sharers to pay it. We find in the Estates Land Act and other Tenancy Acts that when a notice of transfer or partition among members of the family is given to the landlord, unless he thinks that the division of rent is unfair or inequitable, he shall consent to it. In this case, however, what the amendment says is: it shall be done with the consent of the janmi and that in writing. But, suppose the tenants divide equally and then give notice to the janmi and the janmi says that he would not look at it. There may be some difficulty. The

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janmi is entitled to say that the distribution is not fairly made. Secondly, Sir, there is another thing. When a court sale takes place, in the execution of a decree, the whole property need not be sold. Only such of the lands as are necessary to pay the rent charged need be sold; and supposing some other parts of the land are sold, what is to become of the tenant? Supposing it is purchased in court sale, there will be no remedy; because it will have to be resold. Even then, he could not pay his rent, and there is no remedy. Unless my Friend Mr. Prabhakaran Tampam is willing to re-draft the amendment in such a way as to make it obligatory on the janmi, wherever the condition is not inequitable, to consent to the division, there is no meaning in saying 'you can withhold your consent, it may go to court sale and I am not going to give any remedy to the person who purchases'. The amendment, as it is, is therefore objectionable. If my friend is willing to accept the amendment, with your permission, Sir, I shall move my amendment—

'to omit the words "in writing" and to add a proviso that "the janmi shall not withhold his consent arbitrarily when the division or distribution is fair and equitable."'

"This will apply also to cases where properties are brought to sale by court."

* Mr. K. PRABHAKARAN TAMPAN:—"I have no objection to accept the principle involved in Mr. Muniswami Nayudu's suggestion; but the consent should be in writing. There is no doubt about it. I cannot modify that portion."

* The hon. the PRESIDENT:—"I think you had better keep the amendment as it is."

* Mr. K. PRABHAKARAN TAMPAN:—"But I can accept the suggestion that is made regarding the prevention of abuse on the part of the landlord."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I see no reason whatever, Sir, for accepting the substance of the amendment referred to by my Friend Mr. Muniswami Nayudu. But he has not proposed it."

* The hon. the PRESIDENT:—"He has moved it."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I object to the amendment, Sir."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"I withdraw that portion of my amendment."

The hon. the PRESIDENT:—"Then, how does your amendment run?"

* Rao Bahadur B. MUNISWAMI NAYUDU:—"It will read thus:

'To add a proviso:

"Provided the janmi shall not withhold his consent arbitrarily when the division or distribution is fair and equitable and also when the division has taken place by decree of court."'

* Mr. K. PRABHAKARAN TAMPAN:—"I have no objection to accept that."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"I wish to suggest, Sir, that there should be a limit as to the divisibility of the holding. In the Estates Land Act there is a limit fixed as to the wet area and the dry area that are to be divided. I hope the janmi representative will think twice before accepting this and insist upon the extent that is to be divided, how far there

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"can be division, etc. I think he is not well advised in bringing forward this motion himself; because there is nothing in the Bill as it stands recognizing the right of dividing the holding. I do not see any reason why he should raise this question at this stage. There is nothing in the Bill as it is insisting upon the landlord or the janmi to recognize the divisibility. Clause 24 as it stands only says that the holding as such may be transferred. It does not for a moment imply the division of the holding and a recognition of it by the landlord. In those circumstances, we shall first of all consider the desirability of pressing the amendment. If my friend still insists, I think he will do well to consider the question whether there should be a limit as to the division of the land and the extent to which the division can be recognized."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, as regards what my Friend Mr. Narasimha Raju says, you will find further down the agenda that I have given notice of a motion that holdings shall not be divided into fragments of less than five acres in extent and such as are already less than five acres shall not be split up. If he and the House think with me that it is a necessary provision, that amendment may be accepted. With regard to the amendment now before us, it will be very difficult for the janmi if it is not accepted. Now, Sir, you have given occupancy right to tenants. You have also given them the privilege of selling or dividing, and sub-letting. Suppose a tenant divides his holding. All the persons holding shares under the division are entitled to the privilege of occupancy right and the landlord has to deal with them separately. Supposing the tenant to whose share falls the land on which improvements such as a house or garden have been made, has to be evicted under the provisions of this Act, for, there are certain conditions under which the holding can be redeemed; compensation will have to be paid to the tenant under the Tenants Compensation Act which it may not be worth his while to do. There is a section which provides that all evictions under this Bill must be according to the provisions of the Improvements Act. Therefore, inasmuch as occupancy rights are given to other portions of the holding which are in the hands of other people, the janmi will have to pay the value of all the improvements whether the income derived from that portion of the holding is sufficient to meet the interest of such value of improvements or not. That would create considerable difficulties, and I do not think, Sir, that I can withdraw this motion."

The amendment was put to the House and lost.

Clause 25.

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"This is a consequential amendment—

'To add the words "Renewal fees" at the beginning of the clause.'

* Mr. K. PRABHAKARAN TAMPAN:—"I second it."

The hon. the PRESIDENT:—"Yes. I will put it to the House."

The amendment was put to the House and carried.

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

'that in line 2 between "holding" and "and" the words "and upon the produce of the holding" be inserted.'

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"What I am anxious, Sir, is that the crops raised thereon should be made chargeable for arrears of rent and michavaram. Now, as it obtains, the courts do not give possession of the land with a crop on it in execution of a decree. The tenant is allowed to reap it. Therefore, Sir, it is absolutely necessary to make the crop also chargeable for the michavaram."

* The hon. the PRESIDENT:—"This clause refers to arrears of michavaram and rent. So, I suppose substantial michavaram and rent are already levied on the ordinary produce of the land. Is that provided for in the Act?"

* Mr. K. PRABHAKARAN TAMPAN:—"No. The Estates Land Act and other tenancy legislations provide for such things. Therefore, Sir, I say it should apply to Malabar also."

Mr. V. MADHAVA RAJA:—"I second it."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"There is one difficulty, Sir, in accepting the amendment of my friend. The Estates Land Act at first provided for lands and crops being sold for jodi, but it was subsequently deleted on the ground that it created hardship. There is the janmi, there is the kanamdar, whether cultivating or non-cultivating; and there is the actual cultivator. So far as the actual cultivator is concerned, he might have paid full rent to the kanamdar. If the non-cultivating kanamdar does not pay, the question is whether the janmi should distrain the produce raised by the cultivating tenant and take it away, not because the cultivating tenant was in default but because the intermediary landholder was in default. The difficulty arising is this: if the rent due to the cultivating kanamdar or cultivating verumpattamdar is to be treated as a charge, it will be something. But if the produce of a particular man is taken away, because his intermediary landholder has not paid the rent, I suppose it will work a very serious hardship. I submit, having regard to the experience gained by the Estates Land Act, where jodi was at first allowed to be attached and was subsequently deleted as it worked hardship, that Mr. Prabhakaran Tampan need not press his motion."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, I cannot accept the suggestion of my hon. Friend for this reason, that the intermediary kanamdar himself gets a right on the produce. It is only his right that we are exercising."

"There is another point. My hon. Friend made much point by assuming the intermediary landholder being in default and of the innocent tenant being mulcted on that account. That is an anomaly which is inevitable in a piece of legislation like this. If you want to give right of occupancy for a number of intermediary class of tenants, such defects would necessarily follow. I would press my motion to a division."

The amendment was put and declared lost.

Mr. K. Prabhakaran Tampan demanded a poll, which was taken with the following result:—

Ayes.

1. Mr. K. Prabhakaran Tampan.
2. " V. Madhava Raja.

3. Mr. A. V. Bhanoji Rao.

Noes.

1. Mr. K. P. Raman Menon.
2. Rao Bahadur C. Natesa Mudaliyar.
3. " M. C. Raja.
4. Mr. N. Devendrudu.

5. Rao Sahib S. Ellappa Chettiyar.
6. Diwan Bahadur P. C. Ethirajulu Nayudu.
7. Rao Sahib P. V. Gopalan.
8. Mr. L. C. Guruswami.

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Noes—cont.

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| 9. Mr. R. Madanagopal Nayudu. | 21. Mr. J. D. Samuel. |
| 10. Rao Bahadur B. Muniswami Nayudu. | 22. " K. Sarvamayudu. |
| 11. Mr. G. Premayya. | 23. Rao Sahib B. Srinivasan. |
| 12. Rao Bahadur C. V. S. Narasimha Raju. | 24. Mr. Clavadi K. Subrahmanya Pillai. |
| 13. Mr. J. A. Saldanha. | 25. " B. Ramachandra Reddi. |
| 14. " M. Gangaraju. | 26. Sriman Sasibhoshan Rath Mahasayo. |
| 15. " C. Gopala Menon. | 27. Mr. T. M. Moidu Sahib. |
| 16. " B. P. Sesha Reddi. | 28. " L. K. Tulasiram. |
| 17. " S. Satyamurti. | 29. " K. Uppi Sahib. |
| 18. " Muhammad Meera Sahib. | 30. " C. V. Venkataramana Ayyangar. |
| 19. Diwan Bahadur M. Krishnan Nayar. | 31. " C. Venkaterangam Nayudu. |
| 20. Rao Bahadur P. Raman. | |

Neutral.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 11. Mr. A. Ramaswami Mudaliyar. |
| 2. " Mr. T. E. Moir. | 16. " B. Obalesappa. |
| 3. " Diwan Bahadur Sir T. N. Sivaganam Pillai. | 17. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 4. " Rao Bahadur Sir A. P. Patro. | 18. Mr. A. Ranganatha Mudaliyar. |
| 5. " the Raja of Panagal. | 19. " A. Chidambara Nadar. |
| 6. Mr. T. R. Venkatarama Sastriyar. | 20. " S. Muttayya Mudaliyar. |
| 7. Rao Bahadur V. T. Krishnama Achariyar. | 21. " V. C. Vellingiri Gounder. |
| 8. Mr. G. T. Boag. | 22. S. R. Y. Ankineedu Prasad Bahadur. |
| 9. " V. Pandrang Row. | 23. Mr. R. Veerian. |
| 10. " J. F. Hall. | 24. " T. M. Narayanawami Pillai. |
| 11. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 25. Khan Bahadur P. Khalif-ul-Jah Sahib Bahadur. |
| 12. Mr. S. Arpudawami Udayar. | 26. Mr. Qadir Muhi-ud-din Sahib. |
| 13. Rao Sahib T. C. Tangavelu Pillai. | 27. " M. Abdul Wahab Sahib Bahadur. |
| 14. Sir Alexander MacDonnell. | 28. " Naganna Hegde. |
| | 29. " D. Appava Chettiyar. |

Ayes 3: Noes 31: Neutral 29.

The amendment was lost.

Clause 25 as amended was then put, passed and added to the Bill.

New clause after clause 25.

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

"that the following new clause be added after clause 25 in Chapter IV and the remaining clauses be re-numbered:—

"When an arrear of rent or michavaram is due from a tenant or kanamdar the landlord may, in lieu of, or in addition to, suing for the arrear, recover the same, subject to the rules framed under section 32 of this Act, by distress and sale of the movable properties of the defaulting tenant or the produce of the land in respect of which the arrear is due."

"Hon. Members who are familiar with the working of the Estates Land Act will find the utility of a provision like this. Now that the House has decided not to provide for the janmi to attach the produce of the holding, there must be some facilities provided to help him to recover his michavaram easily. I think the only remedy is to extend the provisions of the Estates Land Act to Malabar also. In the neighbouring state of Travancore, a committee has been formed to inquire into this question and report whether those provisions of the Estates Land Act may be adopted in that state also. It is therefore highly necessary for the michavaram or rent to be made easily recoverable by means of the process of distress and sale of the movable properties of the defaulting tenant. The present proposal is to extend the section in the Estates Land Act with reference to distress to Malabar also, and to

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empower the Local Government to make rules under section 32 of this Bill as to how this provision should work. The conditions might vary a little in Malabar. All the abuses against which the tenants' representatives want to provide remedies may be fully complied with in the rules, and I have no objection to that. Or, if they want to make necessary provisions even now by way of amendment, I shall be glad to accept them. The fact that there is need for such a provision as this should be accepted by the House."

Mr. V. MADHAVA RAJA :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"This is a very dangerous provision, Sir. As a matter of fact, I believe there was—I do not know whether it is there now—in the Estates Land Act a provision enabling the landholder to recover what was due to him by way of distress on the property. I am told by my hon. Friend Mr. Krishnama Achariyar that there is such a provision even now. I made inquiries from some friends who come from zamindari tracts—of course I did not ask all of them—but those whom I consulted told me that though there was such a provision it was not usually put into practice. I believe even in the zamindari tracts, if it is put into practice, the chances are that it will lead to murders; at any rate in Malabar it will lead to murders, especially where we have such an impulsive class of tenants, the Mappillas of Knnad and Walluvanad, who under ordinary circumstances are quite docile and reasonable but whose passions when once roused would not know any limit whatever. If a landlord to whom arrears of rent or michavaram are due goes to the premises of the tenant, particularly the Mappilla tenant, and seizes hold of movable properties such as cattle and other things for the purpose of recovering his arrears, we do not know what consequences will happen, especially when such a thing has not existed in Malabar till now. Even the theoretical idea is not in existence in Malabar, though as I said there is such a provision in the Estates Land Act. Probably the theoretical right existed in the zamindari tract for a long time. But in any case, in Malabar it is dangerous to have such an innovation particularly in particular tracts of the districts."

"I have also some doubt as to a technical difficulty, of which I am not quite clear in my mind, and probably the learned Advocate-General might be called upon to clear the point whether the consent of the Governor-General is necessary for the introduction of such a provision like this because, it is actually changing the procedure laid down in the Civil Procedure Code. According to the Civil Procedure Code, these things should be attached and sold. Now, if this amendment be passed, it takes away the need for attachment in execution of a decree and introduces a new procedure which is practically against the Civil Procedure Code. As I said, I am not quite clear myself as to this objection. If that objection really holds good, it is an additional reason why this amendment should not be accepted."

12-45 p.m. * Mr. K. PRABHAKARAN TAMPAN :—"Sir, the proposal for creating a munpattam has been thrown out; the proposal to make a charge on the produce has also been thrown out. So, what is the remedy this House is going to provide for the landlord for the speedy recovery of the arrears? Something has to be done; otherwise, it will take a long period for the landlord to collect the arrears. The landlord has to go through the ordinary process of a civil suit before he gets his dues. Many a tarwad cannot afford to wait for such a long time for their daily requirements. Therefore some remedy must be suggested and I think the only remedy that can be put

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"forward is the sale of the movable properties of the defaulting tenant. My Friend Mr. Krishnan Nayar said that it would be a dangerous provision, that the idea itself is foreign to the people, and there has been not even a theoretical idea of it in the district. I would only ask him whether the proposal of occupancy right is not also a foreign idea. (Mr Krishnan Nayar : 'It has been there for the last 100 years.') I do maintain that it is a new theory. If you are carrying out a new legislation, you must find out what all adjustments should be made to make the Act work as smoothly as possible. There is such a provision in the Estates Land Act and it has been working very smoothly."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"A new enactment of summary procedure for the enforcement of civil rights may require the sanction of the Governor-General."

* Mr. K. PRABHAKARAN TAMPAN :—"It may be so. I am not concerned with it. Section 32 provides for the framing of rules by Government. The only way by which the House can deal with a defaulting tenant is to provide this remedy. I therefore suggest that the opinion of the House may be taken in this matter."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I did not quite catch my Friend, the Advocate-General."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"Any enactment of summary procedure for enforcement of civil rights would require the sanction of the Governor-General. But I may say this, that if the Bill is passed and if the assent comes from the Governor-General then there is no difficulty in enforcing such civil rights. At this stage, that sanction is necessary is an objection which may be taken."

The amendment was put and lost.

Mr. K. Prabhakaran Tampan demanded a poll and the House divided thus :—

Ayes.

- | | |
|-------------------------------|--------------------------------------|
| 1. Mr. K. Prabhakaran Tampan. | 3. Mr. S. Muttayya Mudaliyar. |
| 2. " V. Madhava Raja. | 4. S. R. Y. Ankinadu Prasad Bahadur. |

Noes.

- | | |
|---|--|
| 1. Mr. K. P. Raman Menon. | 19. Mr. C. Gopala Menon. |
| 2. " H. B. Ari Gowder. | 20. " B. P. Sesha Reddi. |
| 3. " D. Appavu Chettiyar. | 21. " S. Satyanurti. |
| 4. Diwan Bahadur O. Tanikachala Chetti-
yar. | 22. " T. Adinarayana Chettiyar. |
| 5. Rao Bahadur C. Natesa Mudaliyar. | 23. " Muhammad Meera Sahib. |
| 6. Mr. N. Devendran. | 24. Diwan Bahadur M. Krishnan Nayar. |
| 7. Rao Sahib S. Ellappa Chettiyar. | 25. Rao Bahadur P. Raman. |
| 8. Mr. A. Ramaswami Mudaliyar. | 26. Mr. J. D. Ramier. |
| 9. Diwan Bahadur P. C. Ethirajulu Nayudu. | 27. " K. Sarvarayudu. |
| 10. Rao Sahib P. V. Gopalan. | 28. Rao Sahib R. Srinivasan. |
| 11. Mr. L. C. Guruswami. | 29. Mr. R. Veerian. |
| 12. " R. Madanagopal Nayudu. | 30. Sriman Sasibhushan Rath Mahasayo. |
| 13. Rao Bahadur B. Muniswami Nayudu. | 31. Khan Bahadur P. Khair-ul-lah Sahib
Bahadur. |
| 14. Mr. G. Premayya. | 32. Mr. Qadir Muhi-ud-din Sahib. |
| 15. Rao Bahadur C. V. S. Narasimha Raju. | 33. " L. K. Tulasiram. |
| 16. Rao Bahadur V. A. Ramalinga Chettiyar. | 34. " C. V. Venkataraman Ayyangar. |
| 17. Mr. J. A. Saldanha. | 35. " Naganna Hegde. |
| 18. " M. Gangaraju. | 36. " C. Venkataraman Nayudu. |

Ayes 4. Noes 36.

The amendment was lost.

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Clause 26.

Clause 26 was put, passed and added to the Bill.

Clause 27.

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—

'In line 2, after the word "tenant" insert the words "entitled to permanent rights of occupancy or permanent tenure right under sections 6 and 7."

"Sir, I formally move the amendment. It is to make clear what is meant by the word 'tenant' here."

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

The amendment was put to the House and carried.

* Mr. R. PRABHAKARAN TAMPAN :—

Delete the full stop and add the following at the end :—

'or if the landlord wants to use the land for any other purpose than the one for which it was demised or leased.'

"Sir, there may be occasions when the janmi wants to take back the land for any other purpose than the one for which it was demised, for a school building, a hospital, a choultry or any other charitable purpose. Originally, the land was demised only for purposes of cultivation. If the landlord elects to make use of the land for other purposes, it is only proper that he should have it back. We have only created a right in favour of the tenant. The janmi is still the proprietor. I may also mention there is a similar provision in the Estates Land Act. I do not see any reason why the Malabar janmi should not have advantage of it. Therefore, it is highly fair that the House should accept this amendment."

Mr. V. MADHAVA RAJA :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I cannot accept that amendment. As a matter of fact, I have been blamed very much not by one or two tenants, but by a large body of tenants, for inserting this provision section 27 (a) (2) in the Bill. Practically, as my Friend Mr. Krishnamachariyar said in the course of the discussion of sections 6 and 7, this clause gives many loopholes to the landlord to evict the tenant; I do not want another loophole to be given to him. A person to whom a land was demised for purposes of cultivation certainly must have a preferential right to it. I understand—my friends coming from other districts may correct me if I am wrong—there is no provision corresponding to this in the Estates Land Act enabling the zamindar to recover the land when he wants himself to cultivate it or when he wants to build a house on the property of the tenant."

* Mr. K. PRABHAKARAN TAMPAN :—"I have nothing more to add to what I have already said."

1 p.m. The amendment was put and lost. A poll was taken. The House divided thus :

Ayes.

1. Mr. K. Prabhakaran Tampam.

2. Mr. V. Madhava Raja.

[17th July 1926]

Noes.

- | | |
|---|--|
| 1. Mr. K. P. Raman Menon. | 19. Mr. M. Gangaraju. |
| 2. Mr. H. B. Ari Gowder. | 20. Mr. C. Gopala Menon. |
| 3. Mr. D. Appavu Chettiyar. | 21. Mr. S. Muttayya Mudaliyar. |
| 4. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 22. Mr. B. P. Sessa Reddi. |
| 5. Diwan Bahadur O. Tanikachala Chettiyar. | 23. Mr. S. Satyamurti. |
| 6. Rao Bahadur C. Natesa Mudaliyar. | 24. Mr. T. Adinarayana Chettiyar. |
| 7. Mr. A. V. Bhanoji Rao. | 25. Diwan Bahadur M. Krishnan Nayar. |
| 8. Mr. N. Devendrudu. | 26. Rao Bahadur P. Raman. |
| 9. Rao Sahib S. Ellappa Chettiyar. | 27. Mr. J. D. Samuel. |
| 10. Diwan Bahadur P. C. Ethirajulu Nayudu. | 28. Mr. K. Sarvarayudu. |
| 11. Rao Sahib P. V. Gopalan. | 29. Rao Sahib R. Srinivasan. |
| 12. Mr. L. C. Guruswami. | 30. Mr. Chavadi K. Subrahmanya Pillai. |
| 13. Mr. K. Madanagopal Nayudu. | 31. Mr. R. Veerian. |
| 14. Rao Bahadur B. Muniswami Nayudu. | 32. Mr. K. Venkatachala Padayachi. |
| 15. Mr. B. Obalesappa. | 33. Sriman Sasibhusan Rath Mahasayo. |
| 16. Rao Bahadur C. V. S. Narasimha Raju. | 34. Mr. L. K. Tulasiram. |
| 17. T. A. Ramalinga Chettiyar. | 35. Mr. Naganna Hegde. |
| 18. Mr. J. A. Saldanha. | 36. Mr. C. Venkatarangam Nayudu. |

Ayes 2. Noes 36.

The amendment was lost.

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I beg to propose that at this stage we hold over the consideration of this Bill till after lunch and take up the resolution with respect to the removal of sex disqualification for membership of this Council."

* Mr. J. A. SALDANHA :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I have no objection to the House taking up the consideration of this resolution now. Government have agreed to the passing of this resolution. It is a thoroughly non-contentious matter and I, in whose name the resolution stands, simply propose to move it. I believe nobody will be inclined to oppose it and nobody will oppose it. If however anybody opposes—a contingency which I do not contemplate—then by way of reply I will say in two or three words what I have to say."

The motion was put and carried.

VI

RESOLUTION REGARDING REMOVAL OF SEX DISQUALIFICATION UNDER THE MADRAS ELECTORAL RULES.

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I move

'that this Council recommends to the Government that the sex disqualification for election or nomination to this Legislative Council be removed in respect of all classes of women generally.'

"Sir, there has been an order passed by the Government of India to the effect that if any Provincial Council passes a resolution that women may be given the privilege of either being nominated to the Council as Members or being elected thereto, then the Government of India will accept the resolution and ask the local Government to frame the necessary regulations and rules to give effect to it. It is in pursuance of that Order that myself and others in this House, whose names are mentioned in the agenda paper, have given notice of this resolution. As a matter of fact, it was this Council, of all the provincial councils in India, that first passed a resolution recommending the grant to women of the right to vote. That good example

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has been followed by other provincial councils. Now I want that this Council should also be the first to pass this resolution enabling women either to be nominated or to be elected as Members of this House. As a matter of fact, now the local boards and municipal councils allow this privilege to women and there are many women Members in many of the municipal councils and local boards. In the Legislative Councils of the Native States of Cochin and Travancore also there are lady members and it is only the provincial councils in British India that are behind hand in this respect. Unless this resolution is passed in this House now, this Government will not have time to give effect to the resolution by passing the necessary regulations and rules. Because the general elections are coming on sometime in November or so. Therefore unless this is passed now, there will be no opportunity for women to stand as candidates or being nominated as Members of this Council. So this is the last opportunity. For this reason and for other reasons which I do not explain now, I commend this resolution for the acceptance of the House."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"I have very great pleasure in seconding this motion. It only seeks to do justice to the claims of half the population of our country. Sir, the old ideas about compartmental system of affairs have disappeared and all the world over the claims of the women to take part in the affairs of the country on the same terms as men have been accepted. I do not see why we in India should be behind hand in this matter. Our women cannot be said to be inferior in either capacity or intelligence to other women. So this is only a matter of removing a disqualification that exists at the present moment. In many matters the view point of the women will be a most welcome addition to the discussion in this Council, and their partaking in important matters will give the right turn to the feeling in the country which will go long way to the acceptance of matters that are decided in this Council. For this reason I beg to second the motion proposed by my hon. Friend Mr. Krishnan Nayar. I hope that this motion if carried in this House and the necessary regulations made, there will be a number of ladies contesting in the elections and getting elected. It will then be not only a matter of nomination by the Government of one or two ladies. With these few words I second the motion."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, I wish to move an amendment to this resolution notice of which was already been given. It is to this effect:

'But the rule as modified in Notification No. F. 256-26, dated 7th June 1926, of the Government of India regarding registration of Marumakkattayam Tarwads for the Landholders' Constituency shall be retained.'

"Sir, this does not interfere with the general principle involved in this resolution. This applies only to the Landholders' Constituency. The notification contemplates to delegate the rights of the ladies concerned who do not care to stand as candidates. The notification under reference is this:

'When property of a tarwad or similar joint family under the Marumakkattayam law sufficient to qualify the registered holder as an elector is registered in the name of a woman who is not disqualified, and such woman states in writing to the revising authority that she does not wish to be the representative of the family, any male member of the family not being disqualified who is nominated by the registered holder in writing to the revising authority shall be qualified as the representative of the family.'

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"It says that the delegation might be confined to a male member of the same family. In Malabar, for instance in my own family the whole property is in the name of the senior-most female. So also in the families of many of the rajas, such as the Valluvanad Raja, Kataththanattu Raja, the three Kovilagams of the Zamorin, etc. These women hold among themselves a large portion of the land. They generally come to office or power only after their sixtieth or seventieth year. They do not know English and are very orthodox. At no time in the history of Malabar is there a chance of these ladies standing for election."

* The hon. the PRESIDENT:—"Would the effect of this amendment, if passed, be that a woman could delegate her right of representation to a male?"

* Mr. K. PRABHAKARAN TAMPAN:—"Only in the Landholders' constituency and where the Marumakkattayam law is followed. The principle of my amendment is accepted by the Government of India and that is why they have issued this notification. I do not think in any part of the country except Malabar such conditions exist, and there also it exists only with respect to half a dozen families."

* Mr. J. A. SALDANHA:—"In South Kanara also."

* Mr. K. PRABHAKARAN TAMPAN:—"I do not know the conditions in South Kanara. Among the Muhammadans also there are one or two families like that. The Arakkal family is like that. Sir, my amendment is thus not repugnant to the principles involved in this resolution."

1-15
p.m.

* The hon. the PRESIDENT:—"I am afraid it is so, because the hon. Member has already acknowledged that the effect of this amendment, if it is passed, would be that it would delegate the right of a woman to a man, whereas the resolution is that the ban on women to stand as candidates should be removed."

* Mr. K. PRABHAKARAN TAMPAN:—"It is only in cases where she does not choose to exercise her right that my amendment will apply. I am only anxious that this resolution should not affect the notification issued by the Government of India."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"The rule referred to by my hon. Friend is one that has to be framed specially by the Government of India with the sanction of the Secretary of State. There, of course, can be a recommendation to this Government that they do address the Government of India and the Secretary of State that notwithstanding the passage of the resolution which has been moved by the hon. Member from Malabar they do frame rules enabling certain things to be done, but it must be remembered the object of the present resolution is to remove the ban of candidature on women."

* Mr. K. PRABHAKARAN TAMPAN:—"My amendment will probably be an exception. The order of the Government of India assumes there may be classes of . . ."

* The hon. the PRESIDENT:—"No, no. It has a direct bearing on the resolution. An exception cannot take away the right which a resolution bestows. I am afraid I will have to rule that amendment out of order."

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* Mr. J. A. SALDANHA :—" I beg to oppose this resolution."

* The hon. the PRESIDENT :—" I take it that the hon. Member has changed his mind for he was one of those that tabled this motion."

* Mr. J. A. SALDANHA :—" Yes, I have changed my mind. I will not be so unchivalrous to plead that women also should have the right of coming into a Council of this sort. I beg to question the House what the powers are that we enjoy as men. (Laughter.) I will take only one instance."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not wish to interrupt the flow of any eloquence in this House. Is it the hon. Member's idea to remove franchise in the case of men?"

* Mr. J. A. SALDANHA :—" Far from it. I do not want women to come into this House, a House which is hopelessly helpless in the hands of the bureaucracy. Our powers are confined to talking in this House. Do you want women to add to our talk? I wonder where we shall end. (Loud and continuous laughter.) Already they are laughing in their sleeves."

* The hon. the PRESIDENT :—" They will not do that when women get in." (Laughter.)

* Mr. J. A. SALDANHA :—" They will retire into some room or other and will have a laugh there. (Loud and continued laughter.)

" Sir, I will not dilate much on this point. If, in a well-constituted House like this, we have substantial powers in our hands, I should be very glad to have women members in this House and they would be welcome to exhibit their common sense in this House. Now where is the scope to exercise common sense (loud laughter) in this House? What substantial work have we done in the interests of our people? We shall prove to the electors that our powers are limited. The powers that we possess are practically nil. Unless we are assured that we shall have some more substantial powers than we have at present, it is perfectly useless for us to remain here as members. I can say that during the time of Edward III the British Parliament had more powers than we have in this 20th century. In fact, our powers are far less than the powers which England enjoyed during the middle ages. As we have not got even such powers as England enjoyed in those old days, it is no use having women to add to the eloquence of the House which is already a glorified debating society . . ."

* The hon. the PRESIDENT :—" The hon. Member is certainly not justified in running down this Council of which he is a Member and call it a glorified debating society. That term is certainly out of order and contemptuous and makes an inroad on the powers of this House."

* Mr. J. A. SALDANHA :—" I formally oppose this motion."

Mr. V. MADHAVA RAJA :—" I have very great pleasure in supporting Mr. Krishnan Nayar's motion, and I hope this House will unanimously support it."

The motion was put to the House and carried.

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THE MALABAR TENANCY BILL—cont.

Clause 27—cont.

Mr. K. P. RAMAN MENON :—" The motion that stands in my name runs as follows :—

*'Add the following as item (b) and reletter the subsequent items :—
" (b) if the kanamdar, kuzhikanam tenant or other tenant fails to pay the renewal fee payable on the holding for six months after it has fallen due " .*

My idea is that the words ' or verumpattam ' may be modified into ' other tenant ' in view of the motions that we have already passed. I have therefore slightly modified my amendment and move it in that form."

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

The amendment was put to the House and carried.

* Mr. K. PRABHAKARAN TAMPAN :—" The motion that stands in my name runs as follows :—

'Add at the end of item (d) the words " for agricultural purposes " .

My idea is this : that the tenant should not do anything prejudicial to or in contravention of the purpose for which the land was let to him. Supposing a tenant wants to do something in his holding derogatory to the terms of the contract, then he should be prevented from doing so. For these reasons, I do not think the House will object to adopt this amendment."

Mr. V. MADHAVA RAJA :—" I second it."

The amendment was put to the House and carried.

The House then adjourned for lunch.

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

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

'that the following be added as a new item under clause 27 :—

'If the janmi wants to sell his janmam right provided the tenant concerned shall be given the first option to purchase it at the current market value " .

" Sir, I have been saying that this House has given only occupancy rights to the tenant and has not expropriated the janmi's right. Therefore, when he wants to dispose of his janmam property he must be at liberty to sell it to the highest bidder, provided of course the tenant occupying the land is given the first option to purchase it. There may be many poor janmis who after the passing of this Act may want to sell their land. They are reduced to the position of mere rent chargers and unless the land is resumed they will not get the full market value. No compensation has been given to them for the rights which have been extinguished. It is only proper that they should be at liberty to sell the land to the highest bidder provided, of course, the tenant is given the option to purchase it."

Mr. V. MADHAVA RAJA :—" I second it."

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Mr. K. P. RAMAN MENON :—"Sir, this certainly is a deceptive benefit conferred on the tenant. What the janmi would do is this. He would bring a dummy purchaser and say, 'Here is a purchaser who will buy the land for so much; if you want to take the land, you may do so.' If the tenant refuses to do so, the landlord will resume the land. That would be highly injurious to the tenant. There may be many janmis who might be reduced to the position of mere rent chargers. But the Bill will not in any way enhance or reduce the rent for the land. If the landlord wants to sell his janmam right in the land, he may do so. He may sell his inherent right to receive rent from the tenants. I do not want that a dummy purchaser should be set up. On behalf of the tenants, I do not want this doubtful benefit be conferred on them."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I also do not accept the amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I am unable to appreciate the grounds advanced by Mr. Raman Menon against this amendment. In fact, he has said practically nothing. His argument regarding the dummy purchaser is not a sound one. Remedies can be provided against such abuses. The janmam value of the lands will be depreciated very much and the lot of the janmis is bound to be very bad. We must consider the lot of the poor janmis more than that of the rich. I am anxious that this provision should be incorporated in the Bill and I request the House to vote for it."

The amendment was put to the House and lost.

* Mr. K. PRABHAKARAN TAMPAN :—"I beg to move that the following item be added as a new item to clause 27 :—"

"If, where there is no express instrument in writing registered of a lease, the tenant refuses to execute a lease: Provided that the refusal is not due to a bona fide difference between the landlord and the tenant as to the terms of the lease."

2-45
p.m.

"There are many holdings which are given on informal leases or on oral engagements. The Act provides also for persons who are in possession of the land, believing themselves to be lessees in good faith. Such tenants also would get the benefit of the provisions of the Act. It is highly necessary that there should be a document in writing of the lease. If the tenant refuses to do so, he should be evicted. Therefore, this provision should be incorporated in the Bill. I only want that the lessees concerned should be compelled to execute a deed. I hope the amendment will be adopted."

Mr. V. MADHAVA RAJA :—"I second it."

Mr. K. P. RAMAN MENON :—"I quite sympathise, Sir, with the anxiety of the janmi to have a registered document announcing the terms of the lease. But the punishment which my hon. Friend Mr. Prabhakaran Tampam wants to impose on a tenant who refuses to execute the document is out of all proportion. A provision has been made in the Bill in the sections we have already passed which would safeguard the interest of the janmi in such cases. For it is stated in sections 19 and 21 what the lease should contain. If, as a matter of fact, the tenant refuses to execute the counterpart of the kanam, there is nothing to prevent one from taking action under the provisions of the previous sections. The punishment proposed, to turn out the tenant, is out of all proportion to his refusal to execute the lease. I submit that the amendment should be negatived."

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* Mr. K. PRABHAKARAN TAMPAN :—"Sir, with reference to the remarks made by the previous speaker, I may say that I have provided a very reasonable proviso which says 'if the refusal is not due to a bona fide difference between the landlord and the tenant as to the terms of the lease'. So it is open to the tenant, when he is sued for eviction, to put forward his plea that the fault was not his and that there was a bona fide difference and the court will then decide the question on its merits. It is not a very objectionable amendment and therefore it should be retained in the Bill."

The amendment was put to the House and lost.

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I beg to move the amendment standing in my name, leaving the latter part of it, when it will read as follows :—"

"That the following new item be added :—"

"If the tenant or any person holding from him has broken a condition, not inconsistent with the provisions of this Act, and on breach of which he is by special contract with his landholder liable to be ejected."

"I think that the last portion of my original amendment as notified has been covered by a clause which we have adopted. Therefore, I have no objection to leave that part out. Therefore I omit the words 'or if he makes use of the land for any other purpose than the one for which it was leased or demised'. In Malabar there are many kinds of service tenures. The land is given for a specific service to be rendered. The present law is that the beneficiary is liable to be evicted if he does not render the service. Then again, certain specific conditions might have been imposed in certain leases. For instance, the land might have been given on the distinct understanding that the tenant should make a single crop land into double crop or convert waste into arable land. He might have been asked to plant trees in certain places. It was on that distinct liability and obligation to discharge it that the holding was offered by the janmi and accepted by the tenant. Such contracts have to be respected."

"Secondly, some tenants might fill up a double crop land and make use of the plot for building houses. I know an instance in Palghat where a wet land was filled up and was sold for putting up a house. Such things should be prevented. This clause is therefore quite necessary and I wish that it should be a part of the Bill."

Mr. V. MADHAVA RAJA :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I cannot accept the amendment for this reason. In the first place, I am not able to apprehend accurately the meaning of the amendment. As I understand it, it comes to this: the fixity of tenure which is granted by this Bill is sought to be taken away. The holdings are held under instruments and the instruments may contain provisions that in certain circumstances the tenant shall leave the holding. This amendment seeks to respect all those contracts. The provisions giving fixity of tenure will be overruled by the special terms of such contracts. The amendment practically cancels the provisions of this Bill giving fixity of tenure."

Mr. K. P. RAMAN MENON :—"Sir, I also cannot accept the amendment. It contemplates the tenant and the landlord entering into special contracts. Things might go against the interest of the tenant. There may be so many ^{cases} as in the contracts which may be found on examination not to be

[Mr. K. P. Raman Menon]

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inconsistent with the provisions of this Bill and on breach of which he is, by special contract with his landholder, liable to be ejected. Moreover, it leaves open a wide door for litigation by which the janmi will harass the tenant. I submit therefore that this amendment cannot be accepted."

*Mr. K. PRABHAKARAN TAMPAN :—"Sir, I have nothing more to say except the fact that the amendment gives wide scope for litigation does not hold water. My vakil friends ought to be very glad over it. That is no ground for my lawyer friends to oppose the amendment. It is in their interests that litigation should increase, and all the provisions that we have adopted in this Bill will certainly go to increase litigation in the land. Already there are six courts in a taluk and the Government would be willing to increase the number of courts. There will be no difficulty whatever on that account. All I want is that the question should be decided on its own merits and not on other circumstances. I request that the amendment may be put to vote."

The amendment was put to the House and lost.

Clause 27 as amended was put, passed and added to the Bill.

Clause 28.

*Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I beg to move the following :—

'In line 1, after "a" insert "kanamdar or".'

"It is only a verbal amendment. We have different definitions for tenant and kanamdar. The ordinary tenant is distinguished from a kanamdar and both these classes have to be protected against forfeiture when they do certain acts or when they fail to do certain acts. The clause as amended would read as follows :—'If a kanamdar or tenant has incurred forfeiture . . .'"

Mr. K. P. RAMAN MENON :—"I second it."

The amendment was put to the House and carried.

Mr. K. P. RAMAN MENON :—"I beg to move, Sir, the following amendment :—

'In line 2, insert the words "renewal fees" between the words "non-payment of" and "michavaram".'

"This amendment is consequent upon our fixing the renewal fee which was done yesterday. Forfeiture for non-payment of renewal fee is sought to be provided. This amendment has to be adopted on account of the provisions we have already incorporated in the Bill."

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

The amendment was put to the House and carried.

3 p.m. *Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I move

'that in line 3, after the word "such" the words "kanamdar or" be inserted.'

"This is also a purely consequential amendment."

Mr. K. P. RAMAN MENON :—"I second it."

The amendment was put and carried.

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Diwan Bahadur M. KRISHNAN NAYAR :—"I have another consequential amendment to move. It is in these terms—

'In line 3, after the words "if the" insert the words "kanamdar or".'

Mr. K. P. RAMAN MENON :—"I second it."

The amendment was put and carried.

Mr. K. P. RAMAN MENON :—"I move formally

'that in line 5, the words "renewal fee" be inserted between the words "the" and "michavaram".'

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

The amendment was put to the House and carried.

*Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I formally move

'that in line 6, after the words "on the" the words "renewal fees" be inserted.'

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

The amendment was put to the House and carried.

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

New clause after clause 28.

*Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, before we go to the next clause, there is an amendment, No. 321, of which my Friend the hon. the Law Member has given notice. Apparently he is not going to move it. I would like to have your permission, Sir, to move it.

"The object is this, Sir, that amendment No. 321 says that melcharth or melkanam is invalid unless it fulfils two conditions. As you are aware, Sir, a melkanam is this: the granting of a sort of transfer in the ordinary language as used by the courts now, or the granting of an assignment of a particular holding to another person by the janmi entitling that other person, that is, the person who obtains this melkanam, to eject the existing tenant, verumpattam tenant or kuzhikanam tenant or whoever he may be. That is one of the engines of oppression which the janmis have been using against the tenants. There has been a hue and cry against it and, as Sir Charles Innes said, murders also have been due to this custom of granting melkanams. This amendment does not abolish melkanam altogether; but it puts some restrictions on melkanam. Hereafter, no melkanam is valid unless it fulfils two conditions, namely, first of all the terms of the melkanam should be offered to the tenant in possession and he should refuse to accept those terms, and secondly it provides that the terms of the melkanam should be reasonable. So that the two conditions are that the terms must be first of all offered to the tenant and he should say that he is unwilling to accept those terms and secondly the terms in the melkanam must themselves be reasonable. It is only on fulfilling or satisfying these two conditions that the melkanam will become valid. That is the meaning of this amendment, and if that is passed, it will protect those non-cultivating kanamdars who have not obtained fixity of tenure up to this time, i.e., all those non-cultivating kanamdars whose rights originated after 1853. Those non-cultivating kanamdars will be protected if this amendment is passed. This amendment formed part of a scheme which my hon. Friend had and perhaps he does not want to press

[Mr. M. Krishnan Nayar]

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this. He has not been moving all his other amendments also and so I would like to move this amendment. Only I would like to substitute the word 'melkanam' for 'melcharth'. The amendment would then read—

'Insert the following as a new clause:—

"No melkanam shall be enforced except upon proof that the grantor prior to the grant had offered to the tenant in writing an option of a demise or lease on the terms of the melkanam and that the terms offered were reasonable and were not accepted by the tenant"."

Mr. K. P. RAMAN MENON:—"I second it."

* The hon. the PRESIDENT:—"Is melkanam synonymous with melcharth?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"Yes."

* Mr. K. PRABHAKARAN TAMPAN:—"I oppose this amendment, Sir. The House has decided to give occupancy rights to the cultivating kanamdar and a certain class of non-cultivating kanamdar; and the provisions which enable the janmi to evict the tenant under the terms of this Act are contained in section 27. It says that a tenant can be evicted only under certain conditions and in none of those conditions the melcharth can apply. Because it is only when the janmi wants to put up a residential house or when he wants to cultivate the land himself that the tenant could be evicted. In all those cases melcharth is absolutely impossible. It is only the non-cultivating kanamdar whose kanam originated after 1852 that is benefited by this provision. They form a very small number of the kanams, and there is no meaning in saying that so far as such tenants are concerned, the janmi's right of eviction should be restricted. It has been already decided that that kind of tenant does not deserve any special treatment and does not deserve any protection at all. So far as he is concerned, there must not be further restrictions of the janmis' rights so that melcharths may be resorted to if the janmi wants. Therefore I oppose the amendment."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"I find that the original Bill introduced by the Mover contained this provision in clause 8; but that was deleted in view of the fact that clauses 6 and 7 were giving occupancy rights to all kanamdars whether they existed before 1853 or not. The Select Committee however embodied a proviso to section 7 which says that a kanamdar acquiring interest under a melkanam shall not have permanent rights; but now we have gone back and say that only kanamdars that existed before 1853 shall have the right, of course including purchasers. Anyhow, special care is taken that the right is not taken away by melkanam even in respect of those kanams which existed before 1853. Therefore, Sir, we find that one of the things the janmi wants is to put into the Bill some provision to give the right to a speculator. My Friend Mr. Prabhakaran Tampan stated that one of the cases of forfeiture was where the janmi wanted to sell the right to the tenant and if the tenant refused to take it, with the consequence that he would be ejected out of the land. It is certainly right and it may not be necessary to prevent the janmi from having the right, the right of pre-emption, over the tenant himself. I therefore think that the principle which was put forward by Mr. Prabhakaran Tampan in his motion which was rejected by this House saying that the right should be given to the kanamdar himself should not be objected to merely because it was added to the condition

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[Mr. B. Muniswami Nayudu]

that if a tenant did not purchase, he was liable to be evicted. What he now says is that the janmi may have the right. I therefore think that this amendment may be accepted by the House."

* Mr. K. PRABHAKARAN TAMPAN:—"I want to make an explanation, Sir. My hon. Friend Mr. Muniswami Nayudu said that the proviso under clause 7 was passed by the Council. It is not so. At the instance of Mr. Raman Menon, the Council refused to accept it. We have decided to delete it, and therefore what Mr. Muniswami Nayudu said is wrong."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"I was only mentioning this that we embodied the clause about melcharth."

* Mr. K. PRABHAKARAN TAMPAN:—"What I mean to say is that the kanamdars who came in by way of melcharth cannot now say that they should be protected from melcharths. Their number is probably very large. They can't say 'melcharth was good for us but it is bad for others'. It is absurd. So, the House should throw out this amendment."

* Diwan Bahadur M. KRISHNAN NAYAR:—"As a matter of fact, Sir, since 1853 there have been cases of kanams. No doubt some of them might have come in possession by way of melkanam but there are many others who came originally—there are the original kanams themselves. There is a large series of kanam tenants, non-cultivating kanam tenants, etc., whose rights originated after 1853 and whose rights may originate hereafter. For the protection of such tenants against the inequities arising from melkanam which has been a source of great trouble in Malabar, it is necessary to have some such provision, and it is intended to protect them only. As I stated, no other class of kanamdars who are cultivators or whose rights originated before 1853 need to be protected. As my Friend Mr. Muniswami Nayudu stated, the principle of this was enunciated by Mr. Prabhakaran Tampan in his other motion which was rejected by this House. The Government themselves, who do not support the principle of this Bill, saw the necessity of enacting such a provision. That affords the reason for saying that the objection is not tenable. Even the Government, who certainly are not in favour of the tenants, have conceded this."

The amendment was put and declared carried.

Mr. K. Prabhakaran Tampan demanded a poll, which was taken with 3-15 p.m. the following result:—

Ayes 34.

- | | |
|---|---|
| 1. Mr. K. P. Raman Menon. | 18 Mr. B. P. Sesha Reddi. |
| 2. " H. B. Ari Gowder. | 19. " S. Satyamurti. |
| 3. Diwan Bahadur O. Tanikachala Chetti-
yar. | 20. " T. Adinarayana Chettiyar. |
| 4. Rao Bahadur C. Natesa Mudaliyar. | 21. " P. Anjaneyulu. |
| 5. Mr. A. V. Bhanoji Rao. | 22. " Muhammad Meera Sahib. |
| 6. " N. Devendrudu. | 23. Diwan Bahadur M. Krishnan Nayar. |
| 7. Rao Sahib S. Elhappa Chettiyar. | 24. Rao Bahadur P. Raman. |
| 8. Diwan Bahadur P. C. Ethirajulu Nayudu. | 25. Mr. J. D. Samuel. |
| 9. Mr. L. C. Guruswami. | 26. " K. Sarabha Reddi. |
| 10. " R. Madanagopal Nayudu. | 27. Rao Sahib R. Srinivasan. |
| 11. " T. Mallesappa. | 28. Mr. Chavadi K. Subrahmanya Pillai. |
| 12. Rao Bahadur B. Muniswami Nayudu. | 29. " B. Ramachandra Reddi. |
| 13. Mr. B. Obalesappa. | 30. " Muhammad Ghouse Mian Sahib. |
| 14. " J. A. Saldanha. | 31. Sriman Sasithesan Rath Mahasayo. |
| 15. " A. Ranganatha Mudaliyar. | 32. Khan Bahadur P. Khalif-ul-lah Sahib
Bahadur. |
| 16. " M. Gangaraju. | 33. Mr. L. K. Tulasiram. |
| 17. " C. Gopala Menon. | 34. " K. Uppi Sahib. |

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Noes 2.

1. Mr. K. Prabhakaran Tampan.

2. Mr. V. Madhava Raja.

The amendment was carried and the new clause was added to the Bill

Clause 29.

Clause 29 was then put, passed and added to the Bill.

Clause 30.

* Diwan Bahadur M. KRISHNAN NAYAR :—" I think it is not necessary to retain this section. It says :

'Notwithstanding any contract to the contrary, in all cases where michavaram or rent is payable in kind, the measure shall be the standard measure of the locality recognized by the Government.'

"There was a great deal of discussion about it in the Select Committee, and the majority of the Committee thought it might remain in the Bill. I believe it is not necessary to have it."

(* Mr. S. SATYAMURTI :—" Otherwise, what is the measure ? "

* Diwan Bahadur M. KRISHNAN NAYAR :—" Each janmi has got his own measure. I therefore move formally

' that clause 30 be deleted.'

" But I am not particular about the result of this motion."

Mr. K. P. RAMAN MENON :—" I second it."

* Mr. K. PRABHAKARAN TAMPAN :—" I oppose the motion for omission. Sir, it is the poor people that will be affected by the omission of this clause. Many of the kanamdars—of course there may be a few janmis also—who keep *paras* that will contain 12 or 13 *edangalis* each, who will say 'it is on the basis of my para that I have given the lease'. It is only for purposes of receipts such big *paras* are kept. For payment they keep one that will hold only 8 *edangalis*. Though I was not a member of the Select Committee when this provision was discussed, I know that it was discussed at length and the Select Committee insisted on retaining it. This amendment is a proposal to enable the rapacious kanamdar to squeeze out the verumpattamdar. People who are interested in the poor cultivators must not accept this motion."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I withdraw my motion, Sir."

The amendment was by leave withdrawn.

Clause 30 was then put, passed and added to the Bill.

New clauses after clause 30.

* Mr. K. PRABHAKARAN TAMPAN :—" I want to move my amendment No. 334, and it is to add the following as a new clause after clause 30 :—

' 31. The interest for kanam or kuzhikanam amount in respect of an holding shall be the current rate of the district.'

" Now that the tenure and everything has been regulated, I am anxious that all the incidence attached to the kanam and kuzhikanam tenure should be standardized. The rate of interest allowed for the kanam is an important factor. As I said in another connexion, the rate of interest is arbitrary and in the interests of all parties time has come to lay down a uniform rate of interest."

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Mr. V. MADHAVA RAJA :—" I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I cannot accept this amendment. As a matter of fact, this Council has already granted fixity of tenure to all cultivating kanamdars and cultivating kuzhikanamdars, and also to non-cultivating kanamdars and non-cultivating kuzhikanamdars whose rights had their origin in 1853 or before. So far as kuzhikanams are concerned, there is no question of interest because there is no money right. The question of interest can arise only in the case of kanams. So far as kanams, whether cultivating or non-cultivating in respect of which fixity of tenure or occupancy right has been granted are concerned, no question of interest arises, and certainly this section has no application to them. So far as the non-cultivating kanamdars whose rights had their origin after 1853 are concerned, it does not touch them in any way, and of course it is left entirely to be regulated by contract between the janmi and the non-cultivating kanam tenant, and there is no provision anywhere in this Bill touching them. Then, why should my Friend, who is very fond of freedom of contract between the parties, give up that freedom of contract? There is practically no need to fix anything.

" Again, he says the rate shall be the current rate of interest. There is no such thing as the current rate of interest. Interest varies almost entirely from taluk to taluk, from village to village and also from time to time. The rate of interest that may prevail one month in one place may not be rate of interest next month. The rate obtaining in the Palghat taluk may not be the same as that in Calicut taluk.

" Then, again, my Friend in his amendment No. 177 at page 18 wanted that ' Nothing in this chapter shall prevent the janmi from repaying in full or in part the kanam or kuzhikanam amount due to the tenant of a holding . . . ' and so on. But that was rejected. So his object was to enable the janmis to pay off all the kanams, and he wanted the michavaram to be enhanced adding to the michavaram the rate of interest on the kanam which was paid. That was rejected, and it practically follows that there is no need to fix the rate of interest. In any case, there is no such thing as the current rate of interest. I therefore oppose this amendment."

Mr. K. P. RAMAN MENON :—" I fail to see for whose benefit my hon. Friend wants to introduce this amendment, whether for the benefit of the janmi or of the tenant. Now, as for the janmi's, it does them no good. By negating motion No. 177, where my hon. Friend wanted this House to say that the janmi was at liberty to pay off the kanam amount and raise the michavaram by the interest that was due on the kanam amount, the question of interest becomes immaterial. The interest may be anything, and there is no prospect of the janmi getting advantage out of it.

" It cannot be in the interest of the tenant either. Because the tenant gets nothing at all out of declaring these rates. Whether the rate is 18 per cent or 100 per cent he cannot get anything more than what was already agreed upon. When he has got his tenure, the rate of interest does not matter to him. If the prevailing rate is too low or too high, his profit from the land will not be affected, so that I fail to see how that comes in at all. I thought it was part of his scheme when he tabled these motions and that when his amendment No. 177 was rejected this amendment would not be moved. And I am surprised to see him moving this amendment which benefits nobody."

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* Mr. K. PRABHAKARAN TAMPAN :—"Honestly I feel non-plussed by the subtlety and dexterity displayed by my lawyer friends."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I am not a lawyer now."

* Mr. K. PRABHAKARAN TAMPAN :—"My hon. Friend was the Leader of the Bar for ten years. Sir, there is a great deal of difference between my amendment No. 177 and this one. What I suggested there was that the kanam may be repaid and the interest allowed to be paid as additional michavaram. But this new clause is altogether a different one. This is simply to enable the rate to be revised without paying the kanam. The House has decided that the kanam need not be paid back. There is no meaning in saying that the janmi should be made to continue to pay a usurious rate of interest for ever. There might be occasions when a sowcar-like tenant had imposed a higher rate. Now the conditions are very much altered, and the nature of the tenure has undergone radical alterations. Therefore the janmi, or whoever that receives the rent on the property, must be given an opportunity to revise the rate of interest according to the market rate. There is no point in saying that there is no uniform rate throughout the district, while throughout the whole country there it is practically uniform."

3-30
p.m.

"As a matter of fact, my Friend (Mr. Krishnan Nayar) has been saying in season and out of season that the conditions in North Malabar are not different from those of South Malabar, but now he wants to make out that the conditions are different to suit his argument. This is like the notorious barber's blade which cuts either way. Inasmuch as the local conditions are very much improved in recent times and the money market is in a much more favourable condition, the janmi must be given every facility to revise the rate of interest that he pays on the kanam amount. So I will insist on the addition of this clause."

The amendment was put and lost.

Mr. Prabhakaran Tampan asked for a poll and the House divided thus :

Ayes 2.

1. Mr. K. Prabhakaran Tampan.

2. Mr. V. Madhava Raja.

Noes 33.

1. Mr. K. P. Raman Menon.
2. " H. B. Anj Gowder.
3. " D. Appavu Chettiyar.
4. Diwan Bahadur O. Taniokachala Chettiyar.
5. Rao Bahadur C. Natesa Mudaliyar.
6. Mr. A. V. Bhanaji Rao.
7. " N. Devendrudu.
8. Rao Sahib S. Ellappa Chettiyar.
9. Diwan Bahadur P. C. Ethirajulu Nayudu.
10. Mr. L. C. Guruswami.
11. " R. Madanagopal Nayudu.
12. " T. Mallesappa.
13. Rao Bahadur B. Muniswami Nayudu.
14. Mr. C. Muttayya Mudaliyar.
15. Rao Bahadur C. V. S. Narasimha Raju.
16. Mr. J. A. Saldanha.

17. Mr. A. Ranganatha Mudaliyar.
18. " C. Gopala Menon.
19. " B. P. Sesha Reddi.
20. " S. Satyamurti.
21. Muhammad Meera Sahib Bahadur.
22. Diwan Bahadur M. Krishnan Nayar.
23. Rao Bahadur P. Raman.
24. Mr. J. D. Samuel.
25. " K. Sarabha Reddi.
26. Rao Sahib R. Srinivasan.
27. Mr. Chavadi K. Subrahmanya Pillai.
28. Muhammad Ghousa Mian Sahib.
29. Khan Bahadur P. Khalif-ul-lah Sahib.
30. Mr. L. K. Tulasiram.
31. " K. Uppi Sahib.
32. " C. Venkatarangam Nayudu.
33. Sriman Sasibhusan Rath Mahasayo.

Ayes 2. Noes 33.

The amendment was lost.

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* Mr. K. PRABHAKARAN TAMPAN :—"Add the following as a new clause after clause 30 :—

'A kanam, kuzhikanam or verumpattam holding shall not be divided into fragments of less than 5 acres in extent and such as are already less than 5 acres shall not be split up.'

"Sir, the meaning is obvious. It is only from an agricultural and economic point of view that I propose this clause. It is against the interests of both, that lands should be split up into small holdings. It is my desire that any land that is not sufficient to maintain a unit of a family from the profits of its cultivation should not be divided into smaller portions. It is believed that 5 acres is the minimum extent that will support a small family. Of course, in Malabar, there are many holdings which are less than 5 acres in extent. Therefore they must be excluded from the operation of this rule. It is only such lands as are less than 5 acres, that should not be divided. So, it is in the interests of the nation as well as in the interests of economy that I move this."

Mr. V. MADHAVA RAJA :—"I second it"

Mr. K. P. RAMAN MENON :—"However commendable the idea behind the motion may be, it is absolutely unpractical. My Friend Mr. Tampan knows that in Ernad 60 per cent of the population are Muhammadans and in Walluvanad about 40 per cent are Muhammadans. Among the Muhammadans, partition is an almost ordinary thing. I know instances where holdings less than 40 cents, 20 and even 10 cents are divided. You cannot by this section abrogate the Muhammadan law and compel a Mappilla to lose his holding or remain as one of the joint family. Is this legislature going to impose such a condition? There will be nothing more absurd than that."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I think, Sir, that notwithstanding the difficulty pointed out by Mr. K. P. Raman Menon, this question deserves more careful attention than it has received. It will be within the knowledge of the House that the question of subdivision of holdings into very small extents as would make agriculture uneconomical has been engaging the attention of the Department of Agriculture and the Government, not only in this Province but in various other provinces. Even in this Council, about ten years ago, this question of subdivision of holdings into very small units so as to make agriculture uneconomical was discussed and the question was also considered as to how far it was feasible to check the process of subdivision of holdings into very small units. I do not wish that we should commit ourselves to this amendment, but I would appeal to the House to consider the desirability of preventing very small subdivisions, which is proposed in this clause. I am aware that, not only according to the Muhammadan Law to which attention has been drawn but even according to the joint family system among Hindus whereby a small holding, probably one acre or less, is subdivided. But the question is whether while conceding the owner the right to enjoy the profit pertaining to his share, whatever extent that share may come to, is it not desirable that some means must be found whereby for the purpose of agriculture such small subdivisions should be allowed very rarely. Therefore, I appeal to the House not to dispose of my hon. Friend's amendment in the summary manner in which it has been done. The principle underlying it ought to be considered and some means must be devised whereby land should not be subdivided into very small minute"

[Mr. A. S. Krishna Rao Pantulu] [17th July 1926]

holdings. I wished to know the trend of the discussion and I would myself suggest one acre being taken as the unit beyond which land should not be divided. Five acres, it seems to me, is something which will work hardship. I am throwing this out only as a suggestion and I am not bringing any amendments."

Rao Bahadur B. MUNISWAMI NAYUDU :—"I think there is a confusion of ideas here. No doubt in the Estates Land Act we have that subdivision or alienation of holding should not be effected into less than five acres if it is wet and ten acres if it is dry land. But the object of that is, so far as the landlord is concerned, that if the subdivisions become numerous there may be difficulty in the recovery of rents. That is one thing. Five acres or ten acres may be considered as one unit; but for the purposes of recovery of charge, for the benefit of the landlord, it is provided that land ought not to be divided into very small fragments and there is a limit beyond which it ought not to go. But, Mr. Krishna Rao has put it as a sort of pious enactment that the kanam or kuzhikanam shall not be divided into small fragments as to make agriculture uneconomical. If there is a family owning five acres of land and if there are three brothers, do you mean to say that the land should not be split up? Unless we go to the extent of modifying the law of inheritance or unless we introduce the principle in such cases that all the land shall be given to one man and the others should be given compensation, there is no other course possible. I very well sympathise with any idea of trying to prevent fragmentation of holdings that will make agriculture uneconomical. But to say that it shall not be split up into minute sections and fragments, is a declaration which will very largely influence the law of inheritance. This is a subject which is not peculiar to Malabar alone; it is common to all districts. Of course, I expected my hon. Friend Mr. Krishna Rao to move some amendment. He only suggested that instead of five acres one acre may be taken as the unit but this is only a pious declaration which cannot be carried."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I don't accept the amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"In the interests of cultivation as well as in the interests of the tenants themselves, it is highly necessary that small subdivisions should not be made. The difficulties which Mr. Raman Menon fancies are not insurmountable. But as my hon. Friend Mr. Krishna Rao suggested, I have no objection to reduce the five acres to one acre, or two acres, whichever the House suggests, provided it adopts the principle of my suggestion. I am satisfied that the proposal will to a very large extent promote the welfare of the nation. Therefore I must press this motion."

The amendment was put and lost.

* Mr. K. PRABHAKARAN TAMPAN :—"The next amendment that I move reads thus:

Add the following as a new clause after clause 30 :—

"In the absence of a contract to the contrary the kanamdar, kuzhikanamdar, and a tenant in possession of a homestead shall be responsible for the land revenue and his right shall be the first charge for any arrear of revenue."

"Now that the janmi has been made only a rent charger it is not fair to make him responsible for the Government assessment. A janmi has only

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[Mr. K. Prabhakaran Tampan]

the privilege of collecting a nominal michavaram out of the kanam holding and it is absurd to burden him with all the responsibilities attached to the ownership of the land. The whole benefit is enjoyed by the kanamdar or any other tenant that gets the occupancy right. It is he that gets all the privileges attached to the ownership. So it is absurd to make the janmi responsible to the Government for assessment. And so this clause should be accepted."

Mr. V. MADHAVA RAJA :—"I second it."

* Rao Bahadur B. MUNISWAMI NAYUDU :—"In the amendment just moved it is stated that a tenant in possession of a homestead shall be responsible for the land revenue and *his* right shall be the first charge for any arrear of revenue. Is it the kanamdar's right?"

* Mr. K. PRABHAKARAN TAMPAN :—"What I mean to say is that the right of the tenant in possession shall be the first charge."

Mr. K. P. RAMAN MENON :—"This amendment goes against the provisions of the Revenue Recovery Act under which the man in whose name the patta stands is responsible for the revenue. It is in the janmis' names that the pattas stand and it is impossible to sue the janmis' interests in the lands. It is only the tenants that can be sued. We cannot go against the Revenue Recovery Act."

The amendment was put and declared lost.

Mr. K. Prabhakaran Tampan demanded a poll and the House divided thus :—

Ayes.

1. Mr. K. Prabhakaran Tampan.

2. Mr. V. Madhava Raja.

Noes.

1. Mr. K. P. Raman Menon.
2. Diwan Bahadur O. Tanikaachala Chettiyar.
3. Rao Bahadur C. Natesa Mudaliyar.
4. Mr. N. Devendrudu.
5. Rao Sahib S. Ellappa Chettiyar.
6. Diwan Bahadur P. C. Ethirajulu Nayudu.
7. Mr. L. C. Guruswami.
8. " B. Madanagopal Nayudu.
9. " T. Mallesappa.
10. Rao Bahadur B. Muniswami Nayudu.
11. Mr. J. A. Saldanha.
12. " A. Ranganatha Mudaliyar.
13. Srikanth Biswanath Das Mahasaya.
14. Mr. A. Chidambaram Nadar.

15. Mr. C. Gopala Menon.
16. " B. P. Sesha Reddi.
17. " S. Satyamurti.
18. " Muhammad Meera Sahib.
19. Diwan Bahadur M. Krishnan Nayar.
20. Rao Bahadur P. Raman.
21. Mr. J. D. Samuel.
22. " Sarabha K. Reddi.
23. " Chavadi K. Subrahmanya Pillai.
24. " Muhammad Ghonsee Mian Sahib.
25. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
26. Mr. L. K. Tulasiram.
27. " K. Uppi Sahib.
28. " C. Venkatarangam Nayudu.

Ayes 2. Noes 28.

The amendment was lost.

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I then move

that the following be added as a new clause after clause 30 :—

"When the occupancy right of a tenant in a holding or part of a holding is transferred at a court sale in execution of a decree the landlord shall have the right of pre-emption at the price paid by the purchaser plus interest at 12 per cent from the date of sale."

"Provided that he elects to exercise such right within one year from the date of the confirmation of the sale."

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"Sir, this clause is intended to enable the janmi to purchase the tenant's right. It very often happens that in a court auction or sale these lands are freely changed. Next to the tenant, it is the janmi that is most interested in the soil. Therefore as the owner of the soil he must be given under such circumstances the privilege of taking it back. But I have provided that within a certain period of time he should exercise that right. If he fails to do so within the prescribed time, he forfeits that right. I have also provided that he should pay the purchaser all the amounts paid by him with interest at 12 per cent. Then only he might claim it back. This question was dealt with in the report of the Madhava Rao Committee. At paragraph 36 on page 133 of their report they say :

"On the same principle that a janmi ought to have a right of veto on an objectionable tenant, we provide that the janmi is to have a right of pre-emption, whenever the occupancy tenant's right on the whole or a portion of his holding, is sold at a court sale; that is to say, he may take over the holding from the purchaser at the court sale at the price he paid for it, plus interest at 12 per cent from date of sale, provided that he elects to do so within one month from the date of the confirmation of the sale or from the date when the next instalment of rent falls due. Indirectly by this provision we put a stop to the pernicious practice of speculators picking up cheap bargains at court sales. The janmi is, above all others, the person who is entitled to the benefit of such bargains, and if he keeps his eyes open, he can avail himself of his right of pre-emption."

"It is that principle that I have embodied in the shape of a section. I commend this for the acceptance of the House."

Mr. V. MADHAVA RAJA :—"I second it."

Mr. K. P. RAMAN MENON :—"Now, with reference to this proposal, the arguments put forward in its favour are the same which the hon. Member Mr. Prabhakaran Tampan advanced in connexion with amendments Nos. 236 and 237 relating to the right of veto on the part of the janmi in respect of transfers by cultivators and in respect of division of holdings by the co-sharers. On that occasion, he read out an earlier portion of the report of Mr. Madhava Rao's Committee justifying the necessity for providing the janmi with the right of veto. If with reference to the right of veto those reasons did not prevail in this House, I do not see why those should prevail with reference to the right of pre-emption. Now, if the janmi wants the land, what objection is there for his going to the court and bidding? As has been pointed out by the learned authors of the report, if he keeps his eyes wide open he can get the land. Let him do so, go to the court and bid and not disturb the purchaser a year after the purchase saying: 'Here is your purchase money with 12 per cent interest. Take it and give me the land.' That position is hard and this amendment should not be accepted."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am rather surprised at the attitude taken by Mr. Raman Menon. In opposing this amendment he was quite unreasonable. The reasons which weighed with the House in opposing amendments Nos. 236 and 237 in throwing them out do not apply to this case at all. This is a case in which the property is transferred at a court sale for reasons for which the janmi is not responsible. Why any tenant or any other person should object to the janmi having the right of pre-emption I cannot understand. Even in cases where the court sales are held of parts of lands, persons having interest in the whole property sold can acquire the property within a specific period. In this case it has been provided that the janmi should pay not only the price paid by the purchaser but also interest at 12 per cent if he wishes to purchase the land within a prescribed period. I think any opposition to this would show that probably

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it is a spirit of vindictiveness against the janmis and nothing else. So far as the tenant is concerned he has lost his right. Why should we not allow the janmi to purchase his land paying the full price and also interest at 12 per cent within a year? Any opposition to it is unwarranted."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I oppose the amendment. My hon. Friend from Nellore referring to the remarks of my hon. Friend Mr. Raman Menon said that opposition to the motion under discussion showed a sort of vindictiveness against the janmis. I am afraid that unconsciously my hon. Friend is vindictive against the tenants. What will be the effect if this amendment is carried? The inevitable result will be that practically there will be no purchasers when the interests of the tenants are sold; because, when they purchase in a court auction, the purchase will be suspended for a year. Who will purchase it with this danger that before the expiry of one year the purchased property may be taken away from him at any moment by the janmi who possesses pre-emption rights? Under the circumstances who will go and purchase a property at an adequate price in a court auction? And, if the property is not sold in a court auction fairly who will be the sufferer? The tenant will suffer. His property will be sold at a very inadequate price and his decree debt will be still standing over his head. So that the result will be injury to and vindictiveness against the tenant. And then practically it comes to this: when a court sale takes place the fixity of tenure or the occupancy right is extinguished if the janmi has the option of exercising this pre-emption right and if he is given full one year after the sale to make up his mind to exercise that right or not. For these reasons, I submit we cannot accept this amendment."

Rao Bahadur B. MUNISWAMI NAYUDU :—"I think that this amendment is not at all called for. If a person who has got the occupancy right should sell it profitably to himself then there is no place there for a right of pre-emption. I cannot understand why in a court sale or when one voluntarily sells away his land, the janmi should not go and purchase just as any other purchaser. This period of one year proposed to be allowed to the janmi to enable him to make up his mind to exercise this right of pre-emption, will put a clog upon the right of the seller because no purchaser will come if he knows that within one year the janmi will come forward and say: 'I am going to purchase the land,' and no purchaser will take the trouble. It will practically make the cultivator not have the proper value of his property. Above all, it is necessary so far as court sales are concerned that there should be no pre-emption rights. In a court sale properties are purchased at much less than a third of their real value even without any such pre-emption rights. With this Damocles sword hanging over the head of every purchaser, properties must go down in value still further."

"I think there is only one way out of the difficulty and that is this, when the court has put in auction sale the occupancy right of a tenant, it must be given to the highest bidder at the sale whoever he may be. I therefore strongly object to the introduction of this amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"I am not satisfied with the arguments put forward by my hon. Friend Mr. Krishnan Nayar. The Bill provides relief to the tenants against forfeiture in clause 28. My hon. Friend Mr. Raman Menon said that if the janmi wanted to take his land he might go to court and bid at the auction at the time when it takes place. My point is when you have given the tenant the concession of paying his michavaram,

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into the court and thereby get himself relieved of his liability to surrender the land, I do not see why such a concession, as I have proposed, should not be given to the janmis. I understand that there are analogous provisions in the Estates Land Act. The janmi may hold lands in several taluks. In the case of big janmis, it is not often that intimations are sent to them about the sale of kanam holdings under them. The whole thing is done at their back. They are impleaded only when questions of title are involved. Therefore I say that they should be given a fair amount of time for knowing the sales and make up their minds whether to take their lands back or not. It is only when michavaram is demanded or when it is not paid, that a janmi finds that the tenant under him has changed. So there is no meaning in saying that one year's time should not be allowed to the janmis to exercise their right of pre-emption."

The amendment was put to vote and lost.

Clause 31.

Clause 31 was put, passed and added to the Bill.

Clause 32.

* Mr. K. PRABHAKARAN TAMPAN :—"The amendment that stands in my name runs as follows :—

'In line 1, for "may" substitute "shall".'

"The clause, as it stands, is only a pious provision. For instance, you find certain provisions in the Compensation for Tenants Improvement Act empowering Government to frame rules but they"

* The hon. the PRESIDENT :—"Supposing no rules are necessary?"

* Mr. K. PRABHAKARAN TAMPAN :—"Then there is no need. If we use the word 'shall', then it would mean that the Government must make rules. But if we use the word 'may', then it will remain practically a dead letter."

* The hon. the PRESIDENT :—"Dead letters will be whether hon. Members legislate them or not."

* Mr. V. MADHAVA RAJA :—"I second the amendment."

* Diwan Bahadur M. KRISHNAN NAYAR :—"In a subsequent amendment, my hon. Friend Mr. Prabhakaran Tampan proposes that 'that the Government shall make rules within six months'. Supposing the Government do not make rules within six months, what will he do?"

* Mr. K. PRABHAKARAN TAMPAN :—"That is exactly my point. I do not want that Government should indefinitely postpone making rules but that they should frame them within six months."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Is there any remedy for punishing the Government with penalty if they do not do so? Generally in all sections dealing with rule-making powers if the rules are made and they are disobeyed, there is a penalty section. My Friend, I suppose, does not come forward with any such suggestion."

* Mr. K. PRABHAKARAN TAMPAN :—"I want that it should be made obligatory on the part of Government to make rules. If my Friend wishes that Government should be punished, let him bring forward such suggestions. will not stand in the way. I want that it should be made obligatory—

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I think the House also will concur in that view—on the part of Government to make rules. If you, Sir, do not accept the language that I have used, of course, it is quite open to you to alter it."

* The hon. the PRESIDENT :—"I am pointing out another difficulty. Supposing there is no rule to make?"

* Mr. K. PRABHAKARAN TAMPAN :—"All right. Then I withdraw my amendment."

The amendment was by leave withdrawn.

* Mr. J. A. SALDANHA :—"The amendment that stands in my name runs as follows :—

'Add at the end the words "subject to the approval of the Legislative Council".'

"Sir, I propose that this constitutional right be given to this Council on which it laid some stress recently in connexion with the passing of the Borstal Schools Act. The Act contains a provision that all the rules made thereunder should receive the approval of the Legislative Council. It was passed by this Council and it has also received the assent of the Governor-General. Then, in connexion with the Nurses Registration Bill, the Government of India came in our way and we entered our pious protest against the Government of India. But on that occasion this House expressed their resentment and added that the action of the Government of India was an inroad on the undoubted right of this House to control the rules made by the Government on important points at least. In these circumstances, I propose that rules under this Act should also be made subject to the approval of this House. I think I need not dilate further upon this point. So I beg to urge that these words 'subject to the approval of the Legislative Council' should be added at the end of sub-clause (1) of clause 32."

* The hon. the PRESIDENT :—"Where does the amendment come? Would it not be better if the amendment comes after the word 'rules' in line 1 of sub-clause (1) of clause 32?"

* Mr. J. A. SALDANHA :—"Yes, Sir."

* The hon. the PRESIDENT :—"It has been moved

'that after the word "rules" in line 1 the words "subject to the approval of the Legislative Council" be inserted'.

Mr. K. P. RAMAN MENON :—"I am sorry I cannot agree with my hon. Friend Mr. Saldanha. There is very little matter of principle involved in framing these rules. All those principles that were involved have been well threshed out in this House and embodied in the sections. What remains are only executive acts and it would not be to the interests of anybody to look too closely to the acts of the executive in this matter."

Mr. J. A. SALDANHA :—"If my hon. Friend does not want it, I do not want to press it."

The amendment was by leave of the House withdrawn.

Clause 32 was put, passed and added to the Bill.

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New clause after clause 32.

* Mr. K. PRABHAKARAN TAMPAN :—" If the House will permit me to move amendment No. 355 which stands in the name of Mr. C. V. Venkataramana Ayyangar, I shall do so. My hon. Friend Mr. Venkataramana Ayyangar was anxious to move his amendment but somehow he is not to be found here. If you will allow me, Sir, I shall move it."

* Mr. J. A. SALDANHA :—" We might go on with the more important clauses of the Bill in connexion with the question of compensation."

* The hon. the PRESIDENT :—" Does the hon. Member object to Mr. Tampion moving the amendment of Mr. Venkataramana Ayyangar?"

* Mr. K. PRABHAKARAN TAMPAN :—" He does not object to it, but only says that more important clauses might be taken up."

* Mr. J. A. SALDANHA :—" I would object to it."

* Mr. K. PRABHAKARAN TAMPAN :—" I leave it to your discretion, Sir."

* The hon. the PRESIDENT :—" As Mr. C. V. Venkataramana Ayyangar is not present here, I do not think I can allow anybody to move his amendment."

*Clause 6.**Addition of a proviso.*

* Diwan Bahadur M. KRISHNAN NAYAR :—" You may remember, Sir, that clauses 6 and 7 have been fully discussed and in each of these there is an identical amendment amendment, No. 94 and No. 114, tabled by my hon. Friend Mr. Raghuchandra Ballal that the compensation to be paid to the janmi should be 30 times the michavaram or rent. In fact, these clauses were fully discussed but not put to vote. Incidentally, I may also say that there is a good deal of argument in connexion with the amendment. Clause 6 gives occupancy rights to cultivating tenants whoever they may be and a substantial portion of it has been voted upon, but the clause was not put to vote because this amendment, viz., No. 94, was not discussed, so that what I suggest is that we might go back to amendment No. 94 which was postponed after discussion on the 13th. After that amendment has been discussed we can go to clause 7. But I still adhere to the same opinion as I held regarding the compensation to be paid to the janmi."

* Mr. K. PRABHAKARAN TAMPAN :—" May I know what is the proposal?"

** Amendment No. 355—**New clauses after clause 32.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

"Add the following as new clauses after clause 32 :—

'33. The Government may at any time within ten years after the passing of this Act acquire the interests of all or some of the persons interested in any land or estate such as the janmi, the kanamdar, the kuzhikanam tenant or other tenant and re-sell them in lots to any person and such an acquisition shall be considered to be sufficient to bring it under the Land Acquisition Act.

'34. The Government may at any time appoint a Board of Arbitration consisting of five members for any specific period which may be extended from time to time and the Board so appointed shall be considered to be the court for the purposes of all proceedings under this Act including the proceedings under the Land Acquisition Act. The decision of the Board shall be final."

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* Diwan Bahadur M. KRISHNAN NAYAR :—" The proposal to give 30 times the michavaram has been considered as exorbitant and the rate at which the verumpattamdar is asked to pay to the janmi every year is also rather prohibitive and such a thing should never be done. The amendment No. 94 which was postponed is this—

"That the following proviso be added to clause 6 :—

"Provided the janmi is paid a premium equal to thirty years' michavaram or rent."

* Mr. K. PRABHAKARAN TAMPAN :—" I should like to know whether I can formulate at this stage any specific proposal to amend this amendment." 4-1 p.m

* The hon. the PRESIDENT :—" Yes, what are the terms of the amendment? It must be an amendment to this amendment."

* Mr. K. PRABHAKARAN TAMPAN :—" Quite so. But I take it that the House has unanimously accepted the principle; then only I need formulate the rate of compensation."

Mr. K. P. RAMAN MENON :—" They have not accepted the principle."

* Mr. K. PRABHAKARAN TAMPAN :—" I shall wait then until the House accepts the principle involved or the debate on it makes further progress."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I opposed the amendment then and I oppose it now. My position and the position of those who think with me on this question is this. The renewal fee itself is an adequate compensation. As a matter of fact, my hon. Friend Mr. Muniswami Nayudu put the question of compensation cogently and clearly before the House. We have resolved that one year's net produce should be paid once every twelve years. There is no question of compensation with regard to verumpattam tenants. My hon. Friend Mr. Prabhakaran Tampion has admitted that. The question of compensation arises only in the case of the cultivating kanam tenant; because this section deals with cultivating tenants. With regard to them, the House has already resolved that one year's net produce should be paid once every 12 years as renewal fee. When once fixity of tenure is given there is no meaning in paying renewal fee which is paid only for the purpose of enabling the tenant to be in the property and enjoy its produce for another period of twelve years. We now grant him the right to do so; therefore no question of renewal fee comes in. It is only for that that we grant him some compensation as renewal fees."

Mr. K. P. RAMAN MENON :—" Sir, I fail to see whether there is any particular proposition before the House. We are not now entering into an academic discussion as to whether compensation should be paid or not. We are not here a debating society as Mr. Saldanha said."

* The hon. the PRESIDENT :—" The hon. Member withdrew that expression."

Mr. K. P. RAMAN MENON :—" My hon. Friend has not formulated any definite proposition for us to vote upon. We are not to be dragged into a discussion of airy principles. Mr. Raghuchandra Ballal has given notice of this amendment No. 94. Does Mr. Tampion move that proposition or does he wish to move an amendment to that amendment? We do not want to be dragged into a fine discussion."

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* Mr. K. PRABHAKARAN TAMPAN :—" May I by way of explanation say that it seems to me that Mr. Raman Menon is propounding a curious theory? When the question came up for discussion, the hon. Members, Messrs. Raman Menon, Krishnan Nayar and those that thought with him said that they might postpone that."

Mr. K. P. RAMAN MENON :—"The amendment was postponed."

* Mr. K. PRABHAKARAN TAMPAN :—"The discussion of principle involved in the amendment was postponed. Because there was a proposal to raise the rent and restore the renewal fee. Now they say, when all those things have been decided in favour of them, 'it is purely an academic discussion.' It is an absurd position taken by my hon. Friends to say that there is no specific proposal before the House. The hon. Member spent more than one precious hour of the House in a desultory talk on the question of compensation and it was decided that compensation of some kind should be given."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Nobody decided."

* Mr. K. PRABHAKARAN TAMPAN :—"There was a unanimous opinion."

* Diwan Bahadur M. KRISHNAN NAYAR :—"No unanimous opinion, Sir."

* Mr. K. PRABHAKARAN TAMPAN :—"At any rate there was a consensus of opinion that some such kind of thing should be done for the janmi since he is now reduced to the position of a mere rent-charger. There was a feeling in the House that something should be done to compensate the janmi for the rights that have been extinguished. I am already doomed and the House is at liberty to do anything with me. To say that this question does not arise at all now is resorting to tricks—I do not know whether to call it parliamentary tricks or . . ."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Resorting to what, Sir?"

* Mr. K. PRABHAKARAN TAMPAN :—"I do not know, Sir. He must know."

* Diwan Bahadur M. KRISHNAN NAYAR :—"The hon. Member used the word 'tricks'. Is it not unparliamentary?"

* The hon. the PRESIDENT :—"Did the hon. Member use the word 'tricks'?"

* Mr. K. PRABHAKARAN TAMPAN :—"I forgot, Sir, what word I used. (Laughter). The question of compensation should be adopted in one form or other and the House should be given an opportunity to decide it."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—"Mr. President, Sir, the hon. the Mover of the Bill made some remarks on my comment on the Bill. I said that this Bill confiscated the rights of janmis. He argued, as I understand he argues now, that no compensation need be paid to the janmi for the rights which are now given to the tenant. The hon. Mover of the Bill will admit that the janmi is now the real owner of the tenures which he is creating for the first time under clauses 6 and 7 of the Bill. These clauses confer occupancy rights on the cultivating verumpattam tenants and the cultivating kanam tenants and the middlemen kanam tenants. It has been pointed out that there is nothing to prevent a cultivating verumpattam tenant to-day from becoming a non-cultivating verumpattam tenant to-morrow and still retaining his occupancy right. What is the effect of all these gradations of occupancy right? You may call them by whatever name you please."

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Mr. K. P. RAMAN MENON :—"May I know on what particular clause the hon. Member is speaking?"

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—"On the principle involved in amendment No. 94. There are three ideas in clause 24 of the Bill. First of all there are such things as occupancy rights created by this Bill; secondly those rights are valuable; and thirdly they should be heritable, transferable by sale, gift or otherwise. If these occupancy rights are not valuable why did the hon. Member object to Mr. Prabhakaran Tampam's reasonable suggestion that what was necessary was to guarantee the tenants against evictions and that nothing more was needed? Why did he plead for complete rights of alienation, right of sale and right of transfer by gift and so on? Are these occupancy rights valuable or not? Will they possess marketable value? If to the rights now possessed by the tenants you add some more rights, you increase their market value of the holdings."

* Diwan Bahadur M. KRISHNAN NAYAR :—"May I know what are these new rights? Even the existing rights are transferable and alienable."

* Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—"The new right is the right of occupancy. The janmi is now the proprietor. The hon. Member Mr. Krishnan Nayar knows how the lands are valued in Malabar. I would request him to look at the first holding in the list of typical holdings given in the appendix to Mr. Evans's report. Its area is $2\frac{1}{2}$ acres and it yields crop worth Rs. 155. If that land is sold by the janmi, the total value of the land is twenty times the total net yield Rs. 3,100. Out of that the kanam tenant will get Rs. 340 plus the value of the improvements he has effected. Ever since the agitation began, it is common ground of complaint on the part of the hon. Member Mr. Krishnan Nayar and others that the tenant of the paddy land is at a great disadvantage, because there are improvements to be paid for. If the land is sold, the janmi will get Rs. 2,500 and the kanamdar will get, say, Rs. 600 (Rs. 340 plus Rs. 260 for the improvements). Now occupancy rights are conferred on the kanamdar and he is entitled to remain on the holding. Therefore, as the present rent he pays the janmi is Rs. 20, the value of the janmi's rights when sold will be Rs. 400, i.e., twenty times the rent. Similarly the kanamdar's right comes to twenty times Rs. 130, the amount he gets from the verumpattamdar, i.e., Rs. 2,600. Then the verumpattamdar at the end of the scale gets the balance of Rs. 100. In other words, the value of the janmi's right will come to only one-sixth of what it is. He gets only Rs. 400 where he can get Rs. 2,500. We have experience of the manner in which the lands on which there are occupancy tenants are valued in zamindari areas. The purchaser pays twenty to twenty-five times the rent derived by the zamindar. If occupancy rights are conferred in respect of lands which are owned by the janmis in Malabar, the same principle of valuation will be applied to those holdings also. I have already shown what the result of this will be. The value of the rights of the kanamdar who is a middle-man and not a cultivating tenant which was originally valued at only Rs. 600 will now be valued at Rs. 2,600. This was the point which I made when I said that valuable rights were being taken away from the janmi and handed over to a comparatively prosperous middle class and it is to that feature of the Bill that I referred in my opening speech. There is also another point. It is a mistake to suppose that all these janmis have got large areas of land. I invite the attention of the House to a statement attached to Mr. Thorne's report—appendix A to his report; he

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has given figures for a certain number of villages in Malabar showing the holdings of pattadars. I would invite the House to turn to the last column in that statement. The average holding of a janmi is 9 acres, 17 acres and 36 acres; in some cases 5, 6, 7, 2, 9, 4 and 3 acres. I quite realize that a provision is going to be placed before the House which limits the operation of this Act with regard to small janmis and that that question is going to be discussed. If there is no confiscation, I wish to know what is the principle behind that exception. If you are not taking away the right of the janmi I ask why do you show tenderness to the small janmi? That is my first point.

"My second point is this. There are janmis whose holdings are smaller and who are less well-to-do than the kanam tenants. I want the House to realize what exactly the effect of clauses 6 and 7 will be unless they are coupled with adequate compensation clauses in the case of small janmis. I am not concerned with janmis like the Zamorin of Calicut, etc. They can take care of themselves. What about the other janmis? I have just now read out the size of janmi's holdings in several typical villages from Mr. Thorne's report, and I would ask this House to consider what the effect of clauses 6 and 7 will be unless adequate compensation clauses are coupled with them. I thank this House for giving me an opportunity of making this statement because the hon. Members Messrs. Krishnan Nayar and Raman Menon said that I had exaggerated the value of compensation which would have to be paid. If in one case of $2\frac{1}{2}$ acres of patta land in South Malabar, a janmi stands to lose Rs. 2,000, I would request the House to imagine what the total aggregate loss to the janmi is going to be and secondly how it is going to affect small janmis. I would once again remind the House that in Malabar there are a very large number of small janmis and very few big janmis."

* Mr. J. A. SALDANHA :—"Sir, I beg to invite the attention of the House to the misconception underlying the special pleading of my hon. Friend the Secretary. As the hon. Member Mr. Krishnan Nayar pointed out, the renewal fee is itself a compensation. It is a premium paid for renewal. Call it a bribe or any other thing. It is a solatium offered to the janmi for renewing the tenure from time to time. The question is whether the renewal fee itself is not sufficient compensation. Permanent tenure is given to the cultivating tenant. That means some sort of loss to the janmi. In order to compensate for this loss, it is provided that one year's rent should be given as compensation. I would for the benefit of this House and of the Government quote some figures to show that the payment of one year's rent is sufficient compensation. I have figures in respect of one of the most important kanam tenure prevailing in all its freshness and vigour. I would point out that what is called handing over, from the janmi to the kanamdar, the lands which belong to the janmi is altogether a misconception. There is no handing over. The land has been in his possession for centuries. The janmis are only overlords entitled to michavaram. I shall quote figures. I have heaps of them; I have a printed statement of figures supplied by my hon. Friend. I have taken the average of ten estates. The total kanam amount is Rs. 500, the acreage is Rs. 20. The Government assessment on that is Rs. 120 and the present michavaram is Rs. 22. I ask, Sir, why Rs. 22 should be the michavaram while the assessment of the Government is Rs. 120. There is a history behind it. The incidence of kanam tenure has a

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[Mr. J. A. Saldanha]

long history of over 100 years. If michavaram of Rs. 20 is fixed whereas the Government assessment is Rs. 120 for 20 acres and the kanam amount is Rs. 50, there is history behind it. The janmi was an overlord or a feudal lord. The real cultivating occupant and the permanent occupant was the kanamdar. The question is what changed the effect of my hon. Friend Mr. Raman Menon's amendment which fixes the amount at one year's rent. We will compare it with the assessment. One year's rent must be at least three times the assessment. The assessment is Rs. 120; so we might safely say that Rs. 360 would be the rent. Let us see what is paid under the ordinary rule. The renewal fee is about 25 per cent of the kanam amount. Twenty-five per cent would be one-fourth of Rs. 500, or a little more than Rs. 125; whereas, under this amendment, the renewal fee would be Rs. 360. Therefore, Sir, here is a real compensation to the janmi. I can prove by facts and figures that he gets enough of compensation and no more compensation is necessary. Before I got the figures, I was to some extent inclined to give some sort of compensation. After a close study of the figures I can show and I am certain that the compensation given is ample, sufficient and more than enough. If the janmi loses any thing, he is bound to renew the tenure. For what the landlord loses, compensation of one year's rent for twelve years is quite reasonable. If the hon. the Law Member wants figures, I shall produce figures for 300 acres. They will show that the compensation is ample enough. The hon. the Law Member will advise His Excellency that sufficient compensation is provided and that there is no ground for giving more compensation to the janmis than what is provided in the Bill."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, with your permission, I want to modify the amendment in a slightly different form. It may run thus—

'Provided the janmi is paid compensation at rates fixed by rules framed under the provisions of this Act.'

"I wish to point out, Sir, that no hard and fast rule has been laid down just at present."

* The hon. the PRESIDENT :—"This is the altered amendment in place of amendment No 94."

* Mr. J. A. SALDANHA :—"Sir, this amendment would go to the very root of the Bill. According to a clause in this Bill, the consent of the House should be taken for any rules that may be framed."

* The hon. the PRESIDENT :—"Order, order. The hon. Member moved an amendment to clause 32 that the rules should be made subject to the consent of the House. The hon. Member withdrew the amendment afterwards."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I need not dilate on the question of principle involved in this amendment."

"What we have to recognize is the present state of affairs. What is the janmam value of the land? Has it been affected by this legislation? If it has been affected, to what extent? It is only fair and just that the janmi should be compensated to the extent his interest is affected. I have dealt with this aspect of the question in my dissenting minute. I do not want to weary the House at this late stage. I will just remind the House of the statement I placed on the table of the House. I have analysed the subject and shown to what extent the janmis are affected. I shall take a few instances . . ."

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* The hon. the PRESIDENT :—" We have heard enough of appropriation ; the hon. Member should show what compensation should be paid."

* Mr. K. PRABHAKARAN TAMPAN :—" In item (No. 12) the janmi, the value of whose holding is Rs. 60,000, will get only Rs. 2,000 if the Bill passes into law. He is affected to the extent of Rs. 58,000. If the hon. Members of the House will take care to go through the statement, they will find that the janmis are affected to a very large extent, and that the value of janmam land will be very much depreciated ; because the michavaram attached to a holding is only nominal and the value of the land which a janmi may get, after the Bill is passed into law, is the capitalised value of the michavaram. The Government will pay to the janmi only the capitalised value of the michavaram in cases of land acquisition. The rest will go to the tenant. The Council would thus see that the result of the Bill would be nothing but confiscation pure and simple. The Select Committee suggested that since no compensation has been awarded by them, the michavaram may be revised and brought up to what is called a fair rate. The hon. Member Sir K. Venkatarreddi Nayudu expounded the three principles of land legislation, viz., fixity of tenure, fair rent and freedom of sale. What I mean to say is this ; in spite of the fact that the tenure has undergone radical alterations, the question of fair rent has not been conceded. It is obligatory on the part of those who deprive us of our rights to pay us commensurate with our loss. This is a matter of cardinal importance to us."

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p.m.

"I maintain therefore that to the extent the measure depreciates the janmam value in Malabar, the janmi must be compensated. It may be by hard cash in lump, or payment of cash in instalments through several stages or a rateable interest on the value. It is up to the House if it wants to do justice to the janmis that some kind of compensation is given. I leave it to the House to decide what compensation it should be. I do not want to lay down any hard and fast rule. I only say that compensation may be fixed according to the rules framed under this Act. It may be by rules approved by the House by means of an affirmative resolution. I therefore move my amendment."

Mr. V. MADHAVA RAJA :—" I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I have one word to say with reference to this amendment of my friend Mr. Prabhakaran Tampan. The amendment which my friend has sought to make says 'provided that the janmi is paid a compensation'. Of course granting that compensation in addition to renewal fees is necessary. Then it goes on 'at rates which may be fixed by the rules to be framed under that section'. With reference to the first question as to whether compensation is necessary, I am not going to say anything more than this, namely, that the payment of renewal fees is by itself an adequate compensation. With reference to the other question as to the rates which have to be fixed by the Government, my hon. Friend Mr. Saldanha did not press his amendment but wanted to withdraw it, namely, that the rules should be passed only with the approval of the Legislative Council. Of course, as was stated by more than one friend, the rules that are to be framed under section 32 as it stood when it was passed are rules relating to the investing of courts with power to try suits for the recovery of rents, renewal fees and rules relating to the appointment of assessors for determining questions relating to enhancement or reduction of rent or the amount of compensation to be paid under the provisions of this Act. These

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[Mr. M. Krishnan Nayar]

are practically trivial matters. But what is sought by this amendment is to invest the Government with the power of framing rules fixing the rates of compensation. I may say, Sir, that it is not a proper thing to be accepted. We have seen the attitude of the Government as adopted by my hon. Friend the Finance Member, by my hon. Friend the Law Member and by my friend Mr. Krishnama Achariyar as Secretary to Government. In fact, they have again and again been dinning into the ears of the Members of this House that this clause 6 and the next clause No. 7 are in the nature of expropriation, confiscation, in fact there is no harsh word and strong word which was not used by them. Under those circumstances, I may say, Sir, that I on behalf of the tenants of Malabar have absolutely no confidence in the impartiality of the Government. If they are to be invested with powers to frame rules fixing the rents, I submit I very strongly object to the procedure indicated by my friend Mr. Prabhakaran Tampan in the latter part of his amendment, namely, that the power of fixing the rates of compensation should be invested in Government. The Government in fact have not concealed their opinion, they have come out into the open and they have challenged the right of the tenants to have rights of 'confiscatory' nature again and again. Under those circumstances, Sir, I feel I must object to that part of the amendment. I must say that I have absolutely no confidence in the Government as at present constituted or in their impartiality."

Mr. V. MADHAVA RAJA :—" Sir, I have got a word to say. The tenants are saying that they have not taken away any of the janmis' rights and that the rights they have been enjoying are still retained by them. What is it that Mr. Krishnan Nayar said? As compensation, we have given the janmis one year's income as renewal fee. Renewal fee is not a new income. It has been there all along ; they have been collecting the renewal fee ever since. Unfortunately, the Council decided that one year's income should be given. When my friend Mr. Prabhakaran Tampan said that the kanam is only a debt and janmis must be allowed to repay it, that also this Council did not pass. While in that connexion, I have only to say one thing : that whereas Mr. Krishnan Nayar was saying that Mr. Krishnama Achariyar said that the benefits were going to the middle class and that the janmis are not compensated for the loss, as regards the Malabar Tenancy Bill here, it was the very same hon. Mr. Krishnan Nayar that was the janmi representative who fought for the janmis in Cochin."

* Diwan Bahadur M. KRISHNAN NAYAR :—" A word of personal explanation, Sir. I appeared on behalf of the janmis in Cochin before His Highness the Maharaja of Cochin as a paid advocate and I have also appeared on payment on behalf of murderers when I was at the bar." (Laughter.)

Mr. V. MADHAVA RAJA :—" I want to know whether, while on payment, a lawyer is not expected to speak the truth."

* Mr. J. A. SALDANHA :—" I think, Sir, it is objectionable. What was stated in a court of law by a pleader, I think, is irrelevant here before this House."

The hon. the PRESIDENT :—" He brings forward the arguments."

* Mr. V. MADHAVA RAJA :—" I was simply going to quote what my hon. Friend said. Here he has taken up a totally different attitude. I am not going to question all these things ; but if it comes to be the law, all the janmis in Malabar will become paupers. There is absolutely no other

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result possible. What Mr. Prabhakaran Tampan says is that if the tenants' representatives say that they have not taken away all the janmis' rights what harm is there in inserting this proposition which says that the janmi should be compensated up to the extent of the loss sustained by him. If this Act has not made the janmi lose, he cannot claim anything. Suppose a land is worth a lakh of rupees, i.e., before the passing of this Act; and if after the Act it can be sold only for Rs. 10,000, is not the janmi entitled to ask you that he should be compensated? What I say is, if there is any justice that is going to be done, I hope this Council will not object to the insertion of this clause."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I should not have intervened at this stage but for certain remarks which fell from my hon. Friend the Member from Malabar. In the first place, let me say the Government do not desire to have this power which the hon. the janmi Member wants to confer upon them, this vague power of framing rules for compensation. But that is neither here nor there. The Government have never concealed their opinion that this Bill proceeds to confiscate and expropriate rights without compensation and to that extent I associate myself with the remarks that fell from the Law Secretary. But my hon. friend did not pause there. He said that he would not allow the Government to pass rules because he had no confidence in the impartiality of the Government as now constituted. What he has forgotten is that this hypothetical power of framing rules which the janmi Member wishes to confer upon the Government is only in case His Excellency the Governor approves and assents to this Bill and this becomes law. Once it becomes law, then I take it that Members of Government, whatever their opinion may be on the merits of the question, have no right to say that they do not agree."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I feel thankful to the hon. Member for his last statement."

* The hon. the PRESIDENT :—" The situation is this: There are two alternatives before the House— one is Mr. Raghuchandra Ballal's motion—
'provided the janmi is paid a premium equal to thirty times the michavaram or rent'

and the other is Mr. Prabhakaran Tampan's."

The amendment No. 94 standing in the name of Mr. Raghuchandra Ballal was by leave withdrawn.

* The hon. the PRESIDENT :—" Mr. Prabhakaran Tampan's motion remains."

The amendment was put to the House and declared lost. A poll was demanded with the following result :

Ayes.

- | | |
|--------------------------------|---|
| 1. Mr. K. Prabhakaran Tampan. | 5. Rao Bahadur C. V. S. Narasimha Raja. |
| 2. Mr. D. Manjappa Heggade. | 6. Mr. S. Muttayya Mudaliyar. |
| 3. Mr. V. Madhava Raja. | 7. Mr. S. B. Y. Ankineedu Prasad Bahadur. |
| 4. Mr. K. Raghuchandra Ballal. | 8. Rao Bahadur A. S. Krishna Rao Pantulu. |

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Noes.

- | | |
|---|--------------------------------------|
| 1. Mr. K. P. Raman Menon. | 14. Mr. J. A. Saldanha. |
| 2. Mr. H. B. Ari Gowder. | 15. Sriman Biswanath Das Mahasayo. |
| 3. Diwan Bahadur O. Tanikachala Chetti-
tiyar. | 16. Mr. C. Gopala Menon. |
| 4. Rao Bahadur C. Natesa Mudaliyar. | 17. Mr. S. Satyamurti. |
| 5. Mr. A. V. Bhanaji Rao. | 18. Diwan Bahadur M. Krishnan Nayar. |
| 6. Mr. N. Devendrudu. | 19. Rao Bahadur P. Raman. |
| 7. Rao Sahib S. Ellappa Chetti-
tiyar. | 20. Mr. J. D. Samuel. |
| 8. Mr. A. Ramaswami Mudaliyar. | 21. Mr. K. Sarabha Reddi. |
| 9. Diwan Bahadur P. C. Ethirajulu
Nayudu. | 22. Rao Sahib R. Srinivasan. |
| 10. Rao Sahib P. V. Gopalan. | 23. Mr. R. Veerian. |
| 11. Mr. L. C. Guruswami. | 24. Mr. B. Ramachandra Reddi. |
| 12. Mr. R. Madanagopal Nayudu. | 25. Mr. Muhammad Ghouse Mian Sahib. |
| 13. Rao Bahadur B. Maniswami Nayudu. | 26. Mr. P. Khalif-ul-Jah Sahib. |
| | 27. Mr. K. Uppi Sahib. |
| | 28. Mr. C. Venkatarangam Nayudu. |

Neutral.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 12. Mr. T. Mallesappa. |
| 2. The hon. Khan Bahadur Muhammad
Usman Sahib Bahadur. | 13. Mr. C. Muttayya Mudaliyar. |
| 3. The hon. Sir T. N. Sivagnanam Pillai. | 14. Mr. B. Obalesappa. |
| 4. The hon. Rao Bahadur Sir A. P. Patro. | 15. Mr. A. Ranganatha Mudaliyar. |
| 5. The hon. the Raja of Panagal. | 16. Mr. K. Koti Reddi. |
| 6. Mr. T. E. Venkatarama Sastriyar. | 17. Mr. B. P. Sessa Reddi. |
| 7. Rao Bahadur V. T. Krishnama Acha-
riyar. | 18. Mr. T. Adinarayana Chetti-
tiyar. |
| 8. Mr. G. T. Boag. | 19. Mr. P. T. Rajan. |
| 9. Mr. J. F. Hall. | 20. Mr. Chavadi K. Subrahmanya Pillai. |
| 10. Mr. S. Arpudaswami Udayar. | 21. Rao Sahib P. V. S. Sundaramurti
Nayudu. |
| 11. The Zamindar of Mandasa. | 22. Mr. T. M. Narayanaswami Pillai. |

Ayes 8. Noes 28. Neutral 22.

The amendment was lost.

Clause 6 was then put, passed and added to the Bill.

Clause 7.

Clause 7 as amended was put, passed and added to the Bill.

5 p.m.

* Mr. K. PRABHAKARAN TAMPAN :—" Before we disperse, Sir, I want to bring to your notice that under my amendment No. 177 I have still got to move a new clause after clause 14."

* The hon. the PRESIDENT :—" That may be moved at a later stage."

VII

DISCUSSION REGARDING DURATION OF NEXT MEETING
OF THE COUNCIL

* The hon. the PRESIDENT :—" Before I adjourn the House, I have to announce that His Excellency the Governor has fixed the 18th of August as the date of our next meeting."

* Mr. A. RANGANATHA MUDALIYAR :—" May I have some idea of the duration of the next sitting?"

* Mr. K. PRABHAKARAN TAMPAN :—

"That the following be added as a new clause after clause 14 :—

"All covenants binding and enforceable as between a tenant and an intermediary landlord shall, at the determination of the engagement between the janmi and such intermediary, be binding and enforceable as between the tenant and the janmi."

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* The hon. Sir C. P. RAMASWAMI AYYAR :—"It is impossible to say anything at this stage."

* Mr. K. PRABHAKARAN TAMPAN :—"Before we disperse, I should like to make a request to you, Sir, that the Bill as passed by this Council so far may be printed and a copy circulated to us, so that we may be in a position to know what the import of the several amendments is and where we stand. I hope the suggestion will commend itself to you."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Is it not time for the Government to intimate to us as to the number of days that will be taken up for Government business and the nature of Government business, and the number of days that will be allotted for non-official business?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—"As I said on another occasion, when certain questions were put to me, we shall endeavour to make a communication to the hon. Members of this House on this matter as early as possible."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I suppose that on behalf of the Government my hon. Friend, the Leader of the House, will kindly give facilities for the further consideration of this Bill which is almost complete and give it precedence over Government business, so that this will be the first business when we meet in August."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"I cannot give that undertaking."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I thought he did give that undertaking."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"I repeat that I cannot give that undertaking for the next meeting."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I think he will give the undertaking that facilities will be given for this Bill being passed at the next meeting of the Council."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"It naturally follows."

* Diwan Bahadur M. KRISHNAN NAYAR :—"There is an express promise made by the Government on that behalf. However, at this stage, I do not want to proceed further and say anything."

* Mr. A. RANGANATHA MUDALIYAR :—"I think, Sir, in any case this measure will have precedence in the next agenda, because it is unfinished business."

* The hon. the PRESIDENT :—"No, no. Precedence of non-official business over official business is a matter to be decided by His Excellency the Governor."

* Mr. S. SATYAMURTI :—"We wish to know what business Government want to transact at the next meeting. As a humble member in charge of running the elections on behalf of a party, we want the information to fix our engagements. We are meeting on the 18th of August, and the hon. the Law Member says that he cannot even give us an idea of the number of days and the nature of the business. He merely says he will inform us as early as possible. I should like to have some statement from him whether the sitting will be three days or four days or a week. I see the Governor is going away to-day, and I do not know when Government will make up their minds

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[Mr. S. Satyamurti]

and inform us. We have to discharge our duty to our constituencies, and how can we do it unless we know for how many days we are wanted here, how long Government business will take, and what the nature of that business is?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—"I am somewhat surprised at these remarks. All that I may say is that each of my hon. Colleagues will have to decide what business is to be brought up for the next meeting, and as soon as we arrive at a conclusion as to the volume of Government business, we shall be able to place that information before the hon. Members of this House. At the present moment, I do not know, apart from what is left unfinished in the agenda, what other Government business is likely to come on. Very probably there will be Government business over and above what is already contained in the agenda. At present, I cannot say what business is ready and how long it will take. Until I have information on this matter, and His Excellency has considered it in view of the business that Government has, it is impossible for us to come to a conclusion, or make any statement, or give any undertaking now. The hon. Member from Malabar was indignant at my inability to give any undertaking for the next meeting. The previous and only undertaking that was given was in respect of the business at this sitting. Hon. Members of the House will remember—especially as there was nothing done underhand or secretly, and there is nothing farther from my mind—a statement was made by Government that facilities would be given at this sitting for finishing the Malabar Tenancy Bill, and they adhered to it, but the business was not finished. It may be that Government business is of such paramount importance that it may come up first and that Government business may have precedence at the next meeting. These are matters on which we cannot give an undertaking just now."

* Mr. S. SATYAMURTI :—"May I have some idea of the latest possible date by which the Government will be able to inform us as to the length of days we have to sit here and the nature of the business? That is all I want to know. Otherwise, how can we fix our programme for the next month?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—"So far as the Malabar Tenancy Bill itself is concerned, out of the non-official business, it is likely to take two or three days if everybody has to express his opinion at the third reading; perhaps that will occupy about two days. There is the possibility of fresh Bills coming up before Government. They may take four or five days. On the whole the business before the next Council might take ten days or a fortnight. I think hon. Members must be prepared for a sitting of a fortnight."

The House then adjourned to meet again at 11 o'clock on Wednesday the 18th of August 1926.

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

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APPENDIX I.

[Vide answer to question No. 2246 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 17th July 1926, page 610 supra.]

List of Presidents of District Boards who are Members of Legislative Council.

1. M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal, C.I.E.
2. „ Rao Bahadur K. Krishnaswami Nayudu Garu.
3. „ K. Sitarama Reddi Garu.
4. „ Rai Bahadur T. M. Narasimhaacharu Avargal.
5. Sahib Mehrban-I-Dostan Sri Ramachandra Mardaraja Deo, Zamindar of Kallikota and Atagada estates.
6. M.R.Ry. Diwan Bahadur P. C. Ethirajulu Nayudu Garu.
7. T. M. Moidu Sahib Bahadur.
8. M.R.Ry. Rao Bahadur A. S. Krishna Rao Pantulu Garu.
9. „ Rao Bahadur B. Muniswami Nayudu Garu.
10. „ Bhaskara Raja Rajeswara Setupati *alias* Muthuramalinga Setupati Avargal, Raja of Ramnad.
11. „ P. C. Venkatapati Razu Garu.

APPENDIX II.

[Vide answer to question No. 2250 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 17th July 1926, page 612 supra.]

Copy of letter from the Surgeon-General with the Government of Madras, R. No. 270-Genl., dated 14th February 1925.

[Reference.—Government Memorandum No. 1928-1, P.H., dated 26th January 1925, regarding information for Legislative Council question No. 309.]

The information desired by Government is furnished below seriatim :—

(a) There is no B.Sc. course at the Medical College, Madras. It is presumed the information is required for the B.S.Sc. course. The following are the subjects taught for the B.S.Sc. course :—

Physics, Geology and Meteorology, Chemistry and Bacteriology, including Parasitology, General Hygiene and Medicine in relation to Public Health, Sanitary Engineering, Sanitary Law and Vital Statistics, Vaccination, Infectious Diseases, Public Health demonstration.

The subjects, viz., Chemistry, Physics, Meteorology and Bacteriology, are taught by the Professor of Hygiene. Instruction in Meat inspection, Fever Hospitals and Sanitation is entrusted to the Health Officer, Corporation of Madras.

Sanitary Engineering is taught by the Special Assistant Sanitary Engineer to Government.

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The officers holding the above appointment vary from time to time as appointed by Government and therefore the names cannot be given unless the periods are specified. The names of the present Professors and their qualifications are, however, furnished below :—

Subject or subjects.	Names of the professors.	Qualifications.
Chemistry, Physics, Meteorology and Bacteriology.	Major K. G. Pandalai, I.M.S.	M.B.C.M. (Mad.). L.R.C.P. H.R.C.S. (Eng.). F.R.C.S. (Eng.).
Meat inspection, Fever hospitals and Sanitation.	M. R. Ry. Rao Bahadur Dr. K. Raga- vendra Rao Avargal.	B.A., M.B.C.M. (Mad). D.P.H. (Camb.).
Sanitary Engineer- ing.	M.R.Ry. A. V. Raman Avargal.	Member of Royal Sanitary Institute and Member of the Institute of Municipal and County Engineers.

(b) The qualifications required for appointment to the Board of Examiners in the Medical College, Madras, which examines the L.M.P. pupils is that the examiners in the professional subjects should be registered medical practitioners.

Examinerships for L.M.S., M.B.B.S. and B.S.Sc. are decided by the University of Madras

Lists of the Board of Examiners, Medical College, Madras, appointed for L.M.P. Examinations for 1924 and 1925 are attached. It will be seen therefrom that all the officers are specially qualified to hold examinerships.

List of officers and subordinates for the constitution of the Board of Examiners, Medical College, Madras, for the year 1925.

1. Lieut.-Col. E. W. C. Bradfield, O.B.E., M.S., I.M.S.
2. „ C. A. F. Hingston, O.B.E., I.M.S.
3. „ D. G. Rai, I.M.S.
4. Major C. Newcomb, I.M.S.
5. „ G. E. Malcomson, I.M.S.
6. „ J. M. Skinner, I.M.S.
7. „ K. G. Pandalai, I.M.S.
8. „ R. E. Wright, I.M.S.
9. „ A. W. Lynsdale, I.M.D. (Retired).
10. „ F. W. A. Coshan, I.M.D. (Retired).
11. „ H. C. Craggs, I.M.D.
12. Captain P. Verdon, I.M.S.
13. „ V. D. Nimbker, F.R.C.S. (Edn.).
14. Rao Bahadur M. C. Koman Avargal, L.M.S.
15. Rao Sahib T. Sundara Reddiyar, F.R.C.S. (Ir.).
16. „ Shiva Rao, M. Trasi, M.E.C.M.
17. Khan Bahadur Muhammad Azizullah Sahib.
18. Dr. Mrs. O'Brien Beadon, M.B.B.S.
19. M.R.Ry. S. Rangachariyar, M.B.C.M.
20. „ A. Lakshmanaswami Mudaliyar, M.D.

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List of officers and subordinates for the constitution of the Board of Examiners, Medical College, Madras, for the year 1925—cont.

21. M.R.Ry. M. R. Guruswami Mudaliyar, M.D.
22. " M. Annappakamath, M.B.C.M.
23. " S. Padmanabha Sarma, M.B.C.M.
24. " T. S. Thirumurthi, B.A., M.B.C.M.
25. " B. Venkatavaradachariyar, M.B.C.M.
26. " C. Chinnaswami Pillai, M.B.C.M.
27. " P. Venkatagiri, M.B.C.M.
28. " N. Venkataswami Chetti, M.B.C.M.
29. " R. V. Rajam, M.B.B.S.
30. " V. H. Venkataraman, M.B.B.S.
31. " C. Ramamurti, M.B.B.S.
32. " A. Vasudevan, M.B.B.S.
33. " M. Subba Rao, M.B.B.S.
34. " O. Nayinan, M.B.B.S.
35. " N. Alahasingari, M.B.B.S.
36. " P. V. Cheriyan, M.B.B.S.
37. " G. Dinker Rao, M.B.B.S.
38. " P. K. Koshy, M.B.B.S.
39. " B. T. Krishnan, M.B.B.S.
40. " K. N. Krishnan, M.B.B.S.
41. " P. Kutambiyya, M.B.B.S.
42. " V. K. Narayana Menon, M.B.B.S.
43. " Arunachalam, M.B.B.S.
44. " S. Rajagopal Nayudu, L.M.S.
45. " R. Krishna Rao, L.M.S.
46. " K. Venkatachalam, L.M.S.
47. " B. V. Narasimhayya, L.M.S.
48. " C. Krishnaswami Pillai, L.M.S.
49. " A. Srinivasulu Nayudu, L.M.S.
50. Muhammad Abdul Khaliq, L.M.S.
51. Dr. A. J. John, M.B.B.S.
52. " S. Swaminatha Pillai, L.R.C.P.
53. " S. Luther, L.R.C.P.
54. Miss F. Alison Scott, L.R.C.P.
55. Mr. T. J. Gibson, I.M.D.
56. " E. A. Stevenage, I.M.D.
57. M.R.Ry. Vasudeva Rao, M.D.
58. " C. S. Narayanaswami Iyer, M.A., L.T.

List of officers and subordinates for the constitution of the Board of Examiners for the examinations to be held in April and October 1924.

- Lieut.-Col. R. B. B. Foster, I.M.S.
 " D. G. Rai, I.M.S.
 " W. R. J. Scroggie, I.M.S.
 Major C. Newcomb, I.M.S.
 " K. G. Pandalai, I.M.S.
 " J. M. Skinner, I.M.S.
 " W. L. Forsyth, I.M.S.

17th July 1926]

List of officers and subordinates for the constitution of the Board of Examiners for the examinations to be held in April and October 1924—cont.

- Major R. E. Wright, I.M.S.
 " G. E. Malcomson, I.M.S.
 " W. C. Paton, I.M.S.
 " W. C. Gray, I.M.S.
 Dr. I. Frost, M.B.B.S.
 Major A. W. Lynsdale, I.M.D.
 " H. C. Craggs, I.M.D.
 " F. W. A. Coshan, I.M.D.
 Mr. E. A. Stevenage, I.M.D.
 " T. J. Gibson, I.M.D.
 Rao Bahadur M. C. Koman, L.M.S.
 " T. M. K. Nedungadi, L.M.S.
 Khan Bahadur Muhammad Azizullah Sahib Bahadur, B.A., M.B.C.M.
 Rao Sahib T. Sundara Reddi Garu, F.R.C.S.I.
 " G. V. James, M.D.
 " S. Venkatasubba Rao, L.M.S.
 " S. M. Trasi, M.B.C.M.
 M.R.Ry. M. R. Guruswami Mudaliyar Avargal, B.A., M.B.C.M.
 " A. Lakshmanaswami Mudaliyar Avargal, M.D.
 " C. Ramamurthi, B.A., M.B.B.S., B.S.Sc.
 " S. Swaminatha Pillai, L.R.C.P. & S.
 " P. Sanjiva Pai, M.B.C.M.
 " C. Chinnaswami Pillai, M.B.C.M.
 " Annapakamath, M.B.C.M.
 " G. R. Dinker Rao, M.B.B.S.
 " O. Nayinan, M.B.
 " V. K. Narayana Menon, M.B.
 " S. Rajagopala Naidu, L.M.S.
 " P. Venkatagiri, M.B.C.M.
 " S. Luther, L.R.C.P. & S.
 " M. Narasinga Rao, L.M.S.
 " B. T. Krishnan, M.B.
 " K. Venkatachallam Pillai, L.M.S.
 " C. Krishnaswami Pillai, L.M.S.
 " P. V. Cheriyan, M.B.B.S.
 " A. Vasudevan, M.B.
 " M. Subba Rao, M.B.
 " N. Venkataswami, M.B.
 Muhammad Abdul Khaliq, L.M.S.
 Mrs. L. Warnshuis, M.B., CH.B.
 Miss F. Alison Scott, L.R.C.P. & S.

[17th July 1926]

APPENDIX III.

[Vide answer to question No. 2251 asked by Mr. K. Raghuchandra Ballal at the meeting of the Legislative Council held on the 17th July 1926, page 613 supra.]

I

G.O. No. 1096, L. & M., dated 21st June 1922.

In their report submitted to the Government in November 1920, the Financial Relations Committee recommended that the grant in aid of general resources, which amounted to 17.28 lakhs, should be allocated specifically to the payment of a proportion of the cost of maintaining what may be classed as second-class roads. The Government in paragraph 4 of their Order No. 493, Finance, dated 11th May 1921, accepted the principle underlying this recommendation—that the grant should take the form of payment for specific services rendered—but declined to give an undertaking that the contribution to individual boards would not be reduced. They also stated that the change would be introduced with effect from 1922-23. Owing to various causes, it has not been possible to give effect to the order in the current year, but the Government consider that the change should be made from 1st April 1923.

2. The grant in aid of general resources was, before it was stereotyped in 1918-19, distributed among district boards in such proportion that each received one-fourth of the land-cess collected by it. The Government recognize that it would be difficult to justify on any principle a system of distribution which was not based on a consideration of the requirements of the different local boards and which actually gave the richer boards a larger share of the grant than the poorer ones; but it has been represented to them that district boards have regarded this as an assured recurring grant and any change in the system of distribution which would reduce considerably the grant to any individual board would seriously embarrass it financially. The Government do not, therefore, propose to alter the amounts which individual boards have been getting, except to the very limited extent indicated below, but they will now proceed to specify the services on which the grant should be spent.

3. The inadequate provision made by local bodies for the improvement of sanitation has been, for several years, the subject of comment both by the Government of India and the local Government. In the resolution on Indian Sanitary Policy communicated to this Government in 1914, the Government of India pointed out that one of the most urgent and hopeful measures for promoting rural sanitation was the appointment of well-qualified and whole-time district health officers to control and organize all sanitary arrangements and experiments in the district. The Conference of Sanitary Commissioners held in Delhi in January 1918 also commented very strongly on the absence of any special organization for rural sanitation in India and recommended

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that each district should have a complete self-contained public health staff working under the district boards. They considered that for every million inhabitants there should be a health officer, two deputy health officers, four sub-deputy health officers and fifty health inspectors, and indicated in some detail the work that should be assigned to the health staff. The Government of India, while recognizing that these recommendations contemplated an ideal organization, impressed on the local Government the desirability of initiating some system of public health administration which would be capable of further development as funds permitted. The proposal to organize district health staffs working under district health committees has since been strongly supported by all the four Local and Municipal Conferences held during the course of the last year, in three cases unanimously. The Government were not in a position to carry out any of these recommendations partly owing to the financial circumstances set up by the War, but mainly owing to lack of qualified health officers. The untrained sanitary assistants whom some district boards had employed had proved a failure; for they had neither the training nor the staff necessary for effectively carrying out preventive measures against epidemic diseases, and most of them contented themselves with visiting villages and making very expensive and often quite impracticable proposals for the improvement of rural sanitation. The Government recognized that, before even a modest beginning could be made, it was essential that the sanitary service should be made sufficiently attractive to induce really competent medical officers to qualify themselves for the post of health officer. With this end in view, they sanctioned, in their Order No. 533, P.II., dated 18th May 1921, a revised scale of pay for health officers and also provincialized the service. During the last year they were able to train at their own expense seventeen health officers, and they hope to train about fifteen more in the current year. They will therefore be in a position in April 1923 to supply every district with a competent health officer, and they consider that every district should employ a whole-time qualified health officer. Under section 68 (1) of the Madras Local Boards Act, 1920, they direct that every district board, except the Nilgiri District Board, shall include in its schedule of establishment with effect from 1st April 1923 a post of district health officer. The salaries and allowances of these officers and the conditions of service will be determined in accordance with G.O. No. 533, P.II., dated 18th May 1921, referred to above. It has been calculated that the average cost of a health officer, excluding the conveyance and travelling allowances will be Rs. 7,550 per annum. The Government will not demand any contribution from the district boards towards the pay and local allowances of these officers, but the total grant hitherto given in aid of general resources will be reduced by Rs. 1.74 lakhs, which is the average cost of maintaining the service of health officers. The district boards will provide for the travelling allowances of the health officers placed at their service.

4. The Government have already in their Order No. 165, P.II., dated 1st February 1922, directed the constitution of statutory district health committees in five districts as an experimental measure, have appointed health officers to these districts and have also provisionally disbanded three of the provincial cholera parties in order to provide for the necessary subordinate health staffs. Until control by a representative committee has been demonstrated to be a success, the Government do not propose to constitute health committees in the other districts where health staffs will be employed. Until such committees are formed, the health staffs in these districts will be under

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the control of presidents of the district boards. The Government have in their Order No. 817, P.H., dated 10th June 1922, directed the amalgamation of the service of sanitary inspectors attached to cholera parties and deputy inspectors of vaccination, who will hereafter be designated sanitary inspectors. Orders will issue separately placing deputy inspectors of vaccination under the control of district health officers. The Government also propose to disband the remaining provincial cholera parties as early as possible, and to utilize the money allotted for them for providing a staff of trained sanitary inspectors to work under the district health officers. Deputy inspectors of vaccination and the other trained sanitary inspectors will continue to be paid by the Government, although their services will be fully at the disposal of the district boards in which they work. The Director of Public Health will, however, retain the power of transferring any member of the health staff from one district to another; and in cases of grave emergency, when, for instance, a local outbreak of infectious disease such as cholera threatens to spread into adjoining districts, he may direct the whole or a portion of the health staffs of adjoining districts to work temporarily at the seat of infection.

5. The balance left after provision has been made for the maintenance of a staff of health officers will be Rs. 15.30 lakhs. The amount will be distributed among the district boards as shown in the annexure in the proportion in which the stereotyped allotments were made, i.e., each district board (except the Nilgiri Board, which will not be affected by this order) will get ^{15.30}/_{17.04} of the sum it has hitherto received. The Government consider that this amount should, as recommended by the Financial Relations Committee, be spent on the upkeep of what may be classed as second-class roads. The Government grant will be half the cost of maintenance of the second-class roads, subject to a maximum for the whole district, which will be the amount which the board will be entitled to under the scheme of redistribution referred to above. Each district board will itself determine what roads should be included in the second class, but it is pointed out that unless the normal expenditure on the selected roads is more than double the maximum Government grant, the board will not be entitled to the full grant. The Government have, however, no intention of fettering the discretion of the boards as regards the selection, and if any individual district board considers that the restriction imposed by this order will compel it to spend more on its second-class roads than what its financial position or local circumstances would justify, the Government will be prepared to relax this condition and direct that a portion of this grant should be spent on some other service. The grant will be subject to the condition that the second-class roads are maintained in a reasonably good condition. The Government will not, of course, require for such roads the standard of maintenance laid down for trunk roads, but if the second-class roads in any district are neglected, the Government will reduce the grant allotted to the district.

6. All district boards are requested to submit before 1st October 1922 for the approval of the Government a list of the roads selected by them for inclusion in the second class.

7. The amount which will be allotted to each district board under the redistribution is shown in the annexure to this order. It will be observed that each board will get about 90 per cent of what it has been getting

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hitherto; but for the loss of the other 10 per cent, it will have at its service a self-contained health staff consisting of a qualified health officer and about eight or more trained sanitary inspectors, all paid for by the Government.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

To all Presidents of district boards.
 „ all Collectors.
 „ the Surgeon-General.
 „ the Director of Public Health.
 „ the Accountant-General.
 „ the Examiner of Local Fund Accounts.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Finance Department.
 „ the Public Works Department.
 „ the Publicity Officer.

Annexure.

Name of district board.	Amount now paid to the board.	† Average cost per annum of a health officer including leave and pensionary contribution.	Amount that will be paid according to the redistribution.
	RS.	RS.	RS.
1. Anantapur ...	26,219	7,560	23,544
2. Arcot, North ...	61,416	7,560	55,149
3. Arcot, South ...	72,098	7,560	64,741
4. Bellary ...	35,100	7,560	31,518
5. Chingleput ...	50,275	7,560	45,145
6. Chittoor ...	46,767	7,560	41,995
7. Coimbatore ...	55,953	7,560	50,236
8. Cuddapah ...	37,780	7,560	33,926
9. Ganjam ...	89,268	7,560	80,159
10. Gōdāvari ...	98,534	7,560	88,480
11. Guntūr ...	1,09,857	7,560	98,199
12. Kanara, South ...	1,14,306	7,560	1,02,642
13. Kistna ...	1,52,828	7,560	1,37,234
14. Kurnool ...	41,689	7,560	37,435
15. Madura ...	55,239	7,560	49,603
16. Malabar ...	1,73,639	7,560	1,55,921
17. Nellore ...	62,642	7,560	56,250
18. Ramnad ...	74,487	7,560	66,887
19. Salem ...	48,221	7,560	43,301
20. Tanjore ...	1,21,437	7,560	1,09,047
21. Tinnevely ...	57,110	7,560	51,283
22. Trichinopoly ...	54,730	7,560	49,145
23. Vizagapatam ...	64,925	7,560	58,300
	* 17,04,020	1,73,880	15,30,140

* Excludes Koraput and the Nilgiris.

† Average pay of a civil assistant surgeon ... 344
 Leave and pensionary contribution at 25 per cent ... 86
 Average of local allowance ... 200 } × 12 = 7,560.
 630

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II

Rules regulating the duties of District Health Officers.

1. The District Health Officer is the executive head of the health staff employed in a district. He shall be on duty in places other than his headquarters not less than 60 days in each quarter; but consistently with the proper performance of his duties and public interests in reference to epidemic diseases, gazetted holidays may be accepted as part of the 60 days so spent.
2. By the 23rd of each month the District Health Officer shall submit to the President of the District Board programmes showing the localities which he intends to inspect during the following month.
3. The District Health Officer may depart from his programme if an outbreak of disease or other urgent cause necessitates his presence elsewhere. In such case he shall immediately report the fact, with reasons, to the President, District Board.
4. Programmes should be so arranged that all unions and other important villages may be inspected by the District Health Officer not less than once in each year.
5. The District Health Officer shall maintain a diary in which he should make brief daily entries as to the work done. This diary shall be submitted to the President, District Board, monthly and to the Director of Public Health and Assistant Directors of Public Health on their tours of inspection.
6. It is the duty of the District Health Officer—
 - (1) to examine and verify village vital statistics not merely by examining the registers and initialing them but by intensive investigation and if necessary by house-to-house inquiry in the village and by checking the information thus collected with the events reported in the registers. He should give instructions as to the proper classification of causes of death and generally advise as to the correct maintenance of birth and death registers;
 - (2) to note important sanitary defects in villages inspected and to make recommendations for remedying them;
 - (3) to make proposals for improving the supply of drinking water in villages inspected;
 - (4) to attend important fairs and festivals outside municipal towns, to advise beforehand as to the sanitary arrangements to be made thereat and to supervise the conduct of such arrangements in accordance with G.O. No. 1722, P.H., dated 13th December 1922;
 - (5) to visit localities where epidemics occur, to supervise the arrangements made and, if necessary, to concentrate part or all of his district health staff in order to check them;
 - (6) to verify the work of District Health Inspectors, to inspect the vaccination registers and test their accuracy and to call attention to any defects, false returns or excess in the number of unvaccinated children;
 - (7) to perform such other duties as the Director of Public Health or the President of the District Board may call on him to perform.

Reports by the District Health Officers shall be submitted to the President of the District Board, who shall forward them with his remarks to the Director of Public Health.

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7. A copy of the monthly vital statistical returns shall be communicated to the District Health Officer. He will forward them to the President of the District Board with such remarks as he may think advisable.
8. Copies of daily cholera, smallpox and plague reports should be sent by the authorities concerned direct to the District Health Officer as well as to the District Medical Officer and the Director of Public Health.
9. Whenever, by perusal of statistical returns or otherwise, the District Health Officer has reason to consider that the mortality in any local area is abnormal or that any local area is threatened with epidemic disease, he shall bring the fact to the notice of the President of the District Board or the Chairman of the Municipal Council as the case may be, with his recommendations on the subject. The defects noticed in vaccination work in municipalities which do not employ separate Health Officers shall be reported by the District Health Officer to the District Medical Officer who will instruct the local medical officer to carry out the improvements suggested.
10. Every Sanitary Inspector employed in local fund areas shall maintain a diary in a form prescribed by the Director of Public Health and approved by Government. This diary shall be open to inspection by the District Health Officer during his tours or at any time when he may think necessary to call for it.
11. It shall be the duty of the District Health Officer to assemble the health staff and to examine the conservancy plant in localities inspected by him, after giving due notice to the local authorities concerned, and he shall report in the manner stated in rule 5 as to the sufficiency, efficiency and economy of menial staffs and of plant employed.
12. In municipalities in the district which do not employ separate Health Officers all matters relating to public health which have hitherto been attended to by the District Medical Officer shall be dealt with by the District Health Officer. He shall also inspect all such municipalities at least once a year except those which have been inspected by the Director of Public Health or his assistants. He shall bring to the notice of Municipal Chairman the proximity of any dangerous epidemic disease or conditions observed in rural areas surrounding the town that may endanger its water-supply or otherwise threaten the health of the inhabitants. He shall also visit the municipalities when any outbreak of epidemic disease occurs and recommend such action as he may consider necessary for the prevention of the spread of such epidemics to the adjoining rural areas.
13. The District Health Officer shall make recommendations to the President of the District Board as to the provision in any special locality of disinfectants and sanitary equipment, and during his inspection shall satisfy himself as to the efficiency and conditions of such equipment as may be ordered to be supplied.
14. The District Health Officer shall examine the village sanitary inspection book, make suitable entries therein and call attention to defects in their maintenance.
15. In his attitude towards the population, it is important that the District Health Officer should remember that changes in sanitary conditions should be effected by persuading people of their necessity. He should during inspection discuss matters with the people in a friendly manner and endeavour to show them that it is worth while to follow sanitary directions. In this

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respect the assembly of the people on the evening following an inspection of a village and talking over with them the conditions found may be of utility. Lantern lectures, cinema lectures and demonstrations may also be arranged. Health propaganda work should constitute one of the most important items of the District Health Officer's functions.

16. The District Health Officer should attend meetings of the district board, taluk boards and union boards at which any important sanitary matter is about to be discussed, and he may state his views if the presiding officer requests him to do so.

17. In connexion with vaccination the District Health Officer shall make himself acquainted with all matters likely to prejudice its satisfactory conduct and shall endeavour to persuade all persons showing unwillingness to accept it. The importance of the revaccination of adults should be constantly brought to notice.

18. The District Health Officer shall not engage in private practice.

19. The District Medical Officer has no disciplinary control over the District Health Officer, but the two should co-operate with each other in public health work, such as the management of epidemics, fairs and festivals, etc., the District Medical Officer arranging for the treatment of possible patients and the District Health Officer for the prevention of disease. In short, there should be a free exchange of views and mutual help between the two.

APPENDIX IV.

[Vide answer to question No. 2274 asked by Mr. M. R. Seturatnam Ayyar at the meeting of the Legislative Council held on the 17th July 1926, page 624 supra.]

Letter from R. F. STONEY, Esq., Officiating Chief Engineer for Irrigation, Madras, to the Secretary to Government, Public Works Department, dated the 25th June 1926, No. 2589/25 B-13.

Kattalai Scheme.

[Reference.—D.O. No. 1731 D/25-4, dated 11th May 1926.]

I inspected the site of the proposed anicut at Kattalai on the 27th May 1926 with the Executive Engineer in charge of the new South Bank Canal construction.

2. Since then I have been in correspondence with both the Superintending and Executive Engineers and obtaining information on various points.

3. In fixing the sill level for the new head sluice, various conflicting conditions had to be satisfied.

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In order to ensure that the original full supply level in the Mahadana-puram channel, which takes off about one mile below the new Headsluice, should be maintained, it was necessary that the F.S.L. in the new canal should be the same or a little higher. The bed level of the new canal at a point one mile below the Headsluice was thus practically fixed. Then in order that the velocity in the canal should be sufficient to prevent heavy silting it was desirable that the sill level of the new head sluice should be not less than +315.00 and preferably higher.

Again in order to be able to draw off the supply in the deep south bed of the river, without a dam or a korambu, the sill level was required to be about +315.00 or lower.

The level of +315.00 was therefore selected, as most nearly satisfying all the required conditions.

No water levels at the site of the Headsluice appear to be available, but it seems tolerably certain that the deep rocky bed near the right bank does get silted up after the floods, and to judge from the tracing accompanying the Superintending Engineer's letter No. 1761-C.E., dated 10th August 1925, there is a channel some 750 to 800 feet wide, the average bed level of which is +314.80 and with water level +316.20. With the bed level of the off-take of the leading channel at +315.43 as given by the Executive Engineer this would give a little over 9 inches of water on the sill of the Headsluice.

4. The Superintending Engineer (Mr. C. Peddie) who has had previous experience of the district, as Executive Engineer of the Trichinopoly division, is of opinion that even if during short periods of low supply the canal F.S.L. falls below +319.00, the supply should still be sufficient for the lands under it, at a duty of 60 to 70, instead of the 40 duty proposed at F.S.L. and further that water sufficient for a duty of 60 to 70 can be sent down without korambus.

In view of the depth of 9 inches only shown to be available from the figures available in the tracing referred to above, this seems somewhat optimistic, and this depth of water would mean working at 666 duty.

5. The Executive Engineer however anticipates that F.S.L. should be able to be normally maintained from the middle of June to the end of September and that during November and December, heavy rain over the ayacut will help, and should suffice with what can be drawn from the river, but that in any case F.S.L. cannot be expected throughout the year.

6. A deputation of the interested parties was received at Kattalai on the 27th May 1926 and their representations considered.

7. A conference was also held at Trichinopoly on 29th May 1926 presided over by the Collector of Trichinopoly. The interested parties being very strongly of the opinion that the supply to the new South Bank Canal could not be assured without the bed regulator, and that it was waste of money on their part to undertake any agricultural operations, merely on the hopes held out by the Public Works Department, that a sufficient supply would be available.

8. The construction of the new South Bank Canal has been primarily undertaken with a view to dispensing with the unsatisfactory korambus.

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9. It appears logical therefore that a North Bank Canal should also be constructed, but while the existence of the deep bed of the river at or near the South Bank of the river is favourable to the working of the South Bank Canal, such favourable conditions are not available for the North Bank Canal, and its successful working must depend on the construction of a low anicut with falling shutters.

10. I am therefore of opinion that the construction of the bed regulator is inevitable. This bed regulator may not be absolutely necessary for the success of the South Bank Canal, but will probably be required, it is however an absolute necessity so far as the North Bank Canal is concerned.

11. Reply to Official Memorandum No. 1731-D-25-3, dated 5th May 1926, will be sent on receipt of the information called for from the Superintending Engineer who has been specially reminded.

APPENDIX V.

[Vide item III "Communication to the Council" at page 626 supra.]

LOCAL SELF-GOVERNMENT DEPARTMENT.

Copy of letter from the Collector of Ramnad, Madura, L. Dis. No. 1564/26, dated the 30th March 1926.

[Subject.—Outbreak of plague in Ramnad and Paramakudi.]

[Government Memorandum No. 8099-2/D.-2, P.H., dated 22nd March 1926.]

Reply to Question No. (1807) is enclosed.

Q.—(a) When plague first broke out at Ramnad and at Paramakudi?

A.—(a) *Ramnad*.—On 16th July 1925, a suspicious dead rat was found in the palace of the Raja of Ramnad. A suspicious case of death of a boy was reported on 14th August 1925 but the suspicion could not be verified. The first case of human plague was on 29th October 1925.

Paramakudi.—First week of February 1926, i.e., 7th February 1926.

Q.—(b) When the Collector visited these two stations and how many hours he spent in each of them?

A.—(b) *Ramnad*.—(1) 6th November to 8th November 1925—
Reached Ramnad at 7 p.m. on the 6th and left for Paramakudi at 12 noon of the 8th November.

(2) 5th January 1926—
Reached Ramnad at 2-15 p.m. and left Ramnad at 8 p.m.

Paramakudi.—25th February 1926—

Reached Paramakudi at 1-30 p.m. and left the place at 9-30 p.m.

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Q.—(c) The total number of cases inoculated in the month of December 1925 on each of the dates commencing from 14th to 26th?

A.—(c)

Date.	Number inoculated.
14th December 1925	162
15th	98
16th	220
17th	189
18th	212
19th	163
20th	675
21st	140
22nd	114
23rd	46
24th	30
26th	44
	2,093

} Ramnad union.

There was no plague at Paramakudi then.

Q.—(d) The total number of persons approximately remaining uninoculated at Ramnad on 13th November 1925?

A.—(d) *Ramnad*.—The number of persons inoculated by the 13th November is 6,293 and the number of people who had left Ramnad by that date is between 2,000 and 2,500. The total number uninoculated on that date will be from 6,500 to 7,000.

Q.—(e) On 'what all dates', the various orders of evacuation were issued by the Collector?

A.—(e) *Ramnad*.—On 3rd August 1925, the town was declared an infected area. On the same day the Divisional Officer was authorized to issue orders of evacuation in such of the streets as the District Health Officer recommended. On 23rd August 1925 the Divisional Officer issued orders of evacuation of persons living in the following area at the request of the District Health Officer:—

- (1) The whole of Vandikkara street beginning from the Bazaar street including Nadarpettai and Shanar street.
- (2) Sikkalakadai street
- (3) The whole block around the palace, the boundaries being Post Office street and North street in the east, Muniyandi Servai street in the north, Dhropathai-
amman Koil street, Colonel Bungalow lane, Mugaivurani street in the west, and the whole of the Sannadhi street and Muniyandiswami Koil street in the south.

On 2nd September 1925, the Divisional Officer issued orders of evacuation for the remaining streets of the town including Velipatnam at the request of the District Health Officer.

[17th July 1926]

Paramakudi.—On 13th February 1926, the town was declared to be an infected area. On the same day orders were issued by me for evacuation or inoculation in the fifth and sixth wards. I authorized the Divisional Officer to order evacuation of such of the additional streets as are recommended by the District Health Officer.

Q.—(f) Whether any of these orders were enforced and, if not, what are the reasons?

4.—(f) The orders have been enforced. About 700 people in Ramnad and 150 people in Paramakudi (5th and 6th wards) have been prosecuted. Out of a population of about 15,000 at Ramnad over 11,000 got themselves inoculated by 5th January 1926. The rest had either left Ramnad or were unfit for inoculation with the exception mainly of a few hundred Muhammadan gosha women. The percentage of inoculated people is, I understood from the District Health Officer, about the highest in the Presidency, being the same as was obtained at Aruppukottai of this district in the previous year (22,000 out of 30,000). At Paramakudi, out of about 12,000 about 4,000 have already been inoculated in the last one month and inoculations are going on.

(True copy)

C. B. COTTERELL,
Secretary to Government, Local Self-Govt. Dept.

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TO THE

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FOURTH SESSION OF THE SECOND LEGISLATIVE
COUNCIL

10th to 17th July 1926.

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